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Toward a Working- Waterfront Ethic: Preserving Access to Maine's Coastal Economy, Heritage, and Local Seafood

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Fishing

Couple Maine's farmland with our thousands of miles of coastline and thousands of acres of lakes, rivers, and streams, and it seems there's every opportunity for us to be a food-system paradise. For too long, agriculture and fisheries have operated in separate spheres. Repositioning fisheries as an integral part of Maine's food system presents exciting opportunities and challenges. Maine has one of the most beautiful coastlines in the world, one for which people are willing to pay a premium. But for Maine fisherman, the coast is how they access their livelihood. Rob Snyder tells us that in 2002 only 25 miles of Maine's 5,300-mile coastline supported working-waterfront access. Creative and innovative strategies to preserve Maine's working waterfront are the focus of his article. In her article, Robin Alden agrees that Maine could have one of the premier marine food systems in the world, but that means adequate stewardship of the Gulf of Maine ecosystem and diversifying our fishing industry beyond lobster by creating innovative public policy and a food system that supports community fishing. The desire for a sustainable seafood industry that protects the environment and the future of fishing is certainly of interest to consumers, but even here there are conflicting standards, as Catherine Schmitt explores in her article. We end this section with some of the results of the By Land and By Sea project, presented by Amanda Beal, Maine fishermen and farmers came together to discuss common concerns and to forge new solutions as we re-envision a unified food system. 🐟

Toward a Working-Waterfront Ethic:

Preserving Access to Maine's Coastal Economy, Heritage, and Local Seafood

by Robert Snyder

The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land.

— Aldo Leopold 1949

INTRODUCTION

In the first decade of the 21st century, Maine established itself as a national leader in working-waterfront preservation, ensuring that there will always be places on our coast where fishermen can go down to harvest from the sea. This article reviews the catalysts for the innovations that emerged between 2001 and 2011, the policies that developed, and what we have accomplished and learned since. The solutions to preserving working waterfront that were developed in Maine inform the creation of a working-waterfront ethic that is quickly spreading to coastal communities around the U.S.

When Aldo Leopold envisioned our embrace of a land ethic, he was challenging the nation to extend our views of land from a pure commodity to a part of our ecosystem or community of interconnected parts. Land thus became a member of our community, and as such it became our ethical duty to preserve the integrity, stability, and beauty of the community. Leopold's land

ethic was prompted by concerns that industrialization was ruining wild, open spaces. Ultimately this same ethic was extended to farmland and working forests in the 1970s, drawing on aesthetic sensibilities that align the productive countryside with nature. However, it would take another 30 years to extend this land ethic to working waterfronts.

The late George Putz, a prominent writer from Vinalhaven Island once reflected, "at the outset, a working waterfront is all plain and clear. There is a harbor with at least some protection from the weather and sea, around which is based a small community" (Putz 1987: 26). From a fisherman's point of view, a working waterfront requires a protected harbor where one can bring in a boat, offload, work on gear, and then moor a vessel in secure waters.¹ The most productive parts of a working waterfront require "all-tide" access, where one can land a boat and catch, regardless of the state of the moon and tides. Beyond deep water and a protected harbor, a working waterfront must also be connected to public roads and distribution networks. It must also offer enough parking for the trucks and vehicles that support fishing activities.

BACKGROUND

Working-waterfront access is lost for a variety of reasons. According to research conducted by Coastal Enterprises, Inc., (CEI) in 2002 and 2004, the primary pressures that lead to the loss of working-waterfront access include high taxes, competition from recreational uses, and development to use the waterfront for non-water-dependent uses (Elizabeth Sheehan, personal communication, 2003). Shellfish harvesters are losing access as properties are posted "no trespassing," and when coastal property owners close off or contest historical access points. Handshake agreements also provide a tenuous form of access to the ocean.

Once a property converts out of a water-dependent use it is unlikely that the property will convert back. In 2002, only 25 miles of Maine's 5,300-mile coastline supported working-waterfront access (Sheehan and Cowperthwaite 2002). By 2005 coastal access had dwindled to 20 miles (Island Institute 2007). The real estate bubble over the past decade certainly accelerated the pace of loss.

