



# Preserving Access to the Intertidal

*A guide for coastal stakeholders and municipalities*



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The impetus for this guidance document was a discussion among members at a [Casco Bay Regional Shellfish Working Group](#)<sup>1</sup> meeting in fall of 2021. The mission of the Casco Bay Regional Shellfish Working Group is to collaboratively address pressing issues facing the wild-harvest shellfish community and to share expertise and best practices for management, conservation, research, and monitoring across towns and stakeholders in Casco Bay, Maine. The shellfish community identified intertidal access as one of the most pressing issues facing the industry in this region. After conducting scoping meetings with many individuals within state agencies, realty agencies, and land trusts, we decided to develop this guidance document to help communities through the process of preserving intertidal access. This document serves as a jumping off point for outreach and education within our region, in collaboration with realtors, nonprofit organizations, coastal property owners, and municipalities. While the development of this document stemmed locally, much of the resources and information are applicable statewide. All information is current as of the date of publication. The online version of this report may be revised periodically.

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1 <https://www.cascobayregionalshellfishworkinggroup.org/>

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# 1. Introduction

## 1.1 How This Document Should Be Used

This guidance document was created for municipal staff, shellfish/marine resource committees, coastal landowners, shellfish harvesters, and community members who want to protect and expand intertidal access in their communities. While shore access initiatives may be ongoing on a state or federal level, this document is intended to be used on a local level and provides tools that can be tailored to the specific needs and resources of each community. Opportunities are organized into sections to address several different topics related to access, including: community outreach and engagement, the loss of access on private and public land, loss of access due to encroaching development, and infrastructure needs specific to commercial fishing/harvesting. This resource was created in response to requests from members of the Casco Bay Regional Shellfish Working Group. While the document was developed regionally, many of the issues are statewide, as are the solutions and many of the funding sources.

This document is not intended to be a comprehensive guide, but rather a starting point to help communities understand existing opportunities to address these issues. Many of these tools and funding opportunities may depend on a variety of factors specific to the municipality, property, or individual. To our knowledge, this document is up-to-date as of April 2022. However, as with any printed materials, please check online with the proper organization for the latest resources.

## 1.2 Problem Statement: Loss of Access, Lack of Infrastructure, Lack of Capacity, and Coastal Conflicts

A connection to the water has long been a significant part of the identity, culture, and economy of Maine's coastal communities. Many livelihoods depend on the ability to move between land and water, including fishing, shellfish harvesting, shipping, water-based tourism, aquaculture, among others. Shellfish harvesting especially relies on the ability to access tidal mudflats, often on foot, while carrying unwieldy gear as well as any harvested product. Shellfish are typically transported across the mudflats on sleds, and depending on the resource and tides, could hold up to 4-5 bushels (200-250 lbs) per tide. Shellfishing is a culturally and socially valuable tradition in Maine, as well as an economically important industry. The two largest shellfish fisheries, soft-shell clams and quahogs, brought in over \$18 million in landings in Maine in 2020.<sup>2</sup> Landings of these two species valued \$6.32 million in Casco Bay in 2020, representing 35% of the state landings value. Not included in these numbers is the impact of jobs created by the shellfish industry throughout the supply chain.

The shellfishing industry relies on community ties and informal agreements to access the intertidal, but as coastal property in Maine increasingly changes hands, old agreements and relationships are being lost. According to the Maine Association of Realtors, 2021 had the highest record number of home sales statewide since data started being collected in 1998.<sup>3</sup> In addition, since 2010, all but one of Maine's coastal counties have increased in population while inland counties have decreased.<sup>4</sup> Based on anecdotal evidence, historical shore access

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2 Maine DMR, Commercial Landings Data, <https://www.maine.gov/dmr/commercial-fishing/landings/index.html>

3 <https://www.mainer Realtors.com/wp-content/uploads/2022/02/StateofMaine21Data.pdf>

4 <https://mtgis-portal.geo.census.gov/arcgis/apps/MapSeries/index.html?appid=2566121a73de463995ed2b2fd7ff6eb7>



points are decreasing due to these lost agreements as well as increasing pressure from climate change impacts, such as rising sea levels.

There are many considerations for intertidal access beyond the physical paths to the shoreline. These include practical considerations such as space for parking nearby, stairs, municipal wharfs, hoists, boat ramps and other marine infrastructure for those who use boats, and proximity to harvestable flats. Public access points may be overcrowded from supporting both recreational and commercial activities, harvestable flats may be too far of a walk from the dwindling number of access points, or infrastructure may not be sufficient to support harvesters' needs.

Many municipalities may not have the funding, time, or staff capacity to address these challenges in a strategic way. The burden may then fall on harvesters to travel further across the intertidal to reach harvestable flats, park further from access points, or rely on crumbling or overcrowded infrastructure. For an aging population of commercial shellfish harvesters, equitable access must also encompass consideration for the increased physical demands of transporting landings across the mud, such as the distance between access points, harvestable mudflats, and parking spots. Some harvesters may have the resources to purchase boats or airboats to alleviate this issue, while those who cannot afford these tools may continue to deal with the physical toll of dragging hundreds of pounds of harvested shellfish across the mudflat. This guide is intended to alleviate some of the burden on towns and individuals when researching options to support access by laying out existing opportunities, funding, and programs; and providing options so that towns with varying budgets, resources, staff time, and expertise can choose the avenue that best suits their community.

## 1.3 Where to Start

It is important to understand your community's specific needs, resources, and goals before pursuing any of the solutions or opportunities presented in this guide. Conducting an initial assessment can help reduce time and resources, and increase the likelihood of choosing an avenue that will meaningfully support intertidal access for shellfish harvesters in your community. This approach can also help identify new or unknown resources or support, prioritize efforts or areas of focus, and magnify your overall impact. Start by assessing who is on your team, then inventory existing access points, identify priority access points or areas, and then select a program, funding source, and partners.

### 1.3.1 Assess Team Members and Skills

The first step in this process is identifying potential team members to support this effort, cataloging the skill sets that each team member brings to the table, and understanding the demands on each person's time. This will determine the scope of the effort and may influence which specific solutions the team will be able to pursue. Team members could include municipal staff, such as planners, harbor masters, or shellfish wardens, shellfish/marine resource or conservation committee members; volunteers or interns; consultants; or staff from organizations like land trusts or regional planning agencies. Collaboration between committees and organizations is encouraged since many goals and skills will intersect. Some municipalities require or encourage harvesters to complete conservation activities as part of their annual licensing process. These activities could include volunteering to conduct access inventories or identifying new shore access points, which could add to a team's efforts to preserve access.

Once you identify a team, have a conversation about the time commitment that each team member can realistically make and the specific skills that they have. Useful skills or knowledge could include grant writing, data collection, meeting facilitation, experiential knowledge of the area, and relationship building, among others. It is also important to have one person who can serve as a project manager to coordinate the team, potential funding sources, and the schedule. Finally, be sure to continually consult with regional harvesters to ensure projects consider their perspectives and have their best interests in mind.

### 1.3.2 Community Relationships

This work should include intentional, continuous outreach and relationship building within the community, including local harvesters, property owners, community organizations, and the general public. Community support will spark new opportunities, volunteers, ideas, information, and resources to support your project, while a lack of community engagement can lead to fear, misinformation, and potentially opposition. Successful projects will have a community engagement plan to answer questions and cultivate relationships. It is important to consider that some towns require a vote before moving forward with funding opportunities. Seeking community buy-in at the beginning of the process will help overcome obstacles down the road, enrich the knowledge and resources of your team, and generate solutions that best support your community.

### 1.3.3 Assess Baseline of Access

To understand the needs of the community, a first step should be a baseline assessment/inventory of the existing access points in the area and relevant details about each access point. This can be done by developing maps or a simple list to solicit and compile knowledge from

harvesters, town staff, land trusts, and historical records. However, always consult with harvesters when doing so, as some locations are considered confidential. Some landowners who have informal access agreements with harvesters may not want to publicly share that information either. Additional helpful details such as the type of access, the local place name, whether it is informal or formally protected, parking availability, proximity to harvestable flats, and the condition should be noted as well. The team could conduct individual interviews, organize a town meeting, explore historical deeds, or attend shellfish committee meetings to collect this data.

Since every community's waterfront looks different, define what a healthy working waterfront looks like to your town. Water access can be defined as the physical point or path where individuals can cross coastal lands into intertidal mudflats and open water. The working waterfront encompasses these access points as well as the coastal lands and infrastructure where commercial fishing activities take place, such as docks or wharves. It can also include the businesses that support these activities, including boat facilities, seafood processing or wholesale facilities, and marinas.

