

“National Perspective on Working Waterfront Issues – State Approaches to Jobs, Access and Public Trust Waters”

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“Working Waterfronts in Michigan”

Lansing, Michigan



Welcome to



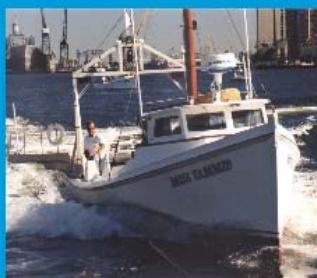
Water Access **2007**

**A National Symposium on
Working Waterways & Waterfronts**

**May 9 - 11, 2007
Norfolk, Virginia**


Sea Grant
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Share Local, State, and National-level Initiatives That Are Addressing Water Access



Questions?

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www.wateraccess2007.com

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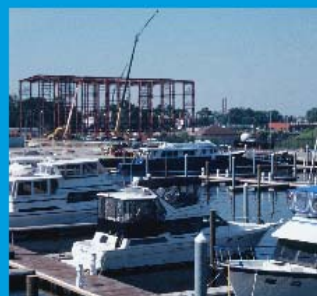
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Working Waterways and Waterfronts 2007

A National Symposium
on Water Access

May 9-11, 2007

Sheraton Norfolk Waterside
Norfolk, VA



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About the Symposium

- This symposium educated attendees about local, state, and national-level initiatives that address water access and develop management approaches to the access dilemma.



Working Waterways & Waterfronts 2007 Symposium May 9-11, 2007

Audience **Norfolk, Virginia**

180 Coastal managers and planners, public officials, resource agency staff, water-dependent industries (fishing, marinas, boat yards, etc.), non-government organizations, the legal profession, and national, state, and local government legislative staff.



Coalition Solutions to Address Problem

- A nationwide commitment has been struck to act together and to make public access a high priority;
- A national agenda for action, including legislative initiatives, as well as ideas for state policy is being finalized;



A Coalition That Will Shepherd the Strategic Goals and Actions Was Created at Summit on Water Access Held in Norfolk

- Tools, or a set of approaches to specific situations are being shared and built upon;
- Structure for communicating among diverse constituencies about issues continues to develop.



Learn More

- Stay tuned as the program continues.
- Sign up on listserv and broadcast inquiries
- <http://www.wateraccessus.com>



“Working Waterfront Preservation Act of 2005.” Senate Bill 1723

- Federal Legislation
- Senator Susan Collins (ME) introduced 1st such bill was referred to the Senate Committee on Finance.



Bill T0 Amend the Magnuson-Stevens Fishery Conservation and Management Act

- Establish a fund for the acquisition of waterfront property by state and local governments, nonprofit organizations, and fishing cooperatives to provide access for commercial fishing and aquaculture industries. It would have appropriated \$50 million.



Jo Ann Davis (Va.) Companion House Bill H. R. 2565 in 2007

.....
(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R. _____

To amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. JO ANN DAVIS of Virginia introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Working Waterfront
5 Preservation Act of 2007”.



More Recently Broadened HR 3223-Allen & Capps

Keep Our Waterfronts Working!

Cosponsor H.R. 3223, the Keep Our Waterfronts Working Act of 2007



Broader and Different Procedure

“SEC. 320. WORKING WATERFRONT GRANT PROGRAM.

“(a) FINDINGS AND PURPOSE.—

“(1) The Congress finds the following:

“(A) Water-dependent commercial activities are the economic and cultural heart of many coastal communities. These activities include commercial fishing, recreational fishing, tourism, aquaculture, boat-building, transportation, and many other water-dependent businesses.

“(B) Water-dependent commercial activities depend on coastal access in the form of docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling, repair, and construction facilities, commercial fishing facilities, and other support structures on, over, or adjacent to navigable bodies of water.

Eligibility

- To be eligible a coastal state would develop a comprehensive Working Waterfront Plan.



Different Approach in CZMA

- Would likely be implemented in a way modeled after the “Coastal and Estuarine Land Conservation Program” (“CELCP”)

Federal CZM Act Reauthorization

- Authorization expired in 1999
- Has been operating on original authorization from 1972
- Water Access now a national priority
- Reauthorization is being pushed now by NMMA, BOAT US and other stakeholder orgs.



