

**Conference Proceedings**



# **Water Access** **2007**

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

**[www.wateraccess2007.com](http://www.wateraccess2007.com)**

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

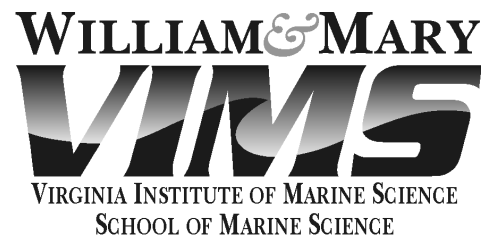
**VSG -07-03  
VIMS Marine Resource Report 2007-4**

VSG-07-03  
VIMS Marine Resource Report No. 2007-4

This work is a result of research sponsored in part by NOAA Office of Sea Grant,  
U.S. Department of Commerce, under Grant No. NA96RG0025 to the  
Virginia Sea Grant Program.

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## **Conference Steering Committee**

Tom Murray, Virginia Sea Grant

Ryck Lydecker, BoatU.S.

Jim Connors, Coastal States Organization (CSO) & Maine Coastal Program

Monita Fontaine, National Marine Manufacturers Association (NMMA)

Bob Goodwin, Washington State Sea Grant Program, Retired

Leigh Johnson, California Sea Grant Program

Julie McQuade, States Organization for Boating Access (SOBA)

John Sprague, Marine Industries Association of Florida (MIAF)

Natalie Springuel, Maine Sea Grant Program

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Jack Thigpen, North Carolina Sea Grant Program

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**Virginia Sea Grant would like to thank the following sponsors for helping make this conference possible.**



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WILLIAM & MARY  
**VIMS**  
VIRGINIA INSTITUTE OF MARINE SCIENCE  
SCHOOL OF MARINE SCIENCE

On behalf of Virginia Sea Grant and the Virginia Institute of Marine Science, we welcome you to *Working Waterways and Waterfronts 2007*. We are honored to host such a distinguished and diverse assembly of stakeholders committed to preserving and protecting waterfront access. In the coming days, we look forward to hearing your perspective of the problem, and more importantly, your ideas for solutions.

Norfolk, Virginia seemed an appropriate place to host a conference on water access, as maritime industries have tied southeastern Virginia to the coast for centuries. Captain John Smith credited native fisheries with saving the starving colonists at Jamestown 400 years ago. From those early beginnings, fishing became an important industry in this area, both for sustenance and commercial trade. NOAA Fisheries Service consistently ranks Hampton Roads among the top-grossing commercial fishing areas in the nation. International commerce thrives here, supported by expanding shipbuilding and cargo facilities. Norfolk is also proud to be home port for the U.S. Navy's Atlantic Fleet. Such industries have forged strong ties that bind our citizens to the water, both culturally and economically.

Since its inception in 1968, Virginia Sea Grant has worked closely with local fishermen and maritime communities to ensure that marine and coastal resources continue to generate economic benefit for maritime industries, enjoyment for the boating public and recreational opportunities for residents and visitors. Virginia Sea Grant staff are dedicated to working side-by-side with fishermen, securing grants and funding for research and infrastructure projects and educating local constituents about the abundant natural resources of Chesapeake Bay.

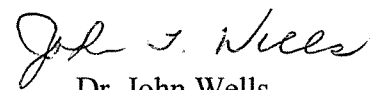
The Virginia Institute of Marine Science shares Sea Grant's goal of ensuring a sustainable future for the commercial and sport fishing industries and other sectors of the maritime economy, and is thus an enthusiastic partner in *Working Waterways and Waterfronts 2007*. Founded in 1940, VIMS has a three-part mission to provide research, education, and advisory service to the Commonwealth of Virginia, the nation, and the world.

This is the background we bring to the table as this noteworthy meeting commences. We welcome the opportunity to learn from each of you — during this conference, and beyond. It is by learning from one another that we will gain the skills we each need to be leaders in our home communities.

Best wishes for a successful conference,



Dr. William DuPaul  
Interim Director,  
Virginia Sea Grant



Dr. John Wells  
Dean & Director,  
Virginia Institute of Marine Science



Welcome to Working Waterways and Waterfronts — A National Symposium on Water Access. I am delighted that you chose to participate in this first-ever conference designed to explore solutions to the water access challenges that face recreational boaters and commercial maritime interests today.

And if you are from out-of-state, an especially warm welcome to Virginia, the home state of BoatU.S. This is a very significant time to visit as we celebrate Virginia's 400<sup>th</sup> anniversary and I do hope you have an opportunity to see more of the Old Dominion while you are here.

As the nation's largest organization of recreational boaters, with 670,000 members, we are continually kept apprised of what's happening on the water. In recent years, we've heard loud and clear that boaters face many access challenges. Skyrocketing land costs and taxes, marina conversions to residential use and onerous regulations constricting new facilities have reduced public access to the water.

But we increasingly heard about answers as well, creative solutions that are possible when government bodies, civic and business organizations, the marine industry and boating groups work toward common goals. In fact, it became evident to us that solutions that worked in one waterfront community could be adapted to problems elsewhere if we could publicize these success stories.

That's when we approached our friends at the Virginia Sea Grant Program about organizing a forum to share such information, experience and successes from across the country. We knew from experience that Virginia Sea Grant does this sort of thing exceptionally well and they quickly assembled a planning committee and attracted 18 cosponsors to develop the conference in which you are about to participate.

I use the word "participate" because your degree of involvement in the formal sessions and informal gatherings we have planned for you will determine whether this becomes a real and lasting success. Thus, we are depending on every attendee to become engaged in the issues throughout the two days and then to bring their experiences, ideas and talents to the strategic planning session on the final day. Our goal is to leave here Friday with a plan that will keep our waterfronts "working" for all who benefit from our waterways, whether for their recreation or for their livelihood.

On behalf of the sponsors, thank you for helping achieve that goal.

Sincerely,



Richard Schwartz, Founder and  
Chairman

Welcome conference attendees,

America's coasts are essential to our prosperity and well-being. Our seaports and harbors serve as gateways to regional and international commerce, and our beaches and waterways are popular vacation destinations. Indeed, the nation's economic well-being is directly linked to our coastal and marine resources. However, the impact of increasing population growth and development on the coast has been rapid and profound.

Safeguarding our coasts while supporting human activity in these areas, is a central part of NOAA's mission: "...to understand and predict changes in Earth's environment and conserve and manage coastal and marine resources to meet our Nation's economic, social, and environmental needs."

As our nation is confronted with skyrocketing demand for finite resources and increased development along our shorelines, NOAA's National Sea Grant College Program is on the ground, working with communities in every coastal and Great Lake state to promote environmental stewardship, long-term sustainable economic development, and responsible use of America's coastal, ocean, and Great Lakes resources. Many Sea Grant programs have taken a leading role in helping communities to plan for a diversity of waterfront-dependent uses, and retaining public access to the waters and coastlines entrusted to our nation.

We would like to thank Virginia Sea Grant and the many other partner organizations and sponsors for convening this symposium to examine the complex array of issues associated with water access and water-dependent industries. This symposium marks an important step in exploring these pressing issues not just on a state-by-state basis, but as regional and national priorities. To that end, I am pleased that the National Sea Grant College Program is well-represented, with speakers from each of our five regions. We are proud of Sea Grant's leadership role in this area, and pleased that each and every one of you could join us for this important symposium.

Sincerely,

James D. Murray  
Deputy Director,  
National Oceanic and Atmospheric Administration (NOAA) National Sea Grant College Program







## CITY of NORFOLK

Office of the Mayor

Paul D. Fraim  
Mayor

**To all Attending the  
Working Waterways & Waterfronts  
A National Symposium on Water Access  
May 9-11, 2007**

Greetings!

As Mayor of the City of Norfolk, it gives me great pleasure to extend to you cordial greetings and a warm welcome to our City. We are indeed honored to serve as host city for the Working Waterways and Waterfronts – A National Symposium on Water Access. We look forward to sharing our hospitality with each of you and sincerely hope you enjoy your stay in Norfolk.

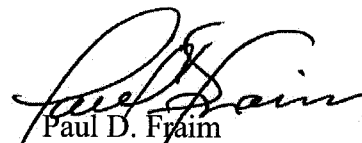
During your visit I encourage you to spend some time exploring our city. Norfolk is the business, financial, cultural and educational hub of Southeastern Virginia, and an international city in every respect. We boast one of the Country's largest and busiest ports, we are home to the world's largest naval base, and we are the North American headquarters for NATO.