### 1.3.4 Prioritize At-Risk Access Points or Identify New Access Points

Once the team understands the existing conditions of intertidal access, they can work with community members to prioritize which existing access points should be protected and/or identify new locations. These decisions should be made in conjunction with shellfish harvesters, landowners, and municipal staff. Priorities may be based on those points at most risk of being lost due to property ownership or environmental conditions, proximity to productive shellfish beds, or other factors. It is helpful to know the ownership status of the access point, whether it is private or public, the history of allowed use at the access point, and the condition of the path or any existing infrastructure. It is recommended to share these priorities with state agencies, nonprofits, land trusts, and other organizations to see if there are any intersections in goals or existing work.

To find the above information, it may be useful to examine your town's tax maps while researching significant properties. Tax maps include ownership, assessed value, and deeds. This information is available online in some towns but can also be accessed by contacting your town hall. It may also be useful to examine maps of [Maine's Conserved Lands](#)<sup>5</sup> to see which lands are protected and who owns them.

### 1.3.5 Identify Options and Potential Partners

Once the team has identified priority areas, they can estimate the amount of funding and effort it would take and then explore programs and funding opportunities to support their efforts. A quick and easy way to start is by reviewing the funding chart in Appendix A, which compares the basic details and eligibility criteria for different funding programs in Maine, including which type of project each program is best suited for.

### 1.3.6 Consider Climate Change

In December of 2020, the Governor's Office of Policy, Innovation, and the Future, released [Maine Won't Wait](#),<sup>6</sup> the State's 4-year climate action plan. Strategy E aims to protect Maine's environ-

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5 <https://maine.hub.arcgis.com/datasets/a6797f12a07b4229bc2501d3741c98d4/explore?location=43.675879%2C-70.041692%2C9.75>

6 [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)





ment and working lands and waters because they contribute to a robust economy, a healthy food system, and support climate resilience. When looking for partners and funding, remember to reference *Maine Won't Wait* as State programs are looking to provide technical assistance to support communities in climate resilience efforts. It is also important to reference any local policy and inventory work, such as local shellfish ordinances, access inventories, harbor management plans, or comprehensive plans, as these resources serve as strong statements of local initiative and determination. Programs that support a healthy environment will in turn support a healthy fishing industry and sustain local jobs that rely on marine resources.

## 2. Community Outreach and Engagement

### 2.1 Description of Issue

Maine's coastal workforce contributes to the economy through boat building and repair, fish processing, fishing for baitfish, groundfish, and lobster, harvesting shellfish, and aquaculture leases for shellfish, fish, and seaweed, among other marine-dependent uses. Balancing these with noncommercial uses can cause tension. Some conflicts arise among individuals, others with the municipality, and some topics like airboats and coastal noise or the fast pace of growth in the aquaculture sector have risen to the state legislative level. This is the time to create the bridge between newcomers, life-long locals, and the fishing industry.

This Section offers various approaches to addressing some of the conflicts that may arise from these issues, with a focus on access to the intertidal by commercial shellfish harvesters. This is not to downplay the importance of recreational harvest, though given the nature of access and peck limits for recreational harvest, loss of intertidal access is not as much of an issue for this sector.

## 2.2 Resources and Solutions

### 2.2.1 Building Relationships Between the Commercial Shellfish Industry and the Community

Engagement is key to building trust and rapport with landowners, town officials and staff, as well as nonprofits and economic development organizations. Understanding each other's values and uses of the land establishes common ground to discuss needs and priorities. Working with your municipal shellfish or marine resource commission is a good avenue to start the conversation around access.

Utilizing existing town resources and/or applying for grant funding to inventory historical and current access points, as well as identifying potential future access points, will provide information to elevate this issue to the next level. Most towns have town council or board of selectmen liaisons on committees. Ideally these individuals have a working knowledge of the shellfish fishery, and can work with the committee chair to propose projects and/or budgets to the town council or board of selectmen. Having harvesters share examples and stories around the importance of access can be an effective way to get your message across. [Shellfish landings data](#) can also be downloaded from the Maine Department of Marine Resources (DMR) website to show the economic impact.<sup>7</sup>

Coastal landowners may provide informal or formal access to the intertidal through their property. They may also be working or recreating on their property when clambers are working in the intertidal adjacent to their property. To keep this access, harvesters should always be respectful of the owners, and can also leave a peck of clams for home consumption as a thank you. If harvesters are already working with landowners on access through their property, it is helpful that they know the importance of maintaining this access point into the future, even if their property changes hands. The ideal way to preserve access is through a deed and/or formal right-of-way. Landowners can work with their attorneys to memorialize this access, or there are several potential State programs that may provide tax incentives or other funding to support this work. See Section 3.2 (Loss of Access on Private Land) for more information on these options.

Local, regional, and statewide land trusts can be ideal partners for preserving current access and acquiring new access points, especially in undeveloped land. There are local and regional land trusts, and the Maine Coast Heritage Trust covers the entire coastline. Some of these organizations are small with only volunteer board members and others have staff. Inviting board members and/or staff to shellfish/marine resource committee meetings to learn about these issues is a good first step to building relationships with land trusts. Harvesters and other committee members may also attend land trust meetings and/or town conservation commission meetings. Land trusts may have valuable information on land they already own or are interested in owning. Combining forces with a land trust may lessen the workload on your team since they have the knowledge of securing funding and developing access easements.

Nonprofit organizations, regional economic development organizations (e.g., [Greater Portland Council of Governments](#)<sup>8</sup> and the [Midcoast Council of Governments](#)<sup>9</sup> cover Casco Bay communities) and/or local [chambers of commerce](#)<sup>10</sup> can also be partners in preserving access, including technical assistance and potentially funding.

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7 [https://mainedmr.shinyapps.io/Landings\\_Portal/](https://mainedmr.shinyapps.io/Landings_Portal/)

8 <https://gpcog.org/>

9 <https://www.mceddme.org/>

10 <http://mainestatechamber.org/localchambers.php>



Realtors and regional realty associations are the interface between landowners and the community. Educating local real estate agencies and associations around the working waterfront, intertidal access, and clam digging could be an effective way for landowners unfamiliar with the history and culture of the fishing industry to learn about the importance of the fishery and how to co-exist. Providing realtors with information through meetings, newsletters, brochures or videos can help enrich their knowledge of the fishery, and be able to convey this to clients.

### 2.2.1.1 Using Media to Educate the Public

Writing an opinion piece or letter to the editor of a local or statewide newspaper can be a very effective way to share your perspective with a broad audience. These articles can be written by one or more authors and submitted to the editor of a local paper, or distributed as a press release, depending on the scope of the article. There are resources online that help guide writers through this process, including this one written by the [Natural Resources Defense Council](#).<sup>11</sup> Here are some examples (and see Appendix B for a letter-to-the-editor about intertidal access):

[\*Letter to the Editor: Time to face reality about cruise ships in Portland\*](#)<sup>12</sup>

[\*Letter to the Editor: Maine lobster fishery is also endangered\*](#)<sup>13</sup>

### 2.2.1.2 Using Outreach Materials to Educate the Public

Maine Sea Grant and the Washington County Council of Governments collaborated with local committees in the towns of [Moosabec](#)<sup>14</sup> and [Harpswell](#)<sup>15</sup> to produce educational brochures on the working waterfront. These are referred to as the ‘scratch and sniff’ brochures as they follow the five senses and how they relate to living adjacent to the working waterfront. These brochures were distributed to realtors, town halls, and the local chambers of commerce. While these were originally produced in the early 2000s, demand for these brochures has remained high, and there is an effort to develop similar brochures for other towns. These serve as an example of how outreach materials can be used. Today, videos, podcasts, and other media may help to reach out to a community around specific messages or issues. In addition, some towns are working on a letter to new landowners that invites them to be a part of the shellfish community and be a good steward of their land.

### 2.2.1.3 Hosting Community Events

Inviting the public to partake in fun and innovative events is an effective way to share information and start conversations, and invite the community to participate and contribute to the culture. Simply taking a field trip to the mudflats or offering a class on how to dig clams is a fun (and muddy) way for the community to learn about this fishery. In Georgetown, the town shellfish warden collaborates with Kennebec Estuary Land Trust to host this type of ‘shellfish harvesting 101’ events, and they have also produced videos. The town of Gouldsboro hosted an event in summer of 2021 that combined time to dig on the mudflats and then cook and eat clams on shore. Earlier that summer, Gouldsboro invited the community to see the clam conservation work that was underway. Clammers in Harpswell held a coastal landowners appreciation event that featured fresh and local clam chowder and invited meaningful conversations. In

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11 <https://www.nrdc.org/stories/how-write-successful-letter-editor>

12 <https://www.pressherald.com/2022/04/07/letter-to-the-editor-time-to-face-reality-about-cruise-ships-in-portland/>

13 <https://www.pressherald.com/2022/04/03/3-29-hawke-stephanie-save-maine-lobstermen/>

14 <https://seagrant.umaine.edu/wp-content/uploads/sites/467/2019/05/2004-moosabec.pdf>

15 <https://seagrant.umaine.edu/wp-content/uploads/sites/467/2019/05/2005-harpwell.pdf>

Waldoboro, the shellfish committee partnered with a local restaurant to offer clam chowder and whole clams in schools and at the food pantry early in the pandemic.