The Act Would Amend the Coastal Zone Management Act of 1972

- Establish competitive matching grant program administered through the Department of Commerce. Coastal states would apply for matching grants to purchase title or development rights to working waterfront...



Other Local Tools Being Used

- Working waterfront retention measures many and varied

But can be summarized as:

1. Legislative
2. Regulatory
3. Comprehensive measures



Legislative Measures

- *Tax Deferrals* -agree if certain conditions met; i.e. use and ownership don't change.
- Survey in Florida suggest not popular with contingent tax liability accruing on property

Legislative Measures

- ***Exactions***-conditions on developers that must be met to receive local approvals. Complicated, in general.
- Ex. New development hinders waterfront access condition may require public access to water.



Legislative Measures

- *No Net Loss*
- As it relates to marinas and waterfront access, for each public access site removed from use another comparable must be built.
- Limited success in Florida.



Legislative Measures

- ***Liability Waivers***- Designed to give incentive to property owners by mitigating liability exposure for accidents on property.
- Doesn't really create new access but rather encourages owners to keep access open.



Legislative Measures

- *Concurrency* – adequate public access facilities must be in place before development can occur.
- Basis is level of standard for services, for example could be number of boat slips open to public or number of slips for commercial vessels, etc.



Regulatory Measures

- *Development Moratoria* -allows local gov't time to formulate and implement retention measures by effectively freezing permitting for specific type of development for specific time period.
- Most downside on developers and stakeholders in proposed property.



Regulatory Measures

- *Land Use and Zoning Restrictions*
- Zoning divides into “use districts” for limitations on possible use of given property.
- Many areas have such marine industrial zoning.
- Probably need discretionary review process for conditional uses, etc.



Regulatory Measures

- *Transferable Slip Rights*
- Allow developers/owners to transfer slip rights to another waterfront property.
- Preserves slip numbers and encourages density in certain areas.



Regulatory Measures

- *Rights of Way*
- ROW are public property usually walkways to waterfronts.

Comprehensive Measures

- ***Incentive Strategies*** (such as density bonuses, fee waivers, expedited approvals) encourage developers to provide public benefit and build in preferred areas.
- ***Land Acquisition***
counties, land trusts, etc.



Comprehensive Measures

- *Design Standards*

usually architectural, but in terms of marinas and the like, standards can include rights-of-way to water and other requirements for public access.

Enough Planning 101

- Here are some highlights from selected states active in preserving working waterways and waterfronts.

Maine Working Waterfronts

- Permanent fishing access is secured by the creation of a working waterfront covenant (WWC), basically limits the property to fishing use. The WWC is held by the State (Department of Marine Resources) and the price paid is based on appraised values.
- This was a pilot program and they have learned many lessons along the way



Maine Working Waterfronts Coalition

- Continue to implement the Working Waterfront Access Protection Program.
- projects include with private fishing business, fishing co-ops, a new community foundation, a town, and a land trust.
- Legislature will look to recapitalize this year. Governor proposed another \$3 mil in bond proposal to Legislature last week.



Current Use Taxation

- Maine is in its third year of implementing its voter-approved "Current Use Taxation for Working Waterfronts."

<http://maine.gov/revenue/forms/property/pubs/workingwaterq&a.htm>



Maine Sea Grant Web Site

- <http://www.seagrants.umaine.edu/accesslaw/index.shtml>.
- Provides tools to local landowners and communities.
- With National Sea Grant Law Center have opened the web template for local adaptation.



N.C. Response

HR1473, the 2007 NC State Budget Bill, established \$20M Waterfront Access & Marine Industry (WAMI) Fund

- Underwritten by COPs; managed by DMF
- Charged to invest state monies in facilities that expand/retain public access and working waterfronts
- 159 investment proposals received; distilled to 40 "long-listed" projects; 23 full proposals invited.
- 13 final projects approved, costing \$20M and leveraging \$71M in other state and local³⁶ dollars.