I invite you to take advantage of the many opportunities our downtown offers for relaxation, dining and entertainment. We hope you will have time to visit MacArthur Center Mall, The Waterside Festival Marketplace, Nauticus (The National Maritime Center), the battleship USS Wisconsin, the MacArthur Memorial, the many restaurants located along Granby Street, the Chrysler Museum (one of the top twenty art museums in the country), and the Armed Forces Memorial. All of these attractions are conveniently located in our downtown area where many of you are staying.

While Norfolk embodies the cultural and commercial advantages of a big city, visitors still become wrapped up in our town's intimate charm, historic past and friendly atmosphere. We are glad you are here, so please enjoy yourself and enjoy Norfolk.

With best wishes for a successful symposium, I am

Sincerely,

  
Paul D. Fraim  
Mayor

**Meeting Agenda**  
**Wednesday, May 9, 2007**

**7:00 – 9:00 a.m. Registration Open**

**7:30 - 8:30 a.m. Breakfast, Foyer Poplar/Providence Room**

**8:30 – 8:45 a.m. Welcome and Introductions**

**8:45 – 10:15 a.m. Conference Plenary Panel**

Ryck Lydecker, BoatU.S., *Moderator*

Thom Dammrich, President, National Marine Manufacturers Association

Rod Moore, Exec. Director, West Coast Seafood Processors Association

Katherine Andrews, Exec. Director, Coastal States Organization

David Kennedy, Director, NOAA Office of Coastal Resource Mgmt.

**10:15 – 11:15 a.m. National and Regional Panel Presentations**

Paul Anderson, Director, Maine Sea Grant

*“2006 National Sea Grant Access Survey Results”*

Jen Litteral, Director of Policy Development, The Island Institute

*“Maine’s Working Waterfront Coalition”*

Mike Voiland, Director, North Carolina Sea Grant

*“Guiding State Waterfront Access Policy and Programs in North Carolina”*

**11:15 – 11:30 a.m. BREAK**

**11:30 a.m. –** **Successful Local Initiatives**

**12:30 p.m.** Jim Connors, Maine Coastal Program, *Moderator*

Joseph Donnelly, York Harbor Maine

*“A Conservation Easement Saves a Working Waterfront”*

Mary Bohling, Michigan Sea Grant

*“Black Lagoon Sediment Remediation in Trenton, MI-The First Project Completed with Funding from the Great Lakes Legacy Act”*

Jennifer Carver, Florida Department of Community Affairs

*“Waterfronts Florida: Helping Communities Preserve Recreational and Commercial Working Waterfronts”*

**12:30 – 1:30 pm Lunch with speaker, York/Stratford Room**

Warren Newell, Commissioner, Palm Beach County, Florida

**1:30 – 3:30 p.m. Legislative/Legal Panel**  
Stephanie Showalter, National Sea Grant Law Center, *Moderator*  
Tom Ankerson, University of Florida School of Law  
*“Florida’s Preservation of Working Waterfronts Legislation: Too Little, Too Late?”*  
Tim Mulvaney, Deputy Attorney General, State of New Jersey  
*“New Jersey’s Proposed Public Access Regulations and the Public Trust Doctrine:  
Balancing Public Rights of Access & Use with Private Waterfront Development”*  
Lisa C. Schiavinato, Louisiana Sea Grant Legal Program  
*“Preserving Working Waterfronts In The Wake Of A Natural Disaster”*  
Honorable Dennis Damon, Maine Senate  
*“A State Response on a Working Coast”*

**3:30 – 3:45 p.m. BREAK**

**3:45 – 5:30 p.m. Technical Studies and Tools to Address Access**  
Bob Swett, Florida Sea Grant, *Moderator*  
Bob Swett, Florida Sea Grant  
*“Florida Sea Grant Waterways Information: Planning for Recreational Access”*  
Ed Mahoney, Michigan State University  
*“A Proposed Boating Access Surveillance and Indexing System”*  
David Roach, Florida Inland Navigation District  
*“The Economics of Waterway Access and the Florida Inland Navigation District”*  
Shey Conover, Island Institute  
*“Mapping Maine’s Working Waterfront: For Our Heritage and Economy”*

**6:30 – 8:00 p.m. Conference Reception, River Walk**  
Bill Taylor, Chair, Sportfishing and Boating Partnership Council  
*“Can We Get There From Here?”*

**Meeting Agenda  
Thursday, May 10, 2007**

**7:00 – 9:00 a.m. Registration Open**

**7:30 - 8:30 a.m. Breakfast, Foyer Poplar/Providence Room**

**8:30 – 10:00 a.m. State Initiatives**

Julie McQuade, States Organization for Boating Access Administrators, *Moderator*

Mark Breederland, Michigan Sea Grant

*“Working Waterfront Challenges in the Great Lakes: Some Examples from Diverse Communities in the State of Michigan”*

Carolynn Culver, California Sea Grant

*“Sustaining Working Waterfronts: A Model for Adapting Harbor Infrastructure to Current and Future Needs of Commercial Fishing Communities”*

Phil Miller, Ohio Department of Natural Resources

*“A Case Study on Marine Development Ohio: Middle Bass Island Marina”*

Hugh Cowperthwaite, Coastal Enterprises, Inc.

*“Maine Working Waterfront Access Pilot Program”*

**10:00 – 10:15 a.m. BREAK**

**10:15 a.m. – 12:00 p.m. Local Case Studies**

Tom Murray, *Moderator*

Lenore Alpert, Florida Atlantic University

*“Dealing with the Loss of Waterfront Land in South Florida: The Monroe County Marine Management Strategic Plan”*

Jack Wiggin, Urban Harbors Institute

*“Preserving and Promoting a Viable Working Harbor: The Experience of Gloucester, MA”*

Lewie Lawrence, Va. Middle Peninsula Planning District Commission

*“Providing Local Politically Supported Water Access Opportunities to the Waterways of Virginia’s Middle Peninsula”*

**12:00 – 1:30 p.m. Lunch, York/Stratford Room**

Richard Schwartz, Chairman BoatU.S., Access Awards Presentation

**1:30 – 3:30 p.m. State Initiatives**

Dylan Jones, NMMA, *Moderator*

Dennis Ducsik, Massachusetts Office of Coastal Zone Management

*“Keeping Vessels at the Water’s Edge: Progressive Stewardship of Public Trustlands in Massachusetts”*

Kenneth Walker, NOAA Office of Ocean and Coastal Resource Mgmt.

*“The Portfields Initiative: Revitalizing Port and Harbor Communities”*

Tiffany Smythe, University of Rhode Island

*“Can State Coastal Management Programs Ensure Water Access? An Evaluation of Northeastern Coastal Program Policies for Mitigating the Conversion of Marinas and Boatyards to Residential Use”*

Austin Becker, Rhode Island Sea Grant

*“Applying Place-Based Coastal Management Tools in the Redevelopment of Rhode Island’s Urban \Metro Bay\ Shoreline”*

**3:30 – 3:45 p.m. Break**

**3:45 – 5:15 p.m. Sea Grant Activities in Coastal Rebuilding and Smart Growth**

Mike Liffman, Louisiana Sea Grant, *Moderator*

Jody Thompson, Alabama Sea Grant

*“The Fate of Working Waterfronts After Hurricane Katrina: the Mississippi and Alabama Experience”*

Rod Emmer, Louisiana Sea Grant

*“Louisiana Sea Grant Assists Delcambre, LA”*

Mike Klepinger, Michigan Sea Grant

*“Framing the Elements of Waterfront Smart Growth”*

**6:30 – 9:00 p.m. Conference Dinner Cruise**

*The Spirit of Norfolk begins boarding at 6:30 p.m. and departs at 7:00 p.m.*

*The dock is a short walk from the Sheraton along the scenic riverwalk.*

## **Meeting Agenda Friday, May 11, 2007**

**7:30 - 8:30 a.m. Breakfast, outside Poplar/Providence room**

**8:30 – 10:00 a.m. Facilitated Conference Strategic Planning Session\***

Dr. Frank Dukes, Director, Institute for Environmental Negotiation,  
University of Virginia

**10:00 – 10:15 a.m. BREAK**

**10:15 - 12:00 p.m. Complete Facilitated Planning Session**

Institute for Environmental Negotiation and Full Conference Attendees

**12:00 p.m. Conference Adjourns**

### *\*Symposium Goals:*

The conference conveners and steering committee have identified the need for a strategic planning session at the end of the conference to develop a national agenda of priorities and actions addressing waterfront access. In view of this, the conference program is structured to prepare participants for the final planning session. Following the agenda above, the participants will have knowledge and understanding of water access issues; an understanding and appreciation of different perspectives and needs for water access; information on various tools and programs that address the problem; and a sense of future information needs, research priorities, public policy actions, and investments that could be included in the action plan.

