



TOWN OF KITTERY

Office of the Town Manager

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RE: LD 1625 An Act Regarding the Preservation of Working Waterfront

Chairperson Tepler, Chairperson Hepler and Members of the Marine Resources Committee,

I am writing to ask for your support for **LD1625 An Act Regarding the Preservation of Working Waterfronts**. This bill was borne out of a shared experience of risk and loss and a collaborative commitment to ensure commercial fishing and aquaculture survive and thrive in Maine for generations to come. The bill's language was developed in collaboration with various members of the Working Waterfront Coalition for the express purpose of addressing a gap in the safety net that exists for preservation of working waterfront properties and access in Maine. The gap became painfully obvious to the Town of Kittery, as it does for other communities, when support was needed most.

Like so many other communities, the Town of Kittery has been losing its working waterfront access for years. Properties, that have historically supported commercial fishing and aquaculture operations and serve as either the home base or the primary access point for boats, landing catch, support services, bait, and brokers, are being sold to the highest bidder and converted to other uses such as high-end residential developments that are incompatible with commercial fishing. These properties sell quickly and the sellers expect deposits and commitments or they move onto the next bidder. With each transaction, working waterfront is being squeezed out along our coast.

Once a working waterfront access point or property is transitioned to another use, it is highly unlikely to ever convert back. Working waterfront is becoming an endangered use along Maine's coast.

Kittery became intimately aware of this challenge when a property in town that contained a popular restaurant and lobster broker went on the market. The owners were seeking the highest price for the property; which was coming in the form of a residential developer. The owners were not uncaring or uninterested in Kittery's commercial fishing traditions; they simply had to make decisions that met their family's needs. That meant getting the highest price possible for the land.

The Town looked at multiple avenues to acquire the property. We embarked on a multi-year pinball game of being directed to a different entity, foundation, or

resource. Every agency and person I spoke with, from DMR, GOPIF, Land for Maine's Future, Island Institute, and more, were supportive of our objective and truly sympathetic to the challenges involved. Unfortunately and erroneously they generally thought there was some other entity that would be able to help in this type of situation. The reality was the opposite. The existing programs are designed to support willing owners, take years to receive funding, focus on protecting large scale high yield commercial operations, or focus study not action. We fell into a large gap in the safety net.

In the course of our efforts we found Kittery was not unique or alone. Communities throughout Maine have been struggling with this same challenge. There are stories in just the last five years of residents putting their own financial stability on the line to try and acquire properties for the purpose of preserving the working waterfront in their home towns. The properties are all unique, but the stories are similar: owner needs to cash out of the property now and the highest value use is not working waterfront anymore.

The legislation before you seeks to address that gap and create a more flexible and rapid response tool to help communities prevent the loss of working waterfront access. It was developed using the Farmland Trust and Working Waterfront Access Program as models, with adjustments to allow for the program to be accessed by the potential buyer rather than the existing owner, allows for more flexibility in the covenants, easements and protections, and allows for the evaluation of applications based on local and regional needs.

The hope is this fund, or something like it, will help fill the gap too many communities are discovering as they watch their working waterfront disappear. I recognize we also need to use the levers available through zoning regulation to provide guardrails and protections. Kittery strengthened our working waterfront overlay zoning regulations last year. We also need to amplify the stories of local working waterfront operations in our communities now, building community support and awareness before another property becomes endangered.

In the four years that I have been engaged in this space I have learned that access to the water is just one of multiple challenges the commercial fishing and aquaculture community faces. These small local businesses, often multi-generational family businesses, struggle with the cost of operations, access to physical and mental health services, damage to infrastructure from coastal storms, and the costs of managing through changing regulations. Despite these challenges, commercial fishing and aquaculture have the opportunity to thrive well into the future, if we are willing to be creative, flexible, and respond to the needs in real time and with real solutions. Preservation of working waterfront is rightfully part of our climate action plans, because the ocean remains a highly viable and renewable source of food and other resources we will need into the future.

I wish to thank those who offered input and feedback on the draft of the bill, especially Representative Kristi Mathieson who worked directly on the draft. I am

also grateful to Senator Mark Lawrence, Senator Grohoski, and Representative Meyer for co-sponsoring this bill. As with any piece of drafted legislation, it is not perfect, but it is a step in the right direction.

Sincerely,

A handwritten signature in black ink, appearing to read "Kendra Amaral".

Kendra Amaral
Town Manager