#### 2.2.1.4 Involving the Youth in Your Community

Providing hands on education and experiential learning for our youth is a key investment in our future. There are many towns throughout Maine who have worked with students of all ages to teach them about shellfish, predators, conservation, and the scientific method. In Freeport, the Downeast Institute worked with students to help establish and collect data from recruitment boxes that were placed in the mudflats to collect and protect clam seed from predators. To better understand the current state of shellfish populations in the Damariscotta River and Medomak River estuaries, the towns of Damariscotta and Newcastle collaborated with the shellfish committees and students to conduct shellfish population surveys, recruitment experiments, and interview local harvesters. In Brunswick, the Marine Resources Committee collaborated with Brunswick High School and The Tidelands Coalition on several shellfish conservation projects, including seeding the mudflats, installing predator netting, and environmental monitoring. In Gouldsboro, they have seasonal interns assisting with various projects, including their Shellfish Resilience Lab and a shore access project.<sup>16</sup> They have collaborated with the Schoodic Institute in the past to engage students in various aspects of the shellfish fishery, including deploying recruitment boxes to protect seed clams, growing juvenile clams in floating nursery trays and their lab, researching access points and water quality.

#### 2.2.2 Participating in the Maine Legislative Process

When the legislature is in session, it can be helpful to sign up for the Marine Resources Committee (MRC) emails to track any proposed legislation that may affect the shellfish industry in your community. You can sign up for these emails online. It is possible that proposed legislation affecting the intertidal zone or access may arise in other committees, including Inland Fish and Wildlife (IFW). For example, the legislation around decibel levels and airboats was a joint committee effort between MRC and IFW.

Once you sign up for emails, the committee clerk will send the agendas and instructions to join (if virtual) or the meeting location. The clerks will also provide information on how to submit written testimony and sign up for oral testimony. It can be more effective to provide both written and oral testimony. You can sign up for and submit a testimony on [The Maine Legislature Website](#).<sup>17</sup> Natural Resources Council of Maine has a [guide on best practices for testifying](#)<sup>18</sup> and [tips for contacting your legislator](#).<sup>19</sup>

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16 <https://gouldsboroshore.me/>

17 <https://www.mainelegislature.org/testimony/>

18 <https://www.nrcm.org/take-action/take-action-toolkit/>

19 <https://www.nrcm.org/programs/state-house/tips-for-contacting-your-legislator/>

## 3. Loss of Access on Private Land

### 3.1 Description of Issue

Regional harvesters have identified changing property ownership on private land as one of the biggest drivers of loss of overland access to intertidal flats. Real estate pressure increased during the COVID-19 pandemic, making coastal properties unaffordable for many local residents. Many of these homes are being purchased by out-of-state residents (30% of properties statewide in 2020)<sup>20</sup> who may not understand what it means to live on a working waterfront or in a fishing community. Harvesters who previously had informal “handshake” agreements with coastal homeowners to access the shore through their properties are finding that new owners will not honor those agreements.

### 3.2 Resources and Solution

There is strong support in towns across the state to protect access to the intertidal. The following programs, resources, and examples are intended to provide practical information to address the issue of access on private land. This Section provides a summary of each of the programs. More detailed information on grants is included in the funding chart in Appendix A.

Many of the funding programs mention ‘matching requirements’, which refers to the amount of cash or in-kind (donated) services required by the funder. Match is typically expressed in a percentage of the grant amount. If it says 100% (or 1:1), that means every dollar in the proposed grant budget needs to be matched by a dollar from a different source. Typically, there are additional details around the type of matching requirements, for example, some require cash match, others allow in-kind match, which may include donated time, equipment or otherwise. With federal funding, even if it is distributed by a state agency, it is common to require non-federal matching funds from a state, town, or private entity. Before starting a proposal, it is important to identify potential sources of matching funds to determine the feasibility of meeting the requirements. Matching funds may be found from the following sources: state or federal grants, town budgets, private foundations (see Maine Community Foundation and Maine Philanthropy Center’s [Directory of Maine Grantmakers](#)),<sup>21</sup> individual donations, and loans or bonds, for certain infrastructure projects.

#### 3.2.1 Current Land Use Tax Programs

[Current Land Use programs](#)<sup>22</sup> can incentivize landowners to allow access on private land because they offer the landowner a reduction in the assessed value of the parcel. They are based on the current use of the parcel rather than the market value. Maine’s Current Land Use programs include Farmland, Tree Growth, Open Space, and Working Waterfront. The latter two will be most relevant to preserving access in the intertidal. For both programs, interested property owners should contact their municipal tax assessor to discuss their property’s eligibility and to understand the benefits and responsibilities of enrolling in the program. Applications should be submitted to the local municipality by April 1st for a property to be classified the same year.

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20 <https://www.mainebiz.biz/article/heres-a-breakdown-on-where-maines-out-of-state-homebuyers-are-coming-from>

21 <https://www.maine philanthropy.org/directory-mainie-grantmakers>

22 <https://www.maine.gov/revenue/taxes/tax-relief-credits-programs/property-tax-relief-programs/land-use-programs#:~:text=The%20State%20of%20Maine%20has,rather%20than%20at%20market%20value.>



### 3.2.1.1 Working Waterfront Tax Program

[The Working Waterfront tax law](#)<sup>23</sup> may be useful for developed properties with an existing working waterfront use, including properties that provide access to support commercial fishing activities. The portion of the property that is used for a commercial fishing activity could qualify for a reduced valuation based on the judgment of the municipal assessor. Each municipality sets its own valuation criteria for the working waterfront tax program. This could reduce the amount of taxes that must be paid on the portion of land that qualifies for the program.

Working waterfront property is defined by the tax program as “a parcel, or portion of a parcel, of land abutting tidal waters or located in the intertidal zone (between the high and low water mark), that is used primarily (more than 50%) to ‘provide access to or support the conduct of commercial fishing activities’” (36 M.R.S. § 1132(1)).

Once a portion of their land is classified as working waterfront, property owners will face penalties for removing the land from the tax program or using that portion of land for uses that interfere with working waterfront activities.

Each municipality’s assessor has discretion in setting the new value of the property, but the Legislature provides the following guidance:

- Waterfront land used predominantly (more than 90%) as working waterfront land is eligible for a reduction of 20% from estimated market value;
- Waterfront land used primarily (more than 50%) as working waterfront land is eligible for a reduction of 10% from estimated market value;

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23 <https://www.maine.gov/revenue/faq/working-waterfront#q2>



- Working waterfront land that is permanently protected from a change in use through deeded restrictions is eligible for a reduction of 50% (if used predominantly (>90%) as working waterfront) or 40% (if primarily (>50%) used as working waterfront).

### 3.2.1.2 Open Space Tax Program

If a parcel has undeveloped waterfront acreage, the [Open Space Tax Law](#)<sup>24</sup> (36 M.R.S. § 1101-1121) may be useful. If a property meets all the requirements, the owner can see up to a 95% reduction in assessed value. The entire parcel or a specific portion of the property may be enrolled if eligible. It is more commonly applied statewide than the Working Waterfront Tax Program, but not exclusively for preserving waterfront access.

The municipality's tax assessor would consider some of the following:

- Would developing this land degrade its character?
- Are there opportunities for the public to recreate on the land and enjoy its scenery?
- Would preserving this land protect a local valuable resource that attracts tourism or commerce?
- Would preserving this land save the municipality money in the long run from not needing to service development on this parcel?
- Is this land designated as open space or resource protection in the comprehensive plan/zoning ordinances?
- Is there currently a conservation easement on the land?
- Is it owned by a nonprofit entity such as a land trust?
- What is its proximity to other private or public protected lands?
- Does this land contribute to environmental resilience locally?

### 3.2.2 Access Easements

Easements are legal documents that guide the future uses of land as ownership changes. Access easements allow coastal property owners to formalize agreements to allow harvesters to cross their property to access the intertidal by establishing a legal right of access to or across a specific property. Unlike informal agreements, easements “run with the land,” meaning that access rights protected by the easement continue, even when the land is sold.

Access easements can be developed to allow public access across private property, or can be worded to specifically allow for access for commercial harvesters. These are most often set up as a type of conservation easement in collaboration with a land trust. A list of land trusts in Maine can be found through the [Maine Land Trust Network](#).<sup>25</sup> Maine Coast Heritage Trust developed a [Conservation Options Guide for Maine Landowners](#),<sup>26</sup> which may help inform efforts to permanently acquire access on private property.

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24 <https://www.maine.gov/revenue/sites/maine.gov.revenue/files/inline-files/bull21.pdf>

25 <https://www.mltm.org/>

26 <https://www.mcht.org/publication/conservation-options-a-guide-for-maine-landowners/>

Some barriers to using easements to protect access include homeowner concerns about lost property resale value and a lack of homeowner knowledge about the easement process. Homeowners can often get a tax incentive for putting a conservation easement on their property; however, this incentive is based on the appraised value of the land under easement. More information can be found in the previously mentioned Conservation Options Guide. For a small pathway to the water, that value is often quite low, limiting the financial incentive. However, some landowners may understand the intrinsic value of putting an access easement on their land beyond just the financial incentives of doing so.