*Desired outcomes:*

- A commitment 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;
- Tools, or a set of approaches to specific situations;
- A structure for communicating among these diverse constituencies about these issues;
- A coalition (not a new organization) that would shepherd the strategic goals and actions developed at this summit;
- A vehicle for dealing with key issues, where people can bring their problems and have them addressed;
- Ideas and insights for the reauthorization of the Coastal Zone Management Act;
- A model for addressing inland water access as well.

We welcome and encourage all attendees to actively participate in developing the national action agenda.



# Speaker Biographies

**Alpert, Lenore****Assistant Research Director, Florida Atlantic University**

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Dr. Lenore Alpert is Assistant Director of Research at Florida Atlantic University, Center for Urban and Environmental Solutions (CUES), where she directs the Coastal and Ocean Institute and manages policy research. She has managed a variety of coastal projects for CUES, including port plans, marine strategic plans, manatee plans, and beach economics studies. Dr. Alpert has over twenty years of research experience and has also taught at Florida Atlantic University, Northwestern University, the University of Georgia, and the University of San Francisco. She holds her doctorate from Northwestern University, specializing in public policy, and has been at CUES since 2000.

**Anderson, Paul****Director/Marine Extension Program Leader, Maine Sea Grant**

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Paul Anderson is the Director and Extension Program Leader of the Maine Sea Grant College Program which is based at the University of Maine. Before Paul joined Sea Grant in 1999, he spent 10 years working for the Maine Department of Marine Resources as the director of the Public Health Division. He has been involved in all aspects of seafood safety and environmental monitoring. At Sea Grant, he is the director of the program and leader of the Marine Extension Team, a group of 10 Sea Grant and Cooperative Extension staff members who are based all along the Maine coast.

**Andrews, Katherine****Executive Director, Coastal States Organization**

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Katherine “Kacky” Andrews is the Executive Director of the Coastal States Organization (CSO), which represents the interests of the Governors of the nation’s thirty-five coastal states, commonwealths and territories for the sound management of coastal, Great Lakes and ocean resources. Ms. Andrews has a B.A. in Economics from Duke University, a J.D. from the University of Florida, and a LL.M. in Environmental and Natural Resources Law from the Northwestern School of Law at Lewis & Clark College in Portland, Oregon. Prior to joining CSO, Ms. Andrews was the Director of Coastal and Aquatic Managed Areas for the Florida Department of Environmental Protection.

**Ankersen, Thomas T.****Director, Conservation Clinic**

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Thomas T. Ankersen is a Legal Skills Professor at the University of Florida College of Law where he directs the law school's Conservation Clinic, housed in the Center for Governmental Responsibility. The Clinic represents clients in the governmental, non-governmental and private sectors in environmental and land use matters. Ankersen also serves as a statewide legal specialist for Florida Sea Grant, providing legal and policy support to the State's marine extension network and its constituents. Current work has focused on issues concerning public water access and the preservation of "working waterfronts." Ankersen holds a J.D. from the University of Florida where he was a member of the Law Review.

**Becker, Austin****Coastal Management Extension Specialist, Rhode Island Sea Grant**

Rhode Island Sea Grant Coastal Communities & Ecosystems Extension Program

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Austin Becker specializes in planning issues regarding urban and working waterfronts and ports, and marine-based recreation and tourism. He provides technical and planning assistance to the Metro Bay Special Area Management Plan (SAMP), a regulatory effort of the R.I. Coastal Resources Management Council to help provide the cities of Cranston, East Providence, Pawtucket, and Providence with new coastal management policies to guide development and redevelopment of the northern Narragansett Bay shoreline. In his role, Becker researches and analyzes data and information collected from maritime industry stakeholders and collaborates on creating policy solutions that address conflicting demands for limited waterfront space.

**Bohling, Mary****Extension Educator, Michigan Sea Grant**

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Mary Bohling joined Michigan Sea Grant as extension educator for urban southeastern Michigan in June 2006. She works with coastal communities and businesses in a 7-county district along Lake Huron, St. Clair River, Lake St. Clair, Detroit River and Lake Erie applying science-based knowledge to address Great Lakes issues. Before joining Michigan Sea Grant, she was an environmental planner for DTE Energy, coordinating voluntary environmental efforts, including habitat enhancements, invasive species management, and environmental education and outreach activities. She was a featured speaker at the 2005 White House Conference on Cooperative Conservation. She earned a master's degree in environmental science and bachelor's degree in environmental science, environmental studies and anthropology from University of Michigan-Dearborn.

**Breederland, Mark****Extension Specialist, Michigan Sea Grant**

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Mark Breederland, District Extension Educator, has served with the Michigan Sea Grant College Program since 1995. He has worked both in Southeast Michigan and Northwest Lower Michigan districts and has worked collaboratively with numerous federal, state, local agencies and communities on a variety of Great Lakes environmental conservation projects. He has been recognized for his work by the Great Lakes Sea Grant Network Program Leaders (Outstanding Program Award, April 2000) and Michigan State University Extension (The John Hannah Award, October 2004; Excellence in Individual Programming, December 1999). Mark's additional experience includes a detail to the International Joint Commission's Great Lakes office in Windsor, Ontario, from 1992-1995 where he worked on Great Lakes Areas of Concern and from 1986-1992 as Environmental Programs Director for the Northwest Michigan Council of Governments, a regional planning organization. A native of southeast Michigan, Mark obtained his B.S. (Biology/Env. Science-1984) from Taylor University, Upland, Indiana and his M.S. degree (Environmental Science-1987) from Miami University, Oxford, Ohio.

**Carver, Jennifer Z.****Partnership Coordinator, Waterfronts Florida**

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Jennifer Z. Carver is the Coordinator of the Waterfronts Florida Partnership Program. She holds a masters degree in Regional Planning with a focus on Land Use, Coastal Management, and GIS from the University of North Carolina at Chapel Hill. She has worked for the World Wildlife Fund in Washington, DC and the North Carolina Division of Coastal Management. From 1996-2001, Ms. Carver worked on comprehensive planning, hazard mitigation and energy efficiency programs for the Florida Department of Community Affairs. She left DCA in 2001 to serve as the bicycle & pedestrian coordinator for Tallahassee-Leon County and returned to DCA in February 2005 to coordinate Waterfronts Florida. Ms. Carver is a member of the American Institute of Certified Planners (AICP).

**Conover, Shey V.****GIS Specialist, Island Institute**

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As the Island Institute GIS Specialist Shey Conover supports Maine's island and working waterfront communities in local planning, education, and conservation efforts through the use of GIS. For the past 4 years Shey has worked directly with town officials, town committees, schools, community organizations, and statewide partners providing services for data creation, data management, and technology training. Her work also includes studying in under-served regions of Guatemala, working with local organizations on database management and web design skills.

**Cowperthwaite, Hugh**

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**Fisheries Project Coordinator, Coastal Enterprises, Inc.**

Hugh is a Maine native and received a B.A. in Environmental Science and Policy from the University of Southern Maine. Hugh has worked on various commercial fisheries, aquaculture and water quality projects for the Maine Department of Marine Resources, MER (Marine Environmental Resources) Assessment Corporation, and the Maine Drinking Water Program. Hugh is currently employed by Coastal Enterprises, Inc. (CEI) Fisheries Project. CEI's mission is to help create economically and environmentally healthy communities in which all people, especially those with low incomes, can reach their full potential. At Coastal Enterprises Inc. Hugh is responsible for CEI's Fisheries and Waterfront program, which involves coordinating lending and technical assistance with fishermen, shellfish growers and waterfront businesses that maintain commercial fishing access. Hugh engages and encourages borrowers to participate in a "FISHTAG" project; which is an agreement that commits the borrower to contribute scarce biological data to a management effort or participate in a project that incorporates an Environmental Best Practice/Project into their business. Two recent policy initiatives Hugh has been involved with include a \$2 million state bond fund to invest in significantly important working waterfront properties along the Maine coast and a change to Maine's Constitution to allow working waterfront property owners to opt to have their property taxes based upon the current use of their property, a rate that would be lower than the current valuation method of "highest and best use".

**Culver, Carolyn**

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**Marine Advisor, California Sea Grant**

Carrie Culver is the Marine Advisor for the University of California Cooperative Extension Sea Grant Extension Program in Santa Barbara and Ventura Counties. She received her Ph.D. in Ecology, Evolution and Marine Biology from University of California, Santa Barbara. Her local program covers various aspects of fisheries and marine resource management, including biological studies of various invertebrates and development and implementation of collaborative data collection programs with the commercial and recreational fishing communities.