Fishermen who may want to purchase access find that a gap exists between what they can afford to pay for coastal properties and what the market will bear for these properties. This gap becomes a barrier for future entrants to the fishing industry. As of November 2010, the median asking price for waterfront homes in Maine was \$549,000 (www.mymaineproperty.com/maine-waterfront-real-estate). Concurrently, the average annual household income for lobstermen hovers around \$70,000 (Taylor Singer and Holland 2008). This means that the average lobsterman can afford less than half the median home price on the coast of Maine, making purchase of a wharf impossible.

This has been the trend despite research suggesting that, “the working waterfront contributes anywhere from \$15 million to \$168 million *more* per year to our gross state product than does coastal residential construction. In other words, our working piers and wharves contribute almost two times more to the state’s economy than would converting 500 coastal properties and building a \$650,000 house on each one” (Colgan 2004: i [emphasis added]).

Loss of access is significant because these properties support more than \$740 million in Maine state revenue and 35,000 jobs. According to the most current statistics compiled by the Maine Department of Marine Resources (DMR), in 2009 working waterfronts supported the landings of 222,619,948 live pounds of fish, lobster, and other species with a value of \$323,138,227. Of this total, an estimated 139,423,000 pounds are used for food products (mussels, lobster, haddock) at a value of roughly \$300,000,000 to the fishing families and those employed in fishing related businesses along our coast (www.maine.gov/dmr/commercialfishing/recentlandings).

TOOLS FOR PRESERVING WORKING WATERFRONTS

A number of tools have evolved at the intersection of rapidly rising values for waterfront real estate and concerns over preserving commercial-fishing access. These preservation tools might be considered single- or multiple-generation preservation tools.

Single-generation preservation tools are those that can change with the values of a family or community.

For example, local tools such as comprehensive planning, harbor ordinances, zoning, and public investment all play a role in preserving working-waterfront access in Maine. Water-dependent-use zoning plays an important role, protecting 29 percent of working-waterfront access in Maine (Island Institute 2007). Still, only 33 percent of Maine’s 142 coastal towns have some type of water-dependent zoning (Island Institute 2007). These access points are secure to the extent that voters and town planners do not overturn these zoning restrictions.

Public investment also plays an important role in determining working-waterfront access in Maine. Municipalities and the state and the federal governments own 41 percent of Maine’s coastal access (Island Institute 2007). The other 59 percent of access points are privately held and therefore vulnerable to conversion (Island Institute 2007). The Small Harbor Improvement Program run by the Department of Transportation funds the maintenance and improvement of many of these state access points.

These tools were not enough.

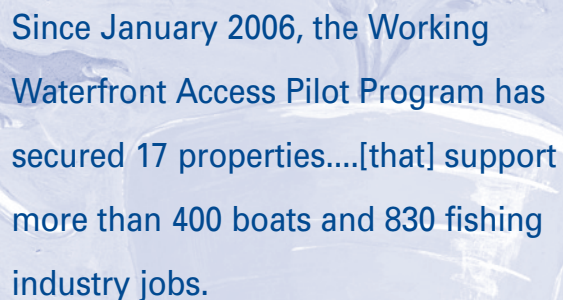
In 2001 a loose coalition of organizations managed to place a constitutional amendment on the state ballot that would have made it possible to tax working waterfronts at their “current use” as a commercial fishing wharf, rather than at their “highest and best use.” This policy of current-use taxation for commercial properties existed for farming, forestry, and open space, but not for commercial fishing. The vote lost by less than one percent without much of an organized effort.

Two of the leaders of the original effort, Chris Spruce, formerly of Sunrise County Economic Development Council, and Elizabeth Sheehan, formerly of CEI, regrouped, along with leaders from the Maine State Planning Office and the Maine DMR

The solutions to preserving working waterfronts that were developed in Maine inform the creation of a working-waterfront ethic that is quickly spreading to coastal communities around the United States.

Together they expanded their partnerships while conducting a full assessment of the types of tools that would be needed to preserve working-waterfront access in the state of Maine.

They formed what would become the Maine Working Waterfront Coalition, a broad-based statewide collaboration of more than 140 industry association, nonprofits, state agencies, and individuals dedicated to supporting and enhancing Maine's working waterfront through policy, planning and research, investment, and education. The coalition focused on creating two new tools for preserving working waterfront: current-use taxation and bonding to purchase development rights off property that supports commercial fishing. Both of these new tools envisioned preserving working-waterfront access beyond one generation.



Since January 2006, the Working Waterfront Access Pilot Program has secured 17 properties...[that] support more than 400 boats and 830 fishing industry jobs.