### 3.2.3 Rights-of-Way

Similar to public access easements, rights-of-way are legal tools that can be used to protect access to the shore. Rights-of-way are a flexible tool in as much as they can be granted either to specific individuals or to the public at large. They can also be granted for specific purposes, and/or for limited periods of time. It's important to know that not all rights-of-way are created equal, as some are created specifically for residential or non-commercial use.

In some communities there may be existing rights-of-way that provide access to the shore through discontinued roads or roads that were planned but never built (so called “paper streets”). Historical public roads that provided access to the water may be described in a town's annual reports. Some can provide documentation of past public maintenance, through highway and road commissioner expenses, making them a public right-of-way depending on statutory rules in effect in the past.

### 3.2.4 Use Agreements or Licenses

Use agreements or licenses are a flexible, non-permanent tool for communities to formalize harvesters' right to cross private property for specific purposes and with specific guidelines. Developing a use agreement or license may be a good way to work with landowners that want to protect harvester access, but have concerns about more permanent tools such as easements.

### 3.2.5 Land Acquisition

Land acquisition is a more straightforward way to preserve access. Rather than guaranteeing a right-of-way, the entire property is preserved. Land can be acquired by the State of Maine, land trusts, municipalities, nonprofits, and organizations like the Bureau of Parks and Lands. The grant programs described in this Section may assist in land acquisition.

#### 3.2.5.1 State Funding for Land Acquisition and Easements

The purpose of the [Land for Maine's Future program](https://www.maine.gov/dacf/lmf/)<sup>27</sup> is to conserve land, provide public access to the water, and protect working waterfront and farmland. It is housed under the Department of Agriculture, Conservation, and Forestry (DACF). It is the State of Maine's primary funding source for conserving land. Funds can be used to purchase property, place easements on land for public use, or purchase development rights. There are several categories of funding, including Conservation and Recreation Land, Water Access, Farmland Protection, and Working Waterfront Protection. Potential applicants must coordinate with the relevant state agency prior to submitting an application, and working waterfront proposals must be sponsored by DMR. It is not guaranteed to be funded every year, so be sure to check.

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<sup>27</sup> <https://www.maine.gov/dacf/lmf/>





### Conservation and Recreation Land & Public Access to Maine Waters<sup>28</sup>

The Conservation and Recreation Land category may be relevant for areas that are important for harvester access to the intertidal and have additional conservation or recreation value. The Public Access to Maine Waters fund aims to create or enhance access to lakes, ponds, rivers, or coastal waters. Both categories require that access is open to the public.

**Case study:** The town of Lubec used funds from the Public Access to Maine Waters program in 2018 to purchase 1.4 acres to develop a municipal water access site and [boat launch on Johnson's Bay](#).<sup>29</sup>

### Working Waterfront Access Protection<sup>30</sup>

The Working Waterfront Access Protection program can be used to secure strategically important working waterfront properties that support commercial fisheries. Funds can be used to purchase property, access easements, rights-of-way, or development rights to preserve walk-in or small boat access, properties entirely dedicated to commercial fisheries uses, or mixed use properties.

**Case study:** The town of Scarborough used funds from the Working Waterfront Access Protection program in 2011 to acquire a working waterfront covenant at the [Pine Point town pier](#),<sup>31</sup> which ensures that it will remain a working waterfront into the

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28 <https://www.maine.gov/dacf/lmf/docs/2021workbook/section-3-water-access.pdf>

29 <https://www.landformainefuture.org/destination/wharf-on-johnsons-bay/>

30 <https://www1.maine.gov/dacf/lmf/funds/wwapp.shtml>

31 [https://www.maine.gov/dacf/lmf/webmap\\_files/511.pdf](https://www.maine.gov/dacf/lmf/webmap_files/511.pdf)

future. The pier provides access for a variety of recreational and commercial uses, and is an important parking area for commercial clam harvesters to access the water.

### 3.2.5.2 Federal Funding for Land Acquisitions and Easements

The following three grant programs are not targeted toward protecting access for commercial use, but may be used to conserve land and associated public access, in places that are of significant conservation value. While there are numerous federal funding opportunities, these programs are regularly utilized for conserving land.

#### US Fish and Wildlife Service (USFWS) North American Wetlands Conservation Act (NAWCA) Small Grants

The [NAWCA Small Grants program](#)<sup>32</sup> supports public-private partnerships that involve long-term protection, restoration, and/or enhancement of wetlands and associated upland habitats. This can include acquisition of land and conservation easements.

#### National Oceanic and Atmospheric Administration (NOAA) Coastal and Estuarine Land Conservation Program (CELCP)

The [Coastal and Estuarine Land Conservation Program](#)<sup>33</sup> provides funds to state and local governments to purchase or obtain conservation easements on threatened coastal and estuarine lands. These funds are distributed from NOAA through the states. The program hasn't been funded for the past several years, but received new funding in the 2021 Infrastructure Investment and Jobs Act (H.R. 3684). Historically, states are eligible to apply for NOAA funding by nominating projects that meet priorities in their state plans. [Maine's CELCP plan](#)<sup>34</sup> includes coastal access, including for commercial use, as one of its priorities.

#### National Estuary Program (NEP) Coastal Watersheds Award - EPA / Restore America's Estuaries

The [NEP Coastal Watersheds Award](#)<sup>35</sup> provides funds to address environmental issues that threaten the ecological and economic well-being of coastal and estuarine areas. They must occur within the geographic boundaries of designated NEPs – in Maine, that includes the [Casco Bay Estuary Partnership](#)<sup>36</sup> and the [Piscataqua Region Estuaries Partnership](#).<sup>37</sup>

### 3.2.6 Working with Land Trusts

Land trusts can be a resource to help identify options for preserving or acquiring access on land. They can often help identify appropriate funding sources for a particular location and may be able to help secure funding.

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32 <https://www.fws.gov/service/north-american-wetlands-conservation-act-nawca-grants-us-small>

33 <https://coast.noaa.gov/czm/landconservation/>

34 <https://coast.noaa.gov/data/czm/landconservation/media/celcpplanmefinal.pdf>

35 <https://estuaries.org/initiatives/watershedgrants/>

36 <https://www.cascobayestuary.org/>

37 <https://prepeestuaries.org/>



**Case study:** In York, lobstermen teamed up with the York Land Trust and other partners to purchase a commercial pier that was listed for sale, each contributing to the cost of the purchase. They then developed a conservation easement that required the property to be used only as a working waterfront, and provided public access on a portion of the property. The eventual agreement included benefits for both conservation and commercial use. (source: [Island Institute - The Last 20 Miles](#))<sup>38</sup>

### 3.2.7 Working with Municipalities

Regardless of the source of funding and partners, it is paramount to coordinate with your municipality when working towards preserving access and/or infrastructure. There are multiple avenues to this coordination, from working with town committees, town planners or managers, harbor masters, and town council/board of selectmen.

**Case study:** The town of Gouldsboro received a grant from the Maine Coastal Program to address and prepare for changes to Gouldsboro's shore. One of their activities is to preserve shoreline access in the face of changing private property ownership along the coast. They are starting with an inventory of shore access locations (protected or not) and will then develop a shore access preservation plan. They are also discussing critical access points with landowners to identify opportunities to protect access on private land. More about this project can be found on their [website](#).<sup>39</sup>

**Case study:** The town of Saint George has taken several actions to protect working waterfront access. In 1998, the town created a public land acquisition reserve, and added to it over the years through budget appropriations. One of the top priorities for those funds was adding public access along the shoreline. (source: [Island Institute - The Last 20 Miles](#))

## 4. Loss of Access Due to Encroaching Development

### 4.1 Description of Issue

Encroaching development is a significant threat to waterfront access, especially in recent years as waterfront property values increase and as waterfront property supports the tourism industry and non-fishing related businesses. With greater demand for waterfront access, many locations are experiencing crowding and conflicts. To address this, it is important to define waterfront access as a priority in regulatory documents, protect working waterfront land in shoreland zoning ordinances, and ensure best practices in harbor management. Depending on development trends and availability of open space in your community, protecting waterfront land from development can be easier than trying to regain access or finding new access points.

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<sup>38</sup> [https://www.islandinstitute.org/wp-content/uploads/2020/09/TheLast20Miles\\_web.pdf](https://www.islandinstitute.org/wp-content/uploads/2020/09/TheLast20Miles_web.pdf)

<sup>39</sup> <https://gouldsboroshore.me/>

## 4.2 Resources and Solutions

Municipalities can prepare and update their local comprehensive plans, harbor management plans, and shoreland zoning ordinances, to protect access from development or overcrowding.