**Dammrich, Thomas J.**

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**President, National Marine Manufacturers Association**

Thom Dammrich assumed the role of president with the National Marine Manufacturers Association (NMMA) in November 1999, bringing with him nearly 30 years of association management experience. Since taking the helm nearly seven years ago, Dammrich has helped NMMA increase its membership upwards of 30 percent. Today, the association represents more than 1,600 members that produce 80 percent of the recreational boating products currently sold in the U.S. Additionally, under his leadership, NMMA has bolstered industry advocacy at both the state

and federal level as well as expanded industry- and consumer-related research and statistics efforts. Most notably, Dammrich was instrumental in helping finally unite the industry behind a strategy to increase the number of people who participate in recreational boating. The first-official national advertising and marketing campaign for the industry's "Grow Boating" Initiative was launched in 2006. Dammrich furthers his involvement in, and commitment to, recreational boating interests by serving on several industry boards, including the following: American Boat & Yacht Council; American Sportfishing Association; International Council of Marine Industry Associations; Recreational Boating & Fishing Foundation; and Sail America. He also serves as Chairman of the Board for the American Recreation Coalition and International Marine Certification Institute.

**Damon, Dennis**

**Chair, Marine Resources Committee, Maine Senate**

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Senator Damon was born in Bar Harbor, Maine in 1948. He attended Stetson Grammar School and graduated from Mount Desert High School, both in Northeast Harbor. He received a Bachelor of Science degree in education from the University of Maine at Orono.

Senator Damon is a fourth-generation commercial fisherman and has also worked as a schoolteacher, coach, entrepreneur, and small business owner. As a coach he was named Maine high school "Baseball Coach of the Year." He has served as American Legion baseball coach, Zone Commissioner and presently is the Field Director for Maine. Senator Damon is a resident of Trenton, Maine, where he lives with Bonnie, his wife of thirty-five years. Dennis and Bonnie have three grown children.

Senator Dennis S. Damon was first elected to public office in November of 1992, where he served as a Hancock County Commissioner. He was elected into the Maine State Senate in 2002. He currently serves as the Senate Chair of the Joint Standing Committee of Marine Resources, among other committee assignments.

Senator Damon was appointed as the Maine legislative appointee to the Atlantic States Marine Fisheries Commission in January 2003. Senator Damon welcomes the opportunity to work with fishermen, managers, scientists, and fellow legislators in representing Maine fishing communities on important regional and national fisheries

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Joey Donnelly is a Vice Chairman of the York Harbor Board and actively involved in Maine's Working Waterfront Coalition. He grew up in York Harbor and is active in local and regional activities. He is the immediate past Chairman of the York County Community College Foundation Board and continues as a trustee and member of their executive committee. Recently he has joined the board of Grow Smart Maine, a State-wide organization promoting economic development in Maine. He is Chairman of the Board of The Gundalow Company. The Gundalow Company, a 501(c)3 educational organization, owns the last surviving gundalow, the Captain Edward A. Adams, which is a 70 foot sailing barge. The Gundalow Company promotes awareness of the maritime heritage and contemporary coastal environment of the Piscataqua region of Maine and New Hampshire, using its replica gundalow in collaboration with other non-profit organizations. He and his wife, Carol, who also grew up in York Harbor, sail extensively along the coast of Maine.



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Dennis Ducsik is a 1978 graduate of the Massachusetts Institute of Technology with a doctorate in environmental policy, and has a longstanding commitment to the field of coastal zone management. His coast-related interests span public access to the shoreline, planning and regulation of waterfront development under the Public Trust Doctrine, and ocean resource management with an emphasis on protection of visual quality. Since 1985 Dr. Ducsik has held the post of Tidelands Policy Coordinator at the Massachusetts Office of Coastal Zone Management (CZM), with principal responsibility for programs that preserve and enhance access to the coastal shoreline for water-dependent businesses and public recreation. He is co-author of comprehensive regulations governing permitting of all forms of development on state "trustlands," which include the filled shorelands that surround most of Boston Harbor and all other urbanized harbors in the Commonwealth, and is principal author of CZM regulations governing state approval of municipal harbor plans and establishment of Designated Port Areas.

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Rod Emmer specializes on the influence and effect of federal and state policies, regulations, and programs such as the National Flood Insurance Act, Section 404 of the Clean Water Act, The Coastal Zone Management Program, and the nonpoint source pollution requirements on the human use of coastal and riverine systems. He has had contracts for developing and implementing a coastal nonpoint pollution program, formulating guidelines for the Mississippi coastal program, organizing and writing two parish local coastal programs, facilitating meetings and workshops, and working with the general public on coastal issues. He served as the local coordinator for the W. Alton Jones sponsored committee evaluation of the Louisiana coastal restoration efforts. He has taught courses at Louisiana State University and University of New Orleans on Coastal Zone Planning, Environmental Planning, and Coastal Geography. Emmer chaired the Governor's Committee to Study the Authority and Powers of the Amite River Basin Drainage & Water Conservation District and served as Chair of the Amite River Basin Commission. He is now the Executive Director, Louisiana Floodplain Management Association and has been an officer in the Louisiana Chapter, American Planning Association, the Baton Rouge Geological Society, and other professional organizations. He has served as Program Chair for 1997 Annual Conference, Co-Chair Local Arrangements, 2003 Annual Conference, and is now the Chair of the Standing Conference Committee, Association of State Floodplain Managers. He has published on sustainability of floodplains and participated on a University of Washington team developing a Floodplain Management course for the Emergency Management Institute.



**Kennedy, David M.**                                 **Director, Office of Ocean and Coastal Resource Management**  
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As director of NOAA's Office of Ocean & Coastal Resource Management, David Kennedy directs a multi-disciplinary program that provides national leadership, strategic direction, and guidance to state and territory coastal programs in implementing the Coastal Zone Management Act (CZMA). The CZMA includes broad goals designed to balance uses of the coastal zone by protecting coastal resources, revitalizing urban waterfronts, preserving water dependent uses and enhancing public access to the coast.

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An Extension Specialist at the Michigan State University Land Policy Institute, Klepinger's recent work includes research on the efficacy of the MSU Citizen Planner Program; developing smart growth instructional materials for coastal officials; and outreach to improve the siting of wind energy facilities in MI. He served for 12 years as Extension Specialist at Michigan Sea Grant. Mike received his undergraduate and graduate degrees in K-12 and adult education from Michigan State University and has taught courses at MSU in Urban Planning and Coastal Zone Management.

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Professional Work Interest- Coastal Development Management

Background: Born and raised in Gloucester County, Virginia. Spent seven years working for the Virginia Institute of Marine Science on the Research Vessels *Langley* and *Bay Eagle*. Presently serves as the Director of Regional Planning for the Middle Peninsula Planning District Commission

Recent Projects:

**2006:** Established a program to utilize inmates at the regional security center for public access improvement projects, such as: rebuilding a pedestrian walking bridge, installation of hunting stands, trail clearing and parking lot improvements. Coordinated the gifting process of a 14 acre \$265,000 parcel to the Middle Peninsula Chesapeake Bay Public Access Authority for future public use. Oversaw a study of the regulatory barriers to public access via VDOT roads ends.

**2005:** Coordinated the participation of the Middle Peninsula Chesapeake Bay Public Access Authority in a \$1,000,000 Federal Earmark for land acquisition and preservation within the Dragon Run Watershed. Completed a regional inventory of Engineered On-Site Sewage Disposal System (OSDS) within the Middle Peninsula.

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**Director of Marine and Working Waterfront Programs**

Jennifer Litteral has been a resident of Bar Harbor Maine for over 14 years. She received a B.S. in Marine Biology from Indiana University of Pennsylvania and spent time working toward a Ph.D. in Molecular Biology while researching dogfish shark kidneys at the Mount Desert Island Biological Laboratory before coming to the Island Institute to fill the position of Director of Marine and Working Waterfront Programs in 2005. For the past 2 years she has helped to create a tool box approach to help Maine's Working Waterfronts as a member of the Working Waterfront Coalition, which is a broad-based collaboration of more than 140 industry associations, nonprofits, state agencies, and individuals who advocate for Working Waterfronts. Two of several tools to come from the Working Waterfront Coalition was campaign to pass a constitutional amendment to include working waterfronts in current use taxation programs. Another tool was the creation of the state of Maine's \$2 million Working Waterfront Access Pilot Program (WWAPP), this program was designed to secure strategically significant properties whose continued availability to commercial fisheries businesses are essential to the long-term future of this economic sector. This program was the first of it's kind but is similar to other land conservation programs. The initial pilot program was so successful that we were able to leverage an additional \$3 million in state funds from the legislation to go before the voters November, 2007.