Current-Use Taxation for Working Waterfronts²

Current-use language was added to the Maine State Constitution in 1969. By 1971 it had been enacted to assist farmers as they experienced increases in the value of their real estate and taxes. Open space was also added at this time, and in 1972 working forestlands were included under a tree-growth tax law. Each current-use statute begins with a similar phrase: "It is declared that it is the public interest to encourage the preservation of..." and "...it is in the public interest to prevent the forced conversion of... to more intensive uses as a result of the economic pressures caused by assessment of taxes at values incompatible with their preservation as..."³ The Maine Working Waterfront Coalition worked directly from these existing programs when designing current-use taxation for working waterfronts. Current-use

taxation for working waterfronts was designed to provide tax relief to properties based on whether they "predominantly" or "primarily" support commercial fishing. Properties predominantly (more than 90 percent) dedicated to commercial fishing could qualify for a 20 percent reduction in the just value (market value) of taxes. Properties used primarily (more than 50 percent) as a working waterfront would be eligible for a 10 percent reduction in taxes. Properties with a restrictive deed placed on them (see "Purchase of Development Rights" section) would qualify for a 30 percent reduction in the just value of taxes (www.maine.gov/revenue/propertytax).

In 2005 the Maine Working Waterfront Coalition placed a referendum question on the ballot asking if the residents of the state of Maine would support adding working waterfronts to the types of land that qualify for current-use taxation. The referendum passed by an overwhelming margin, 72 percent.

Results of Current-Use Taxation for Working Waterfronts

The current-use program had a slow start, with only eight properties enrolling in 2006. However, as of 2010, a total of 54 working-waterfront properties representing 56.29 acres were enrolled in the state current-use-taxation program at a total valuation of \$8,471,302. Five of these parcels are in Cumberland County, three are in Hancock, 15 are in Knox, 24 are in Lincoln, three are in Sagadahoc, and five are in Washington County.

Purchase of Development Rights

In addition to current-use taxation, the coalition focused on the gap that existed between what fishermen could afford to pay for coastal property and what the market was asking. The solution to this second issue came by developing a program within the state's existing Lands for Maine's Future program that could fund the purchase of development rights off properties that supported commercial fishing. The goal was to have a tool for preserving working waterfronts that closely mirrored those already in place for farmland or open-space easements. The issue of equity was paramount. After all, farming, forestry, and fisheries all have their place on the state flag—shouldn't they

each have the same benefits under the law? Maine voters agreed, and by January 2006 the first \$3 million in state bond funds had been allocated to the newly created Working Waterfront Access Pilot Program to purchase development rights off properties that supported commercial fishing.

Properties that apply to the program are reviewed for their economic significance, the availability of alternative properties nearby, community support, the threat of conversion to another use, and the overall utility of the property. The DMR holds the working-waterfront easements that ensure preservation of these properties, and it is responsible for stewardship of the properties to ensure that they remain working waterfront in perpetuity.

Between 2005 and 2010 voters in the state of Maine passed three bond questions that generated \$6.75 million to fund the purchase of working-waterfront development rights.

Results of Purchasing Development Rights⁴

Since January 2006, the Working Waterfront Access Pilot Program has secured 17 properties encompassing 33 acres of land and nearly a mile of coastline with a fair-market value of more than \$15 million. These properties support more than 400 boats and 830 fishing industry jobs. They contribute to the livelihoods of roughly 900 families by providing \$35 million in direct income and up to \$75 million in additional economic contribution to the state. The role they play in enabling the availability of locally caught seafood is critical, with estimates of landings at around 13 million pounds of seafood from the preserved wharves. Furthermore, the \$6.75 million in bond funds have leveraged an additional \$12.5 million from applicants' savings, bank loans, grants, foundation assistance, private donations, municipal support, Small Harbor Improvement Program grants, and other state programs.

Program Grants and Other State Programs

The programs now in place are considered successful. The challenge, as with all new programs, is to fine tune and make them sustainable. The current-use program is working, and no efforts have been undertaken to reform it. The funding for the Working Waterfront Access Pilot Program is a biennial chal-

lenge because it relies on bond funding that is highly politicized. Yet, the Maine Working Waterfront Coalition estimates a total need of approximately \$25 million to preserve key working-waterfront properties along the coast.