Several grant programs can assist municipalities to prepare comprehensive plans, needs assessments, and infrastructure planning. These programs include the Community Resilience Partnership program of the [Governor’s Office of Policy Innovation and Future \(GOPIF\)](#)<sup>40</sup>, the [Coastal Communities Grant](#)<sup>41</sup> program administered by the DACF, and [Shore & Harbor Management Planning Grants](#)<sup>42</sup> administered by the DMR. Specifics on these grant programs can be found in the funding chart in Appendix A.

### 4.2.1 Comprehensive Planning

Comprehensive plans are important municipal tools for outlining a town’s future. Although a comprehensive plan is not a legal or regulatory document, land use ordinances should follow goals set by the comprehensive plan. Judith East, Bureau Director of Resource Information and Land Use Planning at DACF wrote the following explanation about the role of comprehensive plans in a letter to the State Legislative Appropriations Committee (2022):

A comprehensive plan is a process and a document that describes a community’s vision for itself over a 10–20-year time frame that includes the ways and means to achieve that vision. It is “comprehensive” in that it examines past/current trends and future projections for the community in the areas of history (social, economic, and land use), population, and housing. These data are analyzed along with information about natural resources (habitat, water, working lands, and increasingly, climate change), the economic base, and the infrastructure and services (transportation, utilities, civic, recreation, education, public health) within the community and the region in which it is located. Of greatest significance in the plan are the choices the community makes about its future, what it wants (its policies), and how it intends to realize them (its implementation strategies). In addition, having a capital investment plan that provides funding sources for these strategies is a key factor for implementation.

When updating or starting a new comprehensive plan, the comprehensive planning committee should guide this effort. This Committee should represent the interests of the community, including the working waterfront. If you are on a planning committee or similar body, consider requiring or inviting a maritime industry representative. If you are representing a commercial fishing industry, contact your local planning board for more information on joining a comprehensive planning committee, or attending their meetings. A municipal planner or comprehensive planning committee may ask: Is the working waterfront or fishing industry mentioned as a priority? Is there an inventory of working waterfront infrastructure?

Some common policy recommendations may be put in place to ensure access. They will likely be found under a “Marine Resources” section and include the following types of information:

- A needs assessment of working waterfront infrastructure such as a pump-out station, a hoist, parking, and other related services.

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40 <https://www.maine.gov/future/climate/community-resilience-partnership>

41 <https://www.maine.gov/dacf/municipalplanning/index.shtml>

42 <https://www.maine.gov/dmr/mcp/grants/shore-and-harbor-planning-grants.html>



- A call for the preparation of a harbor management plan if the comprehensive plan does not already contain one.
- A definition of essential working waterfront uses in certain areas, and limitation of non-water dependent commercial uses within those areas. (These definitions can provide the policy basis for a commercial fishing specific zone in zoning ordinances.)
- An identification and inventory of public access points.
- An identification and resolution (if possible) of any title issues at public access points.
- A capital investment plan that identifies and prioritizes working waterfront infrastructure, establishes property acquisition priorities, and provides adequate parking and other working waterfront infrastructure.

#### 4.2.2 Zoning Ordinances

Zoning ordinances must align with the Future Land Use Plan in a towns' comprehensive plan. For most working waterfront areas, the Mandatory Shoreland Zoning Act (38 M.R.S.A. § 435-449) applies. It requires all towns to develop and enforce shoreland zoning ordinances. Shoreland zoning includes multiple districts, such as residential, resource protection, and commercial. Many municipalities, such as [Stonington](#)<sup>43</sup> and [Saint George](#),<sup>44</sup> have districts specifically for Commercial Fishing and Maritime Activities (CFMA).

In CFMA districts, residential development is often limited or prohibited, and commercial

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43 <https://www.stoningtonmaine.org/docs/shoreland-zoning-ordinance.pdf?1589132876>

44 [https://www.stgeorgemaine.com/sites/g/files/vyhlf5031f/uploads/stg\\_ord\\_shoreland\\_zoning2016\\_001\\_0.pdf](https://www.stgeorgemaine.com/sites/g/files/vyhlf5031f/uploads/stg_ord_shoreland_zoning2016_001_0.pdf)

development is limited to water-dependent uses. Structures such as residential homes, hotels, shops, and restaurants are not allowed in those districts. Water dependent uses are defined as those that require direct access to water and cannot be located elsewhere, such as commercial/recreational fishing and boating facilities, fish processing facilities, docks and ports, shipyards, and marinas.

Municipalities are required to involve the public when developing their shoreland zoning ordinances. If you have questions about your municipalities' shoreland zoning ordinances, contact your local code enforcement office.

### 4.2.3 Harbor Management Plan

A harbor management plan is another tool that can improve access to the coast. It may be used to inventory current resources, identify priorities, and ensure adequate funding and staffing for harbor management.

A common regulatory tool used to ensure waterfront access is to prioritize commercial uses over recreational uses when allocating mooring applications. A municipality may also consider allocating mooring permits for resident and non-resident uses. Note however, that State law (MRS 38 § 7-A) requires that at least 10% of mooring permits be allocated to non-resident mooring applicants.

Example Mooring Assignment Priority List:

1. Resident Commercial Fishermen
2. Resident Recreational
3. Resident Commercial Marine Enterprise
4. Non-Resident Commercial Fishermen
5. Non-Resident Commercial Marine Enterprise
6. Non-Resident Recreational
7. Additional moorings

**Case Study:** Brunswick created a [Town Harbor Management Plan](#)<sup>45</sup> in 2013 with public input and assistance from two consulting agencies. They held three public forums and an online survey to determine town priorities and goals. They identified six major harbor areas to inventory public access points and outline management policies. In doing so, they were able to see how access could be managed and improved. The end of the document includes a review of existing ordinances and suggested revisions.

**Case Study:** Machiasport, with the assistance of Washington County Council of Governments, created an [inventory of public and private access points](#)<sup>46</sup> in their [Harbor Management Plan](#).<sup>47</sup> They were ranked by priority to the commercial industry. They also composed a map of these access points relative to different shellfish habitats.

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45 <https://www.brunswickme.org/DocumentCenter/View/1050/Harbor-Management-Plan-PDF>

46 <http://wccog.net/assets/files/machiasport/Harbor%20Plan%20Docs/Map%204%20-%20Machiasport%20Marine%20Resources.pdf>

47 <http://wccog.net/machiasport-harbor-management-plan.htm>





Photo credit: Chris Jamison

## 5. Commercial Fishing Facilities and Infrastructure Needs

### 5.1 Description of Issue

Although an access point may not be threatened, a lack of infrastructure (or infrastructure in need of maintenance) can reduce its potential. Infrastructure in this context includes, but is not limited to, docks, wharves, hoists, parking, boat ramps, and fueling stations required for fishing and aquaculture operations. If a new access point is identified, it may lack basic infrastructure. Existing facilities may need an upgrade due to age or sea level rise vulnerability.

According to Maine Geological Survey, by 2100, sea level rise in Portland is projected to increase by a range of of 1.2 feet in a low scenario, 3.9 feet in an intermediate scenario, or 10.9 feet in an extreme scenario.<sup>48</sup> The Maine Climate Council recommends planning for 1.5 feet by 2050 and 4 feet by 2100 over the 2000 baseline level.<sup>49</sup> Rising sea levels will increase the frequency and intensity of storms, nuisance flooding, and erosion, which will make it increasingly important to identify vulnerable nearshore infrastructure and create a plan to adapt or move key facilities such as wharves and boat ramps. The following grants may assist with repairing or replacing infrastructure that commercial fisheries depend on. For more information on climate impacts in Maine, visit the [Maine Climate Council's Maine Climate Science Dashboard](#),<sup>50</sup> [Maine Geological Survey's Sea Level and Storm Surge Viewer](#).<sup>51</sup> Specific information on the impact of sea level rise on nearshore infrastructure and the intertidal zone can be found in the [Community Intertidal Data Portal's Sea Level Rise & the Nearshore Environment Story Map](#).<sup>52</sup>

48 <https://mgs-maine.opendata.arcgis.com/datasets/maine-sea-level-rise-storm-surge-scenarios-2018>

49 <https://climatecouncil.maine.gov/sea-level-rise-maine-accelerating-problem>

50 <https://climatecouncil.maine.gov/maine-climate-science-dashboard>

51 [https://www.maine.gov/dacf/mgs/hazards/slr\\_ss/index.shtml](https://www.maine.gov/dacf/mgs/hazards/slr_ss/index.shtml)

52 <https://community-intertidal-data-portal-gpcog.hub.arcgis.com/apps/sea-level-rise-the-nearshore-environment/explore>

## 5.2 Resources and Solutions

Since many municipalities or fishermen lack the capacity and/or general funds for building and improving waterfront infrastructure, the following grants can help. Specifics on each grant can be found on the funding chart in Appendix A. The Maine Coastal Program has also compiled an overview of resources and funding opportunities in their document, [Resources for Preserving Commercial Fishing Access](#).<sup>53</sup>

### 5.2.1 Maine Coastal Program Grants

#### Shore and Harbor Planning Grants<sup>54</sup>

Administered by the DMR, Shore and Harbor Planning Grants provide resources to municipalities for: shoreline planning, waterfront and harbor planning, identification and resolution of waterfront use conflicts, and planning, feasibility, and design efforts for resilient waterfront infrastructure. These planning projects prepare communities to compete for infrastructure improvement grants. Project examples may include harbor improvement plans, waterfront facility and amenity plans, climate vulnerability assessments, development and implementation of regulatory and non-regulatory approaches to waterfront conservation and improvement, access inventories, capital improvement planning, and economic analyses to document the value of small ports and harbors.