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**Assistant Vice President for Government Affairs, BoatU.S**

Ryck Lydecker is Assistant Vice President for Government Affairs for BoatU.S., the Boat Owners Association of The United States. BoatU.S. is a 670,000-member organization of recreational boaters. He is also Associate Editor of BoatU.S. Magazine. Lydecker represents recreational boating on the Sport Fishing and Boating Partnership Council (U.S. Fish & Wildlife Service), the principal symposium sponsor, and chairs its Boating Issues Committee. He is Vice-Chair of the Atlantic Intracoastal Waterway Association and on the National Sea Scouting Committee, Boy Scouts of America. He is a native of Englewood, N.J. and lives in the Maryland suburbs of Washington, DC.

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**Professor and Extension Specialist, Michigan State University**

Dr. Mahoney is a professor and Co-director of the Recreation Marine Research Center at Michigan State University. His primary focus is marketing and economic research focusing on recreation industries. Ed's research clients include the National Marine Manufacturers Association, Coast Guard, West Marine, International Council of Marine Industry Associations, and the Association of Marina Industries. He is involved in a study of the demand and supply of boating access in Florida and will be the director of the new Center for the Spatial Analysis of Recreation Industries at Michigan State University

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**Planning Administrator, Ohio Department of Natural Resources**

Phil is a graduate of Ohio State University. In 1988, after two years in the private sector, Phil came on board with the Ohio Department of Natural Resources where he worked on Lake Erie Master Plan projects such as Cleveland Lakefront State Park, Maumee Bay State Park and the Middle Bass Island State Park Master Plan. Phil has been with the Ohio Division of Watercraft since 2001 where he is involved with the planning and engineering of public and private boating facilities statewide, as well as state and federal grant programs, the Recreation Marine Loan Program, Lake Erie dredging and Geographic Information Systems.

**Rod Moore**

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**Executive Director, West Coast Seafood Processors Association**

Rod Moore is Executive Director of the West Coast Seafood Processors Association, a non-profit trade group representing privately-owned fish processing companies in Oregon, Washington, and California. A veteran of the United States Marine Corps and a graduate of the University of Alaska-Fairbanks, he has over thirty years of experience in fisheries policy, science, and management, as well as a lifetime of sport fishing. His background includes work with the Alaska Department of Fish and Game and the U.S. House of Representatives. He has served on numerous international fisheries delegations, the Secretary of Commerce's Marine Fisheries Advisory Committee, as a budget advisor to the Oregon Department of Fish and Wildlife, as president of a non-profit fisheries research group, and as Chair of the Pacific Fishery Management Council's Groundfish Advisory Subpanel. Mr. Moore was appointed to the Council in 2005 as an at-large member from Oregon.

**Mulvaney, Timothy M.**

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**Deputy Attorney General, New Jersey**

Timothy M. Mulvaney is a Deputy Attorney General for the State of New Jersey. He defends and advises the State and its agencies in environmental and land use litigation, rulemaking and transactions, and the regulatory and physical takings claims they generate. His client agencies include the New Jersey Department of Environmental Protection (NJDEP) and the Delaware and Raritan Canal Commission. He is currently litigating cases involving public rights to beaches and tidal waterways, including *Petrozzi, et al. v. City of Ocean City, State of New Jersey, et al.*, L-218-05, Attorney General of New Jersey and *NJDEP v. D. Lobi Enterprises, et al.*, L-296-06, Attorney General of New Jersey *v. Ginaldi, et als.*, A-1906-06T2, and *NJDEP v. Hance*, OAL 06676-2006S. He recently co-authored an article entitled "Waterlocked: Public Access to New Jersey's Coastline," which will be published this spring in the University of California-Berkeley Environmental Law Quarterly. Mr. Mulvaney is a graduate of Haverford College and the Villanova University School of Law, summa cum laude (transfer equivalent), where he served as an editor of the Villanova Law Review.

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David Roach is the Executive Director of the Florida Inland Navigation District and has managed south Florida waterways for over 20 years. He also currently serves on the Board of Directors for the Atlantic Intracoastal Waterway Association and Marine Industries Association of Palm Beach County. He and his wife live in Jupiter where they boat out of Jonathans Landing Marina.

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Lisa C. Schiavinato is the Coastal Law, Policy, and Community Development Specialist for the North Carolina Sea Grant College Program in Raleigh, North Carolina. Ms. Schiavinato conducts research and outreach on various ocean and coastal law issues and works with state and federal agencies, coastal communities, and the general public in the development of coastal, land use, natural hazard, and natural resources policy. She was formerly Legal Coordinator for the Louisiana Sea Grant Legal Program in Baton Rouge, Louisiana. Her areas of special interest include ocean and coastal law, land use law, natural hazard mitigation, floodplain management, and wetlands regulation.

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Stephanie Showalter is the Director of the National Sea Grant Law Center at the University of Mississippi. As Director for the Sea Grant Law Center, Stephanie advises Sea Grant constituents on ocean and coastal law issues, researches and publishes papers on natural resources, marine, and environmental law issues, and supervises law student research and writing projects. She also provides assistance to organizations and governmental agencies with interpretation of statutes, regulations, and case law. Stephanie is also Adjunct Faculty at the University of Mississippi and the University of Southern Mississippi where she teaches courses on ocean and coastal law and policy. She received a B.A. in History from Penn State University and a joint J.D./Masters of Studies in Environmental Law degree from Vermont Law School.

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Tiffany Smythe is a Ph.D. candidate in the Department of Marine Affairs at the University of Rhode Island. She is also a Fellow with the University's Coastal Institute IGERT Project. Her research interests include coastal zone management, waterfront planning and development, marine transportation, and coastal access. While at URI, she has worked on a feasibility study of a ferry terminal at Quonset Point, Rhode Island; a Sea Grant-funded project to map human uses of Narragansett Bay; and a feasibility study of a statewide Geographic Information System (GIS) to track coastal land use change in Rhode Island. Smythe came to URI after a ten-year career as a teacher and sailor. She has bachelor's and master's degrees from Columbia University and a U.S. Coast Guard captain's license.

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Robert Swett directs the University of Florida Boating and Waterway Management Program, serves as Florida Sea Grant's Extension Specialist in Boating and Waterway

Management, and is an Assistant Professor with the UF Department of Fisheries and Aquatic Sciences. The Boating and Waterway Management Program provides science-based information, planning models, and innovative tools and methods to help balance the use and conservation of Florida's waterways. Dr. Swett helped the Program earn a Year 2003 National Sea Grant Superior Outreach Programming Award and a Year 2000 Sustainable Florida Leadership Award, given annually to recognize local communities, business, education, and government for accomplishments that represent best management practices for sustainable development in Florida.

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A native of Mobile, Jody Thompson has worked in natural resources planning and extension in coastal Alabama since 1999. She has coordinated projects and authored management plans for coastal Alabama watersheds including the Dog River, Little Lagoon, and Bon Secour River, and served as the Facilitator for the Coastal Clean Water Partnership. Mrs. Thompson is currently providing facilitation through the Mississippi-Alabama Sea Grant Consortium for the Alabama Working Waterfronts Coalition, and provides extension and outreach on coastal resiliency and water quality issues to the community. Mrs. Thompson serves on the board of directors for the Alabama Water

Watch Association, and is a graduate of the 2005 class of Leadership Mobile. She holds her Bachelor of Science degree from the University of Alabama, and her Master of Science from the University of South Alabama.

**Voiland, Michael P.**

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Mike Voiland is executive director of North Carolina Sea Grant, an inter-university effort engaging the 16 campuses of the University of North Carolina system and Duke University in coastal research and outreach. Voiland previously held positions, all in New York State, as assistant director of the Cornell University Agricultural Experiment Station and Cornell Cooperative Extension; assistant director of Cornell's Office of Government Affairs; associate director of the Sea Grant Institute; and extension specialist in sportfisheries and tourism with Sea Grant Extension. Voiland holds bachelor's and master's degrees in geography from the University at Albany, and a doctoral degree in resource management from the College of Environmental Science and Forestry at Syracuse University. He lives outside of Raleigh, N.C. with his spouse, Nancy.

**Walker, Kenneth**

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Kenneth Walker is a Program Analyst with the National Oceanic and Atmospheric Administration's (NOAA's) Office of Ocean & Coastal Resource Management National Policy and Evaluation Division. Kenneth has worked with the national brownfields partnership over the last ten years. Over the last three years, he has worked on the Portfields Initiative, and he has worked with Tampa, Florida, and ports in Louisiana. Kenneth's background is in land use and environmental planning, and he holds a masters of Regional Planning degree from the University of North Carolina at Chapel Hill, and an bachelors of City Planning from the University of Virginia.