State Response – August 2007 to present

Senate Bill 646 passes; signed as Session Law 2007-485

- Extends PUV eligibility to fisheries-related properties, to take effect 7/1/09
- Creates Waterfront Access Coordination Committee staffed by DENR (will advise on expenditures from the \$20M WAMI Fund). Must submit state access plan and recommendations to enhance access

State Response – August 2007 to present

Senate Bill 646 (continued)

- Directs DOT to coordinate with other agencies to enhance access development
- Streamlines permit process for rebuilding waterfront facilities
- Increases boat fees, thus infusing WRC Boating Infrastructure Program Funding (doubles funding over the next 3-4 years)



NC State Response – August 2007 to present

Other Agency Action

- DCM/CRC to examine changes in planning requirements for CZM plans in coastal counties
- Dockominium legality: NCCRLPPC analysis
- NC Aquariums announces plans to build 3 fishing piers by 2014. Will include Jeanette's Pier, near Nags Head (north coast), a pier at Emerald Isle (central coast), and another at Carolina Beach in the south coast region. Estimated costs per pier: \$16 million

General Assembly Of North Carolina

SENATE BILL 2043

"Waterfront Access and Marine Industry Fund"

Introduced: May 28, 2008

SECTION 1. "...there is appropriated from the General Fund to the Department of Environment and Natural Resources, Division of Marine Fisheries, the sum of twenty million dollars (\$20,000,000), for fiscal year 2008-2009, to be credited to the Waterfront Access and the Marine Industry Fund."

Keep From Being “Taxed Out of Business”

- In short, such properties, like actively farmed and forested lands in the state, can be assessed at their current use value, and not at their potential value as residential or other property.



Directs the NCDOT

- To work with agencies and other entities “to ensure that public access to coastal waters is expanded along the roadways (and) bridges ... owned or maintained by the department.”



Creates New and Expanded Funding

- Increases boat registration fees so as to generate, by formula, millions of dollars more in additional funding for the state's boating facilities infrastructure program.



Waterfronts Florida Program

- The Waterfronts Florida Program was launched by the Florida Coastal Management Program in 1997. The program is now an interagency initiative with the Department of Community Affairs acting as lead agency.



Waterfronts Florida Program

- The Waterfronts Florida Program was created to assist local communities experiencing economic and social changes at their traditional working waterfronts.



Waterfronts Florida

- The program designates three communities every two years. To date 13 communities have benefited from the program. During the last application cycle of 2005-2007 five communities were selected.



Major Study

- Outlined the various state agencies and grant programs available to local governments for the provision of public access facilities.
- Strategies described to increase access include tax relief for uses providing public access conditional permitting or rezoning for Redevelopment that preserves or increases public access.
- The report also suggests expanding existing grant programs and funding state programs that increase public



Working Waterfront Legislation

- House Bill 955 of the 2005 legislative session was passed in large part as a response to the interim summary report outlined above. The bill as adopted into law provided a number of incentives and directives aimed at increasing public access to the state's waterways.



Florida Working Waterfronts Legislation

Section 6. Section 342.07, Florida Statutes, is amended to read:

342.07 Recreational and commercial working waterfronts; legislative findings; definitions.—

(1) The Legislature recognizes that there is an important state interest in facilitating boating and other recreational access to the state's navigable waters. This access is vital to tourists and recreational users and the marine industry in the state, to maintaining or enhancing the \$57 billion economic impact of tourism and the \$14 billion economic impact of boating in the state annually, and to ensuring continued access to all residents and visitors to the navigable waters of the state. The Legislature recognizes that there is an important state interest in maintaining viable water-dependent support facilities, such as public lodging establishments and boat hauling and repairing and commercial fishing facilities, and in maintaining the availability of public access to the navigable waters of the state. The Legislature further recognizes that the waterways of the state are important for engaging in commerce and the transportation of goods and people upon such waterways and that such commerce and transportation is not feasible unless there is access to and from the navigable waters of the state through recreational and commercial working waterfronts.

(2) As used in this section, the term "recreational and commercial working waterfront" means a parcel or parcels of real property that provide

Virginia!

- Middle Peninsula Chesapeake Bay Public Access Authority
- Public Access Land Acquisitions
 - § Continue to work with the Virginia Department of Transportation (VDOT) to transfer VDOT interest in road ending right of ways to the waters of the Commonwealth to the PAA for active and passive public access management.



Public Access Authority

- Continue to develop a Regional Waterfront Public Access Master Plan, including sections on sustainability of working waterfront infrastructure and dredging.



Public Access Authority

- Dredging
 - Exploring alternative financing approaches for financing local dredging projects
 - § Researching the establishment of dredging district using an ad-valorem taxing structure



Keep Our Waterfronts Working! Questions?



www.wateraccessus.com



New environmental educator administrator ?



- Or this?