#### Coastal Communities Grant Program<sup>55</sup>

Administered by the DACF, the Coastal Communities Grants are for municipal and regional projects in Maine's coastal zone. Review the annual request for proposals to see the current program priorities, as well as examples of projects falling into priority areas. The most recent round of funding in 2021 prioritized climate resilience, preparing for coastal storms and flooding, and habitat restoration. Grant program funds cannot be used for construction, purchase of construction materials, acquisition of land, or permit fees.

### 5.2.2 Department of Transportation (DOT) Grants

#### Small Harbor Improvement Program<sup>56</sup>

The Small Harbor Improvement Program (SHIP) aims to promote economic development and improve public marine infrastructure and public access. This grant application is open to tidewater communities that can demonstrate a need to improve economic activity and access to a tidewater river or the ocean on publicly accessible property. Typical types of projects funded under this program include commercial and municipal wharf improvements, hoist systems, boat ramps, gangways, stairways to clam flats, piling replacements, and other infrastructure needs.

#### Boat Infrastructure Grant Program<sup>57</sup>

The Boat Infrastructure Grant (BIG) Program targets projects benefiting recreational boats 26 feet or larger in size. While it is not specific to commercial boats, project improvements

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53 <https://www.maine.gov/dmr/mcp/access/index.htm>

54 <https://www.maine.gov/dmr/mcp/grants/shore-and-harbor-planning-grants.html>

55 <https://www.maine.gov/dacf/municipalplanning/index.shtml>

56 <https://www.maine.gov/mdot/pga/ship/>

57 <https://www.maine.gov/mdot/pga/>

could benefit all users of a harbor if mixed uses are not a source of conflict. Some examples of activities include mooring buoys, day-docks, navigational aids, floating docks and fixed piers, restrooms and showers, pumpout stations, and other infrastructure needs.

### 5.2.3 Department of Agriculture, Conservation, and Forestry (DACF) Grants

#### **Boating Facilities Fund<sup>58</sup>**

The Boating Facilities Fund assists towns, cities, districts and other public and private agencies in the acquisition, development, enhancement, or rehabilitation of boat launching facilities on tidal and non-tidal waters of Maine that are available to the public. Funding is available to assist in the development of hand-carry as well as trailered boat launching facilities. However, since the Fund derives its revenue from a portion of the State gasoline taxes generated by recreational motorboat use, priority is given to funding launching facilities that can be used by both motorized and non-motorized watercraft. Funds may be used for development projects (e.g., engineering services, construction costs, permit fees, etc.) and land acquisition projects (e.g., land appraisal, legal services, purchasing of land rights). The fund is not intended to provide commercial boating access or non-boating water access.

### 5.2.4 GOPIF Community Resilience Partnership Grants<sup>59</sup>

The Community Resilience Partnership assists communities to reduce carbon emissions, transition to clean energy, and become more resilient to climate change effects such as to extreme weather, flooding, rising sea levels, public health impacts, and more. The process for accessing grants first requires municipalities or federally recognized tribes to join the Partnership by: 1) adopting a resolution of commitment, 2) completing a pair of self-assessments, and 3) holding a community workshop to prioritize initial climate resilience and clean energy actions.

#### **Community Action Grants**

Community Action funds can support two categories of climate action by communities. 1) Actions from the 'List of Community Actions', an approved list of climate mitigation and adaptation activities that align with the strategies in the *Maine Won't Wait* report. There is no local matching funds requirement for these grants. 2) Other projects proposed by a community that support capacity building, planning, and implementation projects.

#### **Service Provider Grants**

Service Provider Grants allow regional service provider organizations such to apply for funds to recruit groups of two to five communities to complete the enrollment activities, join the Partnership, and apply for 'Community Action Grants'. Service providers may include councils of government, regional planning organizations, consulting agencies, and nonprofits. The desired outcomes from these grants are new Partnership enrollments and developing a list of each communities' priority projects, as well as any cooperative group priorities.

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58 [https://www.maine.gov/dacf/parks/grants/boating\\_facilities\\_fund.html](https://www.maine.gov/dacf/parks/grants/boating_facilities_fund.html)

59 <https://www.maine.gov/future/climate/community-resilience-partnership/join>





## 6. Conclusion

Regardless of the composition of your team, support from your town, and available funding or other resources, starting the path towards preserving access can be a daunting task. However, the historical, cultural, economic, and ecological importance of shellfish increases the importance of this task for many coastal communities in Maine. Once an access point is lost, it rarely comes back, and there is limited open space along Maine's coast that could potentially serve as future access points. While this guide breaks down the process and resources, the authors and contributors acknowledge that many of the options outlined in this document will require technical assistance and coordination with one or more state agencies, or other organizations. Appendix C summarizes potential partners and contacts for assistance. These projects oftentimes require collaboration from diverse stakeholders, the town, municipal committees, and the state. If you are in the Casco Bay region, please reach out to the facilitators of the Casco Bay Regional Shellfish Working Group for assistance. The [Maine Shellfish Learning Network](#)<sup>60</sup> is also dedicated to preserving access in the intertidal throughout the state. In order to maintain progress, it is recommended that a leader (or co-leader) and/or project manager oversees this coordination and the project. Through these incremental, ongoing, and collaborative efforts, intertidal access can be preserved and expanded across the state, creating a more equitable opportunities for shellfish harvesters to carry on this Maine tradition.

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60 [www.themudflat.org](http://www.themudflat.org)

# Appendix A

## Funding Comparison Charts

	DACF	DACF
<b>Grant</b>	Land For Maine's Future Working Waterfront Access Protection Program (WWAPP)	Land For Maine's Future Conservation and Recreation Funds and Public Access to Maine's Waters
<b>Issue</b>	Land conservation/ commercial access	Land conservation/ public access
<b>Amount available (as of 2022)</b>	Refer to RFP. Must be no greater than 50% of Fair Market Value of property	~\$30 million for Conservation & Recreation, ~\$2 million for water access (2022-2025)
<b>Matching Requirement*</b>	100% Match	100%
<b>Requirements</b>	Permanent assurance the land and improvements may not be used or altered in a way that prevents commercial use.	Requires sponsorship by a state agency like DACF or MDIFW and support from the landowner
<b>Eligible Applicants</b>	Private businesses engaged in or directly supporting commercial fishing activities, cooperatives, municipalities, nonprofits, or other qualified parties. Must own working waterfront property or have an interest in its purchase.	Land trusts, municipal conservation organizations, state agencies
<b>Land Acquisition or Easement</b>	Yes through acquisition, easement, or right-of-way	Yes
<b>Land Restoration</b>	No	No
<b>Improving Recreational Infrastructure</b>	No	No
<b>Improving Commercial Infrastructure</b>	No	No
<b>Studies/assessments/planning</b>	No	No
<b>Outreach</b>	No	No
<b>Examples</b>	<ul style="list-style-type: none"> <li>Land used for walk-in and small boat access for worming, clamming, etc.</li> <li>Property dedicated entirely to aquaculture and commercial fishery use</li> <li>Mixed use properties where WW portion can be clearly delineated</li> </ul>	Conserving land for public access and recreation, protecting endangered species, protecting scenic areas
<b>Other notes</b>	Strongly prefers land that is already commercially used over projects intended to create new access sites	
<b>Websites</b>	<a href="https://www.maine.gov/dacf/lmf/funds/wwapp.shtml">https://www.maine.gov/dacf/lmf/funds/wwapp.shtml</a>	<a href="https://www.maine.gov/dacf/lmf/">https://www.maine.gov/dacf/lmf/</a>