**Wiggin, Jack**

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Jack Wiggin is the director of the Urban Harbors Institute at the University of Massachusetts Boston. His 25 years of experience includes positions in government, the private sector and academia developing and implementing coastal policy, planning and management strategies at the local, state, national governments in the US and abroad. He teaches Planning and Land Use Law in the Environmental, Earth and Ocean Sciences Department at the Uni-



versity of Massachusetts Boston and Heritage Harbour Revitalization for the Cultural Resource Management Program, University of Victoria, British Columbia. He has serves on the Science Advisory Board of the Massachusetts EOE, the Board of Directors of the Environmental Business Council of New England, and is past chairman of the Advisory Council for the Boston Harbor Islands National Park Area and of the Massachusetts Coastal Zone Management Program's Coastal Resources Advisory Board.

# **Presentation Abstracts**

## **Wednesday, May 9, 2007**

### **Conference Plenary Panel**

Ryck Lydecker, BoatU.S.

Thom Dammrich, President, National Marine Manufacturers

Rod Moore, Executive Director, West Coast Seafood Processors Association

Katherine Andrews, Executive Director, Coastal States Organization

David Kennedy, Director, NOAA Office of Coastal Resource Management

### **National and Regional Panel Presentations**

#### **2006 National Sea Grant Access Survey Results**

Paul Anderson

Over 140 Sea Grant agents, coastal zone managers and other individuals recently responded to a survey on coastal access issues throughout the country. The purpose of the survey, which was hosted by Maine Sea Grant and an advisory committee from the Sea Grant network and CZM programs, was to explore the causes and effects of coastal access conflicts throughout the country, and how Sea Grant programs and their partners are addressing these issues, and to identify success stories in protecting coastal access for a diversity of stakeholders. By covering the issues through the eyes of survey respondents, using a case study approach, the intent of the presentation is to offer a nationwide perspective on the scope of coastal access issues, which will inform discussion on a nationwide strategy for addressing coastal access conflicts through consolidated and targeted programming.

The presentation will start with an overview of the issues, including the loss of public access to and from the coast (“nowhere to swim, nowhere to land”), increasing demand and conflict, loss of commercial access to the water and water-dependent uses. These will be highlighted through a series of mini-case studies from around the country that cover the geographic and demographic scope of the issue. An overview of the survey results shows that threats to public access to the coast are occurring throughout the country. There are multiple drivers, including increasing population and development, rising coastal property values, second home and condominium development, and shifts in land ownership patterns from public to private, all of which lead to increased pressure on the public areas that remain and increased pressure on fragile coastal habitat with limited resources. According to survey respondents, ramifications of no action include decreasing access for the public, increased costs, pressure on resources, degraded habitat, and lack of stewardship and caring for the coast because fewer can access it.

Sea Grant programs, CZM programs and numerous other public and private entities throughout the country have developed a series of tools to address these issues. Solutions and approaches from various states include private entities protecting public access, land conservation tools (such as land trusts using easements and transfer of development rights, land bonds dedicated to working waterfronts or public access), taxation options, zoning and other municipal tools, mapping and inventories, public/private partnerships, public acquisition, litigation, planning, and education.

Finally, the presentation will cover a suite of next steps and recommendations that survey respondents have identified, including but not limited to the need for: a pool of funding for infrastructure maintenance, acquisition, code enforcement, planning, data collection (including spatial data such as historical access points conversion of uses, loss of land, etc.); a national coastal access clearinghouse Web site; and the role of various entities and organizations, ranging from Sea Grant programs to federal, state, and local governments stakeholders and others.

## **Maine's Working Waterfront Coalition**

Jen Litteral

### *Objectives*

A guide to forming a coalition in response to waterfront access using Maine's Working Waterfront Coalition as a template.

### *Description*

A coalition is a temporary alliance or partnering of groups in order to achieve a common purpose or to engage in joint activity. Coalition building is the process by which parties (individuals, organizations, or nations) come together to form a coalition. Forming coalitions with other groups of similar values, interests, and goals allows members to combine their resources and become more powerful than when they each acted alone.

Maine's Working Waterfront Coalition formed in response to a study by the State Planning Office, which predicted that if current trends continue, the majority of Maine's coast will be classifiable as "suburban/urban" by the year 2050. Maine's coast is 5,300 miles in length, only 20 miles are devoted to commercial fishing and over 66 % of those 20 miles are privately owned and vulnerable to conversion. These 20 miles support 39,000 jobs and contribute to over \$750 million in state revenue.

How Do You Build a Successful Coalition? Early steps on building a successful coalition are centered on the recognition of compatible interests. To do this one needs to demonstrate

1. that your goals are similar and compatible,
2. that working together will enhance all groups' abilities to reach their goals, and
3. that the benefits of coalescing will be greater than the costs.

Maine's Working Waterfront Coalition: is a broad-based collaboration of more than 140 industry associations, nonprofits, state agencies, and individuals who advocate for Maine's Working Waterfronts through policy, planning, investment and education.

## **Guiding State Waterfront Access Policy and Programs in North Carolina**

Mike Voiland

### *Objectives*

To share the study committee approach adopted by the North Carolina General Assembly to help it address the losses of coastal public access and waterfront use diversity.

### *Description*

In July 2006, the N.C. General Assembly established, by state statute, a Waterfront Access Study Committee (WASC) charged to "study the loss of diversity of uses along the coastal shoreline of North Carolina and how these losses impact access to the public trust waters of the state." In tasking the Committee, the State sought its guidance on potential solutions, including "incentive based techniques and management tools," to preserve waterfront diversity within the North Carolina context.

This presentation by the chair of that Committee overviews (1) public pronouncements, events, and media coverage that prompted Committee formation; (2) the approach utilized by the Committee to frame its work; and (3) the Committee's recommendations to the General Assembly.

# Successful Local Initiatives

## A Conservation Easement Saves A Working Waterfront

Joseph Donnelly

### *Objectives*

Working waterfront properties are becoming increasingly attractive for a variety of other uses, including condominium and residential development. Some of these proposed users are willing to pay far more than the working waterfront value. This presentation will explore how groups working together can help sustain their working waterfront. The session will discuss some of the hurdles crossed to get the lobstermen and the land trust to agree on definitions of “working waterfront.” Sample easements will be available.

### *Description*

York Harbor in York, Maine is an old fishing community, dating back to the early 1600s. It is located between Boston, Massachusetts and Portland, Maine and consequently the real estate pressures are extremely high. Some of the traditional working waterfront has been converted to residential use. None the less, York Harbor is still a vibrant lobstering community with approximately 35 lobstermen.

In 2003 a commercial pier on the York River, was listed for sale with a small piece of property. The asking price for the property was somewhat over \$800,000 and the estimated business value was \$300,000. Two local lobstermen wished to buy the property, but knew that from a business perspective it could not work for the asking price. They inquired about other sources of funding. Because of the significant difference between the asking price and the business value, if this project were to come to fruition, a clever approach was needed. Coastal Enterprises, Inc., a Maine Economic Development Agency, and a non-profit land trust, the York Land Trust, worked together to buy and hold a conservation easement that required the property to only be used as working waterfront, provided public access on a portion of the property and protected its scenic beauty. The project is now complete and being used for lobstering and is considered by many in Maine as an excellent way to preserve working waterfront. This session will discuss the pros and cons of this method of preserving working waterfront property.

## Black Lagoon Sediment Remediation in Trenton, MI-The First Project Completed with Funding from the Great Lakes Legacy Act

Mary Bohling

### *Description*

This presentation explores the process for achieving sediment remediation at the Black Lagoon, a contaminated site in the Trenton Channel of the Detroit River. The region that was once known as the Heart of the Industrial Revolution has recently become better known as part of the Rust Belt. The Detroit River, a 32 mile connecting channel linking Lake Erie to the upper Great Lakes, is one of 43 Areas of Concern in the Great Lakes due to a variety of beneficial use impairments, including fish consumption advisories stemming from contaminated sediments in areas such as the Black Lagoon. Once bustling waterfronts now house vacant steel mills and factories and a legacy of contamination, making it nearly impossible to redevelop. Preliminary investigation of Black Lagoon sediment confirmed high levels of PCB's, Mercury and other heavy metals. A group of area leaders, scientists and concerned citizens came together to develop a funding strategy for remediation and redevelopment of the site. They petitioned for, and received, funding through the Great Lakes Legacy Act. This led to further funding through a variety of resources and the eventual removal of more than 450,000 pounds of contaminated sediment in phase one of the project. Phase two calls for soil erosion control which was recently funded through the Great Lakes Commission Great Lakes Basin Program for Soil Erosion and Sediment Control Grant. Future phases call for renaming the lagoon and further development of the surrounding areas, increasing economic development.