Beginning in 2011, after six years as a pilot program, the coalition will pursue full program status for the Working Waterfront Access Program. Coalition members plan to work with state leadership on how the program could find funding to meet an estimated annual need of \$1.5 million.

Furthermore, at the 2010 National Working Waterways and Waterfront symposium, a number of organizations from working-waterfront communities around the U.S. resolved that a National Working Waterfront Coalition was needed to increase the rate at which tools for preserving working waterfronts were shared and to seek federal support for state efforts at working-waterfront preservation.

AN EMERGING WORKING-WATERFRONT ETHIC

It is also useful to reflect on one of the innovations that this program has inspired: a creative and significant community-based economic-development tool not contemplated when thinking through preserving a wharf, but contributing to the development of a working-waterfront ethic nonetheless.

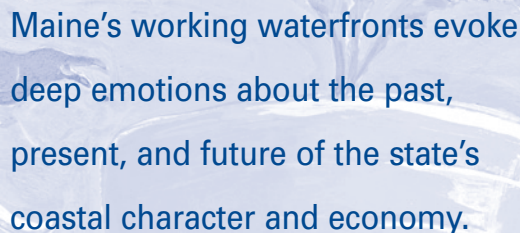
Port Clyde Fresh Catch and Community-Supported Fisheries

Port Clyde is a community of around 350 year-round residents at the end of the St. George Peninsula on the eastern tip of Penobscot Bay. Roughly two-thirds of the residents in Port Clyde are supported either directly or indirectly by fisheries that include groundfish, lobster, clams, shrimp, eels, alewives, and crabs. You find the Port Clyde Fishermen's Cooperative off the main road into town by following the gesture of a salty caricature of a fisherman, yellow rain slickers and all, down at the end of a gravel road.

The co-op began operation in the early 1940s as a credit union. It evolved to its present-day cooperative status in the 1970s as a way to provide bargaining

power for lobstermen with dealers. It operated from leased properties for the first 50 (or so) years of existence. After floating their fish house around the harbor from one leased property to another, some of the elders in the co-op began discussions in the early 1990s about purchasing land.

The co-op leaders settled on a wharf that had been in mixed working-waterfront uses since the mid-1800s. It had served both the lobstering and groundfishing communities in Port Clyde and had a marine “railway” where fishermen could haul their boats for repairs. The wharf had also served as a fish-buying station. Even a cooperatively owned property, however, is not necessarily secure as working waterfront. The value of the property could grow into the millions of dollars, and it would only take a vote of the co-op members to sell the property and divide up the spoils. The elders in the Port Clyde Fishermen’s Cooperative understood this. In fact, they had used a strategy of keeping the co-op in debt as a way to ensure that young members would not vote to sell the property for a windfall. By 2005, the value of the property had climbed so high that the coop members were not comfortable with using debt as a deterrent to selling, so they began to work with the Maine Working Waterfront Coalition on the solutions described earlier in this article. A cooperative that started as a credit union had now become a vehicle for working-waterfront preservation.



Maine’s working waterfronts evoke deep emotions about the past, present, and future of the state’s coastal character and economy.

In early 2007, the cooperative applied to the Working Waterfront Access Pilot Program and received \$250,000 for the purchase of development rights off their property. This funding was matched by an equal investment from the co-op, the Island Institute, and

other sources, so that the wharf could be expanded to accommodate the dozen groundfish boats based out of Port Clyde. In fact, these 12 boats make up the last of the groundfish fleet between Port Clyde and the Canadian boarder. The groundfishermen desperately needed a new home because the wharf they had been leasing had recently passed ownership from one generation to another and the fishermen were being priced off the property as their lease came up for renewal.

This investment from the Working Waterfront Access Pilot program sent a number of important messages to the fishermen in Port Clyde. The sentiment was quite simple: “The state of Maine values your contribution to our economy and heritage.”

Fishermen do not hear this often, and the idea began to fire their creativity. Furthermore, the fishermen were in the spotlight locally and in the press for doing something positive. The power of this experience should not be underestimated.

The lobstermen and groundfishermen began to see each other as partners in keeping alive Port Clyde’s fishing community. The groundfishermen organized themselves into a cooperative around this same time. Together, the lobstermen and groundfishermen, along with a bait dealer who rents space on the wharf, began talking about marketing and branding their catch, and about how they might fish differently, using more sustainable practices, as a way to tell the story of their community of fishermen. After all, a lot of people began asking questions about who the fishermen were once it became clear that they had received an investment in their wharf based on contributing a public benefit.