	USFWS	USFWS
<b>Grant</b>	North American Wetland Conservation Act	National Coastal Wetlands Conservation Grant Program
<b>Issue</b>	Land conservation	Land conservation
<b>Amount available (as of 2022)</b>	Up to \$100,000 per project	Refer to RFP
<b>Matching Requirement*</b>	100% Match	50%, or 25% if the state has a land conservation program
<b>Requirements</b>	Must be long-term conservation work	Must support goals of the National Wetlands Priority Conservation Plan, provide long-term conservation, conserve maritime forest or coastal barrier islands, benefit threatened and endangered species, encourage public-private partnerships, and complement other conservation projects
<b>Eligible Applicants</b>	Any private or public organization or individual	Coastal states, and tribal governments, private landowners, nonprofits. All entities are encouraged to work with their state.
<b>Land Acquisition or Easement</b>	Yes, acquisition and easement	Yes
<b>Land Restoration</b>	Yes	Yes
<b>Improving Recreational Infrastructure</b>	No	No
<b>Improving Commercial Infrastructure</b>	No	No
<b>Studies/assessments/planning</b>	No	No
<b>Outreach</b>	No	No
<b>Examples</b>	Purchasing wetlands for protection, restoring degraded wetland habitat, establishment of wetland habitat	Purchasing conservation easements to conserve land, land restoration, land acquisition
<b>Other notes</b>	Does not apply to boat ramps, parking lots, roads, or other access work	Interested parties should contact MDIFW
<b>Websites</b>	<a href="https://www.fws.gov/service/north-american-wetlands-conservation-act-nawca-grants-us-small">https://www.fws.gov/service/north-american-wetlands-conservation-act-nawca-grants-us-small</a>	<a href="https://www.fws.gov/media/national-coastal-wetlands-conservation-grant-program-factsheet">https://www.fws.gov/media/national-coastal-wetlands-conservation-grant-program-factsheet</a>



	EPA	NOAA
<b>Grant</b>	Coastal Wetlands (National Estuary Program Grants)	Coastal and Estuarine Land Conservation Program
<b>Issue</b>	Land restoration	Land conservation and restoration
<b>Amount available (as of 2022)</b>	\$75,000 - \$250,000 per project	Refer to RFP
<b>Matching Requirement*</b>	33% of requested amount or 25% of project cost. Waivers are available.	Refer to RFP
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• Must occur in a National Estuary Program Coastal Watershed.</li> <li>• Must address one or more of the following: proliferation or invasion of species, flooding and coastal erosion, loss of key habitats, unusual or unexplained marine mammal mortalities</li> </ul>	Protects important coastal areas, has threats to convert to development, land can be effectively managed, projects do not impede on working waterfront uses
<b>Eligible Applicants</b>	State, interstate, tribal, intertribal consortia, state coastal zone management entities, other public or nonprofit agencies, institutions, organizations, counties and local governments	State - DMR Coastal Program
<b>Land Acquisition or Easement</b>	No	Yes, acquisition and easement
<b>Land Restoration</b>	Yes	Yes
<b>Improving Recreational Infrastructure</b>	No	No
<b>Improving Commercial Infrastructure</b>	No	No
<b>Studies/assessments/planning</b>	No	Yes
<b>Outreach</b>	No	No
<b>Examples</b>	Research on threats to watershed, building partnerships, restoring coastal habitats	Conservation for habitat protection, coastal access for recreational and resource management purposes including lands that provide “working” access to coastal resource, scenic and cultural features, expansion of existing areas
<b>Other notes</b>		
<b>Websites</b>	<a href="https://estuaries.org/initiatives/watershedgrants/">https://estuaries.org/initiatives/watershedgrants/</a>	<a href="https://coast.noaa.gov/data/czm/landconservation/media/celcpplanmefinal.pdf">https://coast.noaa.gov/data/czm/landconservation/media/celcpplanmefinal.pdf</a>

	DMR	DACF
<b>Grant</b>	Shore and Harbor Management Planning Grants	Coastal Communities Grants
<b>Issue</b>	Waterfront planning	Climate and coastal resilience
<b>Amount available (as of 2022)</b>	\$5,000 to \$50,000 per project	\$20,000 to \$50,000 per project
<b>Matching Requirement*</b>	25% non-federal match	25% non-federal match
<b>Requirements</b>	Must include climate change considerations as per the <i>Maine Won't Wait</i> report.	<ul style="list-style-type: none"> <li>• Must be in the categories of ensuring sustainable, vibrant coastal communities, restoring coastal habitats, preparing for coastal storms, erosion, and hazards.</li> <li>• Must have current comprehensive plan with current consistency finding.</li> </ul>
<b>Eligible Applicants</b>	Towns and unorganized townships in Maine's coastal zone, groups of towns, coastal regional planning commissions, coastal councils of government, and tribal governments. Partnerships are strongly encouraged.	Towns and unorganized townships in Maine's coastal zone, groups of towns, coastal regional planning commissions, coastal councils of government, and tribal governments.
<b>Land Acquisition or Easement</b>	No	No
<b>Land Restoration</b>	No	No
<b>Improving Recreational Infrastructure</b>	No	No
<b>Improving Commercial Infrastructure</b>	No	No
<b>Studies/assessments/planning</b>	Yes	Yes
<b>Outreach</b>	Yes	Yes
<b>Examples</b>	Capital improvement plans, economic analyses, public and commercial access inventories, needs assessments, vulnerability assessments, resiliency plans, harbor or mooring management plans, waterfront facility and amenity plans. Freeport shellfish habitat resource planning, Yarmouth town landing master plan and design report, Harpswell Pier Replacement, Jonesport public access planning for commercial fishermen	Habitat restoration plans, needs assessments, pre-project feasibility studies, feasibility and design of living shorelines to mitigate erosion, comprehensive plan chapters, low impact development, nature-based infrastructure, preparation or implementation of adaptive strategies for vulnerable business sectors (such as marine dependent businesses), capital improvement planning, planning for threatened infrastructure such as roads and public access areas, data collection
<b>Other notes</b>	Although these grants may not be used for construction, they prepare communities for actual infrastructure improvement grants.	
<b>Websites</b>	<a href="https://www.maine.gov/dmr/mcp/grants/shore-and-harbor-planning-grants.html">https://www.maine.gov/dmr/mcp/grants/shore-and-harbor-planning-grants.html</a>	<a href="https://www.maine.gov/dacf/municipalplanning/index.shtml">https://www.maine.gov/dacf/municipalplanning/index.shtml</a>

	DOT	DOT
<b>Grant</b>	Small Harbor Improvements	Boat Infrastructure Grant
<b>Issue</b>	Public access	Recreational access
<b>Amount available (as of 2022)</b>	Up to \$250,000 per project	Refer to RFP
<b>Matching Requirement*</b>	50% match	Up to 75% of the total allowable cost up to \$1.5 million
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• Must improve access to water for the public, including commercial fishermen, recreational fishermen, and other resource and tourism related industries.</li> <li>• Must be on current or proposed public access facilities. If it is on private property, public must have easement rights for at least 100 years.</li> <li>• Must have local elected official approval.</li> </ul>	Projects that benefit 26+ feet recreational transient boats, may be public or private facilities
<b>Eligible Applicants</b>	Tidewater communities	State agencies
<b>Land Acquisition or Easement</b>	No	No
<b>Land Restoration</b>	No	No
<b>Improving Recreational Infrastructure</b>	Yes	Yes
<b>Improving Commercial Infrastructure</b>	Yes	No
<b>Studies/assessments/planning</b>	No	No
<b>Outreach</b>	No	No
<b>Examples</b>	Structural improvements, replacing a pier or other infrastructure, adding a diesel tank and gas pumping infrastructure, rehabilitation of a footbridge, constructing a boat launch, upgrading restrooms, expanding a marina and/or berthing, installing hoist systems	Mooring buoys, navigational aids, transient slips, safe harbors, floating docks and fixed piers, floating and fixed breakwaters, restrooms, retaining walls, bulkheads, dockside utilities, pumpout stations, recycling and trash, dockside electric service, dockside water supplies, dockside pay telephones, debris deflection booms, fueling stations, one time dredging
<b>Other notes</b>		While not a commercial fishing focus, these projects often benefit all users in a harbor or coastal tidewater facility.
<b>Websites</b>	<a href="https://www.maine.gov/mdot/pgs/ship/">https://www.maine.gov/mdot/pgs/ship/</a>	<a href="https://www.maine.gov/mdot/pgs/">https://www.maine.gov/mdot/pgs/</a>

	DACF	DACF
<b>Grant</b>	Boating Facilities Fund	Public Access to Maine Waters Fund
<b>Issue</b>	Public access	Public access
<b>Amount available (as of 2022)</b>	Refer to RFP	Refer to RFP
<b>Matching Requirement*</b>	25% cash or in-kind	Refer to RFP
<b>Requirements</b>	Must be primarily for recreational boating use by the public. Commercial use may be permitted, but cannot interfere with recreational use by the public.	Must provide access to public waters and support activities such as boating, kayaking, clamming, fishing, etc.
<b>Eligible Applicants</b>	Towns, cities, districts, and other public/private agencies in acquisition, development, enhancement, or rehabilitation of boat launching facilities	Municipalities, land trusts, or other qualifying entities. Must work with DACF or MDIFW
<b>Land Acquisition or Easement</b>	Yes	Yes
<b>Land Restoration</b>	No	No
<b>Improving Recreational Infrastructure</b>	Yes	No
<b>Improving Commercial Infrastructure</b>	No	No
<b>Studies/assessments/planning</b>	Yes	No
<b>Outreach</b>	No	No
<b>Examples</b>	<ul style="list-style-type: none"> <li>On development projects: professional design/engineering services, construction costs, permit fees</li> <li>On land acquisition projects: land appraisal, legal or professional services, purchase of land rights</li> </ul>	Acquiring access rights to enhance public access to the water
<b>Other notes</b>	Will not cover non-boating related features such as picnic tables, shelters, trails or improvements solely designed for commercial fishing.	
<b>Websites</b>	<a href="https://www.maine.gov/dacf/parks/grants/boating_facilities_fund.html">https://www.maine.gov/dacf/parks/grants/boating_facilities_fund.html</a>	<a href="https://www1.maine.gov/dacf/lmf/docs/2021workbook/section-3-water-access.pdf">https://www1.maine.gov/dacf/lmf/docs/2021workbook/section-3-water-access.pdf</a>