# Waterfronts Florida: Helping Communities Preserve Recreational and Commercial Working Waterfronts

Jennifer Carver

## *Objectives*

Provide information about Florida's efforts to preserve working waterfronts, including successes and lessons learned from the Waterfronts Florida Partnership Program, through the discussion of the following topics:

- Issues faced by recreational & commercial working waterfronts in Florida
- How the State of Florida is addressing these issues through legislation and the Waterfronts Florida Program
- Tools available to assist communities in working waterfront preservation
- Case studies (both accomplishments and lessons learned) of several Waterfronts Florida communities, including Cortez, Mayport, Panacea, St. Andrews, Olde Eau Gallie, and Bagdad

## *Description*

The Florida Coastal Management Program created the Waterfronts Florida Partnerships Program in 1997 to address the physical and economic decline of traditional working waterfront areas. Waterfronts Florida continues today as a partnership between National Oceanic and Atmospheric Administration, Florida Department of Environmental Protection/Florida Coastal Management Program and the Florida Department of Community Affairs. Waterfronts Florida provides technical assistance and training to designated communities involved in the revitalization of working waterfronts. Each community creates a vision and action plan for waterfront revitalization which targets environmental resource protection, public access, economic retention/development, and hazard mitigation. Since 1997, eighteen Waterfronts Florida Partnership Communities have been designated, and new communities will be designated for the 2007-2009 cycle.

## **Legislative/Legal Panel**

### **Florida's Preservation of Working Waterfronts Legislation: Too Little, Too Late?**

Tom Ankerson

In Florida, the relationship between land and water – between the built environment and the aquatic environment - represents one of the most significant factors dictating coastal development. Maritime industries, including recreational boating, have historically depended on this relationship to flourish. Market trends and growth pressures, have, however, threatened historic development patterns at the interface between land and water. The loss of recreational and commercial access to navigable waters homogenizes (and privatizes) the land use mix at the waters edge, threatens the viability of traditional communities that serve maritime needs and contribute to community character, impedes the ability of citizens to enjoy open space, recreation opportunities, and results in transportation inefficiencies as access opportunities are shifted to areas of lower human density – if they are replaced at all.

The loss of commercial and recreational access to navigable waters has become a major growth management issue facing the state of Florida. Once viewed as a problem facing only traditional maritime industries such as commercial fishing and waterborne transportation associated with historic “working waterfronts,” it has recently emerged in the context of recreational access as well. The extent of waterfront “privatization” and waterfront land use conversion to non-water dependent uses was documented in a 2005 Committee report by the Florida Senate, and in a report prepared by the University of Florida Conservation Clinic. The reports concluded that the availability of public access to coastal waters in Florida was not keeping pace with the state's growth, as measured by vessel registration figures. The reports also found evidence that, for both commercial and recreational working waterfronts, conversion from public to private use is contributing to this loss of access.

In 2005 and 2006 the Florida Legislature passed significant planning legislation designed to ameliorate the public

water access dilemma and encourage the preservation of “recreational and commercial working waterfronts.”

In 2005, the Florida Legislature recognized the importance of recreational and commercial working waterfronts through the passage of the Working Waterfront Act (Chapter 2005-157, Laws of Florida) which included a number of provisions to encourage communities to preserve recreational and commercial working waterfronts and to provide incentives for property owners who wish to do so. Major provisions include comprehensive planning requirements, official establishment of the Waterfronts Florida Program, and a tax deferral program for working waterfront properties.

This presentation will provide an overview of issues faced by Florida’s recreational and commercial working waterfronts, describe the State of Florida’s efforts to assist communities with working waterfront preservation, including the Waterfronts Florida Partnership Program, discuss tools available to communities, and highlight the accomplishments and/or lessons learned from several designated Waterfronts Florida Partnership Communities.

## **New Jersey’s Proposed Public Access Regulations and the Public Trust Doctrine: Balancing Public Rights of Access & Use with Private Waterfront Development**

Tim Mulvaney

### *Objectives*

- To encapsulate New Jersey’s recent legal efforts to increase public access to and use of coastal and inland waterways under the public trust doctrine
- To summarize the progress of a recently filed water access case, Attorney General of New Jersey v. Surf Rider Beach Club, et. al.
- To detail the progressive proposed amended water access regulations published by the NJDEP on November 6, 2006
- To provide an overview of possible State legislation aimed at increasing public water access and use opportunities

### *Description*

This presentation aims to encapsulate New Jersey’s recent legal efforts to increase public access to and use of coastal and inland waterways under the public trust doctrine. In September of 2006, the Attorney General of New Jersey filed suit against nine private beach clubs in the Borough of Sea Bright seeking public access to publicly-funded replenished beaches by calling for reformation of currently limited access easements in light of recent state court decisions; in November, the Department of Environmental Protection proposed amended water access rules requiring public access every quarter-mile, public restrooms every half-mile and adequate public parking along shorelines in municipalities that receive state shore protection and/or “Green Acres” open space acquisition funding; and the State Legislature is considering a public access statute that would clarify issues pertaining to public access to the State’s ocean and tidal waters in light of the judiciary’s recent broad application of the public trust doctrine.

In addition, DEP regulatory decisions and settlements permitting any private commercial or residential waterfront development are increasingly incorporating public access and use requirements. Given New Jersey’s focus on a waterfront development policy that seeks to incorporate a balance between water-dependent recreational opportunities and commerce and non-water-dependent residential development or industry, the presentation concludes with an argument for specification of the types of public recreational uses, such as swimming, sunbathing, fishing, surfing, walking and boating as referenced in the proposed amended public access rule, that must accompany any required water access to public trust assets.

## **Preserving Working Waterfronts In The Wake Of A Natural Disaster**

Lisa C. Schiavinato

Decreasing access to the coastal zone conjures images of public marinas being replaced with private clubs, seafood processing plants and commercial docks converted to restaurants and casinos, and condominiums rising from primary



dune fields, blocking views and closing traditional paths to the shoreline. Consequently, just as the popularity of the coast increases, the public is denied the traditional basic amenities, e.g., a walk along the shore, a chance to clam, or a facility to launch a boat/kayak. Then, the issue of traditional access collided with the post-Hurricane Katrina/Rita world.

In 2005, access gained a new meaning in a post-disaster environment, first in Louisiana and Mississippi, but by extension to the other hurricane-prone coastal states. Hurricane storm surge sank the fishing fleet and recreational and commercial vessels and swept debris into waterways, blocking navigation canals, harbors, and launches. Road, bridges, docks, ice plants, and support facilities were destroyed. Consequently, when the survivors returned to fish, crab, or shrimp, they did not have access to the estuaries and offshore and supplies. This section describes the post-disaster landscape and lessons learned on rebuilding access for the fishing industry.

Larger ports have the financial ability and political status to receive immediate help. However, smaller harbors with little or no money and less connections have to wait for the U.S. Coast Guard and the Federal Emergency Management Agency (FEMA) to clear sunken boats in waterways and harbors. Commercial and recreational vessels and boats in the marsh that are not in navigable waterways are the responsibility of the owner. Yet, it is not only the abandoned and boats that are the problem. Docks, lifts, launches (ramps), and businesses were destroyed also. Consequently, even if a fisherman could repair his boat and wanted to fish, he could not purchase ice, fuel, or have immediate access to repair facilities. Smaller ports nearest the fishing grounds and the home of many fishermen had no power, water, sewerage treatment plants for months after the storm. Even when roads were opened, it usually was only one lane for emergency responders. Residents, business owners, and the public were prohibited access to salvage what they could and repair the remainder.

A number of legal issues arose in the aftermath of the storm. The Louisiana Sea Grant Legal Program (LSGLP) was involved in a number of legal education and outreach initiatives. One initiative developed a series of information sheets and accompanying PowerPoint presentations. Materials related legal issues to the rebuilding process in a form and a format more readily understood and interesting to Louisiana residents. Thus, the material that was placed on the LSGLP's website ([www.lsu.edu/sglegal](http://www.lsu.edu/sglegal)) and distributed to coastal parishes gives a plainer explanation of FEMA programs, guidelines, and requirements. Basic questions that are addressed include where and how to rebuild, Louisiana building codes, the National Flood Insurance Program, and similar topics. The first set appeared in April 2006, only seven months after Hurricane Katrina. Additions have been made, and will continue to be made, to the website as new topics rise in importance. Local decision-makers and residents can utilize the legal mechanisms available to protect access only if they know of the existence of those mechanisms and understand how they work.