The public benefit turned out to be dramatic. At around this same time Port Clyde fishermen launched a simple idea—they would sell shares in their catch ahead of their fishing season, similar to buying a share of a farmer’s harvest through the community-supported agriculture (CSA) model. The idea would be termed a community-supported fishery or CSF. That winter they sold 50 shares of shrimp in five-pound bags to members of Rockland’s Unitarian Church. Over the course of the winter of 2006/2007, the nation’s first CSF was born.

The momentum of the CSF and the wharf project built off each other, culminating in national attention

to Port Clyde fishermen as all the major media outlets from around the U.S. came to hear their story. Each of the countless interviews started with a tour of the dock. Fishermen would show people the investment made by themselves, the state, and their partners, talk about the confidence created by having a permanent home and not having to worry about being priced out of their lease next year. They would talk about how this investment made it possible to think big and change the discussion about fishermen, fish, and the ocean.

The transformation was tangible. Through the CSF model, the public regained access to locally caught seafood for the first time in decades. People began to ask questions about the fish, about how they are caught, about who manages how they are caught, and about the role of fresh fish in their diets. In other words, an incredible public-education campaign was launched by fishermen as they told their story at farmers' markets and other locations where CSF customers would pick up their weekly orders. A member of the groundfish community soon applied for a leadership position on the New England Regional Fisheries Management council and was successfully appointed. A small processing facility was started by the fishermen to fill the demand for locally caught fish fillets. Soon restaurants joined the more than 500 CSF customers in enjoying what became branded as "Port Clyde Fresh Catch."

A wharf, a permanent home on protected property, allowed fishermen to look to the horizon and ask what they wanted their future to look like. They thought up an incredibly creative approach to combining stewardship and economic development through CSFs. The state's investment in Port Clyde's working waterfront became a central part of recreating the story of our food system, a stepping-off point between land and sea, an industrialized property organized to enable people to go out and harvest our food, and a place that fires the imagination, where creativity can lead to sustainability. All this work ended up contributing far more to a working-waterfront ethic than could possibly have been imagined when thinking of the value of preserving what, at first glance, appears only as an industrial piece of property.

CONCLUSION

Maine's working waterfronts evoke deep emotions about the past, present, and future of the state's coastal character and economy. Multigenerational Maine families, new Maine residents, and visitors alike all attach some aspect of their identity to these places. For some, working waterfronts are places where we remember our grandparents and great grandparents going down to the sea to harvest for community meals and to make a living. For others, they represent the embodied knowledge of lugging and hauling supplies to and from the mainland on ferries. And for many more, they represent an aesthetic and a sensibility of a simpler time, where the comings and goings of workboats are the background for summers of personal re-constitution. The underlying reasons for these emotive responses vary greatly and illuminate a cultural divide that is poised to alter Maine's coast.

The solutions developed to preserving working waterfronts represent a strong statement by Maine residents and the state government that Maine values working waterfronts, that we don't want to lose our access to the sea, and that these pieces of property deserve attention and investment because they contribute a significant public benefit. As a working-waterfront ethic begins to take hold around the nation, more people will begin to see commercial-fishing properties at the center of the foodshed rather than on the edge, for they will understand that without these properties, we will lose access to the ocean and to the livelihoods, heritage, and seafood that sustains us. 🐟

ENDNOTES

1. The needs of many water-dependent businesses mirror those of commercial fishermen. Boat builders, research platforms, energy companies, and many other uses of commercial waterfront require access to the waterfront. For the purposes of this article, I focus on access for commercial fishing and its role in contributing to the state's economy, heritage, and availability of local seafood.

2. Information on current-use taxation in the state of Maine was provided by Jeff Kendall, Chief of Training and Certification, Maine Revenue Services-Property Tax Division
3. Maine's Working Waterfront Tax Law Title 36 § 1141-1152
4. Jen Litteral, policy director at the Island Institute, and Hugh Cowperthwaite, marine policy director at Coastal Enterprises, Inc., provided the data on how current-use taxation and the Working Waterfront Access Pilot Program have performed since their creation.

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He also works with the institute's energy, fisheries, education, community service, publications, and economic development staff to structure responses to emerging challenges faced by communities along Maine's coast.