	GOIP	GOIP
<b>Grant</b>	Community Resilience Partnership Community Action Grants	Community Resilience Partnership Service Provider Grants
<b>Issue</b>	Resilience	Resilience
<b>Amount available (as of 2022)</b>	\$5,000 to \$50,000 per community, but up to \$100,000 if two or more communities apply together	Up to \$10,000 per community with an additional \$2,500 per community that is in the highest social vulnerability category or have a population fewer than 4,000.
<b>Matching Requirement*</b>	No match required for activities on List of Community Actions that align with state climate action plan. Other actions require 10-20% local match	15% match
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• Must be enrolled in Community Resilience Partnership (CRP), may apply to CRP and grant simultaneously.</li> <li>• Must align with actions.</li> </ul>	Must recruit two to five communities to enroll in the Community Resilience Partnership (CRP) and apply for Community Action Grants.
<b>Eligible Applicants</b>	Municipal or tribal governments either alone or in groups.	Regional service provider organizations such as councils of government, regional planning organizations, nonprofits, academic institutions, municipalities with robust in-house capacity.
<b>Land Acquisition or Easement</b>	No	No
<b>Land Restoration</b>	No	No
<b>Improving Recreational Infrastructure</b>	No	No
<b>Improving Commercial Infrastructure</b>	No	No
<b>Studies/assessments/planning</b>	Yes	Yes
<b>Outreach</b>	Yes	Yes
<b>Examples</b>	Community vulnerability assessments, storm debris management plan, participating in National Flood Insurance Program, developing climate resilient infrastructure	Community vulnerability assessments, storm debris management plan, participating in National Flood Insurance Program, developing climate resilient infrastructure
<b>Other notes</b>		
<b>Websites</b>	<a href="https://www.maine.gov/future/climate/community-resilience-partnership/grants">https://www.maine.gov/future/climate/community-resilience-partnership/grants</a>	<a href="https://www.maine.gov/future/climate/community-resilience-partnership/grants">https://www.maine.gov/future/climate/community-resilience-partnership/grants</a>

**Notes:** \* Matching requirement refers to the amount of cash or in-kind (donated) services required by the funder. It is typically expressed in a percentage of the grant amount. If it says 100% (or 1:1), that means for every dollar in your proposed grant budget needs to be matched by a dollar elsewhere. Typically there are additional details around the type of matching requirements, for example, some require cash match, others allow in-kind match, which may include donated time, equipment or otherwise. Before starting a proposal, it is important to identify potential sources of matching funds to determine the feasibility of meeting the requirements.

# Appendix B

## Letter to the Editor: Amanda Lyons in the Quoddy Tides

### GUEST COLUMN

#### The clamdigger: What you won't read

by Amanda Lyons

I have read many articles over the years. Most start off with setting the scene – crisp salt air and waves crashing on the seashore. Hardworking men make their way down the boat ramp to push boats off the shore while managing to get in with a preserved dignity. The outgoing tide releases its death grip on the flats, so the clam digger can unearth a succulent delicacy caught between disparate worlds – a tourist's pipe dream.

You don't hear about the dying tradition of blistered hands, your neighbors moving tons of mud and rock armed with a bent pitchfork and a strong back to put food in their families' bellies and a roof over their heads. You don't see the struggle of a man's venture out to Lawrence's factory while it is -6° out with a -20° wind chill to make sure he has heat the next day because digging is all he knows. You don't know about the skill one acquired young, passed down by his father, that became his Plan B when his job dissolved, a college student working hard to reduce his need for student loans or simply a teenager saving for his first car. We all have a story. I was a female, out-of-state college transplant without a prayer to get into any fishery because I was not the wife or daughter of a fisherman with the basic skill set – for around here – of boat-style RV camping and a deckhand on vintage schooners.

Unfortunately, our future becomes more uncertain as each year passes. If our troubles only ended with nature's predator and bad weather, we would be all too lucky. We are going extinct with an aging digger population, not enough of the younger generation taking interest unless it is a last resort, politics, legislation handcuffs and clam flats being dragged for other species. And that doesn't even touch on one's income coming to a halt for red tide and flood closures, some lasting days to weeks sometimes for a brain-killing toxin. Challenges we all took on with strides for decades. But what we were not expecting was the droves of people moving into our area cutting off access to our precious beaches.

Lubec is a small fishing town as far east as you can go. We have 682 households making up over 1,300 people with a mean age of 54 with a little over 50% of the population of working age who are not disabled or retired. Our biggest attractions

include West Quoddy Lighthouse and newly-developed Cobscook Shores trails, and what should be our forefront is our tight-knit fishing community. Unfortunately, many just see the lobster boats with the scenery in the background. I see generations of hard-working fishermen and women carved out by exhaustion, hard knocks, loss and salt. Out of 262 commercial licenses sold in Lubec, about 50 were commercial clam diggers, many of whom captain or stern through the seasonal transitions such as lobster fishing, urchin and scallop drag, periwinkle and elver fish. That product then leads to jobs at the dealers and restaurants, then expands to shucking houses and exporters.

With the public trust and fish, fowl and navigation acts, our lifestyle is protected if you are lucky enough to have a boat or a canoe. But not everyone is fortunate, and they are left at the mercy of those willing to allow access across their property. In the last two years, close to 100 houses have gone on the market, and over 60 have changed hands, and in a town this small that is a big deal. We are expected to be open-armed and welcoming while gates and "no trespassing" signs are put up. Yes, your new neighbor probably told you a horror story, and yes, we have bad apples, who doesn't? We have good people, too; discouraged people who would rather accept defeat than ask for individual permission knowing it will just fall on deaf ears. We understand that you bought your property and pay taxes on your property every year. But you haven't felt what it's like to all but beg for access so you can keep your family warm and fed just to hear, "No." To wonder if you can scrounge some more from where you've been digging while trying to stomach the words, "Thank you for your time. Have a good day." No one really thinks about unemployed poverty becoming a tax burden to those who live here and for the 40% of housing units vacant in this town for most of the year.

This area, we have what we make of it. If we don't, we don't have it. So when you move here, you should put some consideration as to where you are going to fit and what you are going to make of this privilege that you were able to buy yourself into. Some are still working to be able to stay where they were born and raised.

*(Amanda Lyons lives in Lubec.)*

# Appendix C

## Useful Contacts and Agencies

### Organizations that may offer technical assistance to towns:

Casco Bay Regional Shellfish Working Group  
<https://www.cascobayregionalshellfishworkinggroup.org/>

Coastal Enterprises, Inc.  
<https://www.ceimaine.org/>

Economic Development Directory (Maine)  
<https://www.eda.gov/resources/directory/states/me.htm>

Island Institute  
<https://www.islandinstitute.org/>

Maine Coastal Program  
<https://www.maine.gov/dmr/mcp/about/index.htm>

Maine Coast Fishermen's Association  
<https://www.maine.coastfishermen.org/>

Maine Coast Heritage Trust  
<https://www.mcht.org/>

Maine Land Trust Network  
<https://www.mltn.org/>

Maine Shellfish Learning Network  
<https://themudflat.org/the-msln-team/>

Maine Sea Grant  
<https://seagrants.umaine.edu/>

Maine Municipal Association  
<https://www.memun.org/Training-Resources>

New England Environmental Finance Center  
<https://neefc.org/>

Regional Planning Organizations/Councils of Government  
[https://www.maine.gov/dacf/municipalplanning/technical/regional\\_council.shtml](https://www.maine.gov/dacf/municipalplanning/technical/regional_council.shtml)

### State agencies with funding programs supporting shore access:

Governor's Office of Policy Innovation and the Future  
<https://www.maine.gov/future/about>

Maine Department of Agriculture, Conservation, and Forestry  
<https://www.maine.gov/dacf/>

Maine Department of Inland Fisheries and Wildlife  
<https://www.maine.gov/ifw/>

Maine Department of Marine Resources  
<https://www.maine.gov/dmr/>

Maine Revenue Services  
<https://www.maine.gov/revenue/>



## Contact Us

[cascobayregionalshellfishworkinggroup.org/contact-us](http://cascobayregionalshellfishworkinggroup.org/contact-us)