



# Submerged Lands Newsletter

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

January 2023

## Upland Uses and

### the Submerged Lands Program

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

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

### Submerged Lands Program (SLP)

#### Funding Activities 2022

**Municipal Grants:** The sixth round of Harbor Management and Access (HMA) grants have been selected, funded and, in some cases, completed. The SLP, after evaluating all eligible applications, selected three projects for funding through the HMA. This year's grant awards are all located in coastal waters and include float replacements at Belfast Harbor, preconstruction site-work for a dedicated commercial fishing pier in Jonesport and replacement of a commercial deck crane at Saco's public pier facility. Please see the table on the reverse side for a summary of the 2022 HMA grant awards.

**Other Funding Activities:** SLP provided funding to our partner agencies for improvements to projects located in both coastal waters and Great Ponds. Examples of projects and funding support provided by the SLP include public boat ramp reconstruction in Meddybemps, Orland and Winthrop and a new hand-carry boat launch in Thomaston.

**Updating Our Communications:** The SLP is in the process of adding phone numbers and email addresses to its database to make communications with conveyance holders and applicants perhaps more convenient and efficient. We ask that you please provide this information with any correspondence that you have in the upcoming year so that we can continue to update our records accordingly.

**Harbor Management and Access Grant  
2022**

Town	County	Project	Project Type	HMA Funds Requested	Waterbody	Waterbody Type	Type of Use
Belfast	Waldo	Float Replacement	Construction	\$12,600	Penobscot Bay	Coastal	Recreational/ Commercial
Jonesport	Washington	New Commercial Fishing Facility	Construction	\$15,000	Sawyer Cove	Coastal	Commercial
Saco	York	Replace Commercial Dock Crane	Construction	\$15,000	Saco River	Coastal	Commercial/ Recreational

**Annual Reminders**

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

If you hold an easement, please provide the name and mailing address of the new owner. They will need to provide us with a copy of their deed to the property so that the easement can be assigned to them.

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

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

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**2022 SUBMERGED LANDS PROGRAM ACTIVITY SUMMARY**

The Bureau of Parks and Lands processed 234 applications in 2022. One hundred and fifty-nine (159) new leases and easements were granted, including 24 amendments to existing conveyances and 23 renewals of expiring conveyances. The Bureau also reviewed 75 applications and determined that no conveyance was required. The following list indicates the types of leases and easements approved or amended in 2022 and the total number of leases and easements in the Submerged Lands Program.

	Leases	Easements
Private residential piers/floats	51	29
Private recreational facilities	6	4
Utility cables and pipeline	15	3
Commercial marine facilities	29	7
Non water-dependent facilities	0	1
Public service or public facilities	11	0
Dredging (including one log salvage lease)	<u>3</u>	<u>NA</u>
<b>TOTALS</b>	<b>115</b>	<b>44</b>

**PROGRAM TOTALS: LEASES - 1,545 EASEMENTS - 832 DREDGING LEASES - 9**