The LSGLP is also involved in a study of land use planning in coastal Louisiana. The study will result in recommendations for protecting access will be suggested. The land use planning study will characterize the current status of land use planning at the state and local levels and make recommendations for change. Land use planning can be an effective tool to protect access not only for future generations, but also protect life, property, and local economies against future storm damage.

## **A State Response on a Working Coast**

Dennis Damon

In the face of mounting concerns over the loss of working waterfront property the Maine Legislature enacted a current use tax program for waterfront properties supporting commercial fisheries activities and a new Working Waterfront Access Protection Program supported by voter approved bond funds to purchase development rights to secure long term use of fishing facilities. These legislative actions were strongly supported by the Governor, the fishing industry, and the voters of Maine.

# Technical Studies and Tools to Address Access

## Florida Sea Grant Waterways Information: Planning for Recreational Access

Bob Swett

Florida's communities are struggling to preserve recreational and commercial access to their waterfronts and navigable waterways. A Florida Senate report (2004) and a report prepared by the University of Florida Conservation Clinic (Hatfield et al. 2005) conclude that the availability of public access to Florida's coastal waters is not keeping pace with the state's growth, as measured by vessel registration figures. Florida Sea Grant, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Community Affairs' Waterfronts Florida Program, and the University of Florida Levin College of Law are working together and in partnership with local and regional governments to develop science-based methods, spatial data, and model policies in support of waterway access planning. Generally applicable and geospatial methodologies developed to provide data and analysis for comprehensive waterway access plans include (1) a landside analysis of boat ramp patronage based on mapping where boaters live relative to the facilities they use, (2) an analysis of waterside use patterns derived from map-based boater surveys, and (3) a regional waterway management system for navigational access. These methods are designed to contribute to a comprehensive planning framework that is science-based, holistic and ecologically-based, as well as predictable, fair, and cost effective. The goal is to ensure that planning for future access is socially, economically, and environmentally sustainable.

## A Proposed Boating Access Surveillance and Indexing System

Ed Mahoney

### Objectives

- To suggest the need for a new paradigm when it comes to measuring and monitoring recreational boating access
- Describe barriers that make traditional approaches for inventorying boating access difficult and costly
- Suggest a new more comprehensive technology-based approach (e.g., Satellite photos, GIS) for assessing the distribution and suitability of various types of boating access
- Describe how economic impact assessment methods are integrated with access surveillance

### Description

A variety of experiences indicates that traditional recreational boating inventories are too expensive and time consuming to provide reliable and timely information needed to consistently measure changes in boating access especially at a national level. Experience in Florida and Great Lake States suggest that: (1) the shelf life of inventories are short and they are often out-of-date before they are completed and, (2) inventories should be designed as "means to ends" and not ends in and of themselves. The ends include: (a) a continuing capacity to estimate change in access, (b) understanding reasons contributing to change and, (c) assessing the implications of that change on recreational boating, boating behaviors and, industry and community economics. The resultant conclusion is that what is needed is not a comprehensive traditional inventory but rather a scientifically valid and defensible method that produces scientific information on change in boating access, storage and related service storage.

The proposed Boating Access Surveillance and Indexing System (BASIS) will integrate remote sensing, GIS, quantitative geography and economic impact assessment tools to: (1) measure, analyze and monitor boating access including publicly accessible & privately available access including marinas, dockage and launch sites, (2) produce national and regional boating access indices, (3) assess possible reasons for changes in the amount, type and distribution of access, (4) evaluate changes in the boating demand, and, (5) estimate the economic impacts of changes in the supply of boating access. The system is being developed through a multi-university, agency and industry partnership.

# **The Economics of Waterway Access and the Florida Inland Navigation District**

David Roach

## *Objectives*

To share with conference participants information on the District's economic analysis of our waterways and waterway access and how we utilize that information to garner support for increased waterway investment for better and increased waterway access.

## *Description*

The Florida Inland Navigation District (the District), the state sponsor of the Atlantic Intracoastal Waterway and a portion of the Okeechobee Waterway in Florida, has completed several economic analyses of the waterways along Florida's East Coast within the District. These studies have documented the importance of waterway access and the economic output and impact of the waterway related industry in the District. The District has utilized this information to educate and convince decision makers at all levels that the investment of public and private funds in waterways and waterway access is a sound investment decision.

This paper will focus on the results of these economic analyses, efforts to improve waterway access, the partnerships necessary, and the successes of the District's programs along Florida's East Coast within the District. These studies have documented the importance of waterway access and the economic output and impact of the waterway related industry in the District. The District has utilized this information to educate and convince decision makers at all levels that the investment of public and private funds in waterways and waterway access is a sound investment decision.

# **Mapping Maine's Working Waterfront: For Our Heritage and Economy**

Shey Conover

## *Objectives*

This presentation will discuss a model methodology for carrying out a water access inventory and will provide in-depth information on the successes and challenges of completing a statewide access infrastructure inventory based on a community participation process.

## *Description*

Working waterfronts account for \$740M of Maine's economy and employ approximately 23,000 people. Beginning in the summer of 2005, the Island Institute and its partners embarked on a community-based mapping project to quantify the working waterfront resources for Maine's 149 coastal towns. The goal of this research effort is to create a new tool in the form of a statewide Working Waterfront Access Map to facilitate dialogue between two historically divided coastal constituencies: the conservation community and the commercial fishing community. This paper will discuss the challenges and successes of this effort, the community participation process, the overall impact this research is currently having in Maine and its possible applications in other areas of the country. Issues such as defining working waterfront access, setting protocol for public data access, and the sustainability of mapping research are topics that this project will have addressed by the end of 2006. A model methodology will be outlined that explores the potential for this community-based mapping effort to be replicated in other working waterfront states.

# **Presentation Abstracts**

## **Thursday, May 10, 2007**

### **State Initiatives**

#### **Working Waterfront Challenges in the Great Lakes: Some Examples from Diverse Communities in the State of Michigan**

Mark Breederland

##### *Objectives*

Experience sharing along the Great Lakes coasts. Sustainable coasts.

##### *Description*

Michigan has over 3,288 miles of freshwater Great Lakes shoreline and many diverse working waterfront communities from industrial/urbanized ports to historic fishing villages. Great Lakes waterfronts are deemed important real estate by many parties and water dependent uses are sometimes not well represented. Several examples of waterfront communities (Leland, MI; Grand Haven, MI; Downriver Communities along the Detroit River) are shared representing a spectrum of challenges across this broad geography. Also included is an example of Michigan Sea Grant's use of an integrated assessment process to assist communities in Northeast Michigan on coastal access for sustainable tourism.

#### **Sustaining Working Waterfronts: A Model for Adapting Harbor Infrastructure to Current and Future Needs of Commercial Fishing Communities**

Carolynn Culver

##### *Objectives*

To communicate the results of our collaborative efforts to gather information necessary for sustaining local working waterfronts.

##### *Description*

In recent years, significant declines in commercial fishing activity in California have occurred, primarily due to regulations that addressed concerns about the sustainability of marine resources. While these regulations have generally been necessary for the long-term viability of commercial fisheries, together they have had unanticipated consequences for fishing communities. In particular, many local harbors are now struggling to maintain infrastructure required to support the remaining fishing operations. Further, harbor administrators are debating the future need and justification for facilities and services given the reduction in commercial fishing activity. These debates have been exacerbated by the increased demand for high-value coastal real estate, often for uses that are not ocean dependent (i.e., residential and tourism-related development). To assist harbor managers in the Santa Barbara Channel region, we, in collaboration with local harbors, fishing communities and NOAA Fisheries, developed profiles of the local commercial fisheries and associated infrastructure needs, and identified potential infrastructure alternatives for the local fisheries. We also characterized current and future factors influencing local fisheries, and strategies for adapting the region's commercial fishing infrastructure to meet current and projected future needs. Methods included analyses of fishery landings data, interviews with local full-time, resident fishery participants, and a workshop. Based on this information, local collaborations continue to explore ways to provide access and appropriate infrastructure that ensures the viability of local fisheries and the availability of high quality, sustainable local seafood for the region's communities. This approach can serve as a model for sustaining working waterfronts in other coastal communities.

## **A Case Study on Marine Development Ohio: Middle Bass Island Marina**

Phil Miller

### *Objectives*

The purpose of our presentation is to share the overall goal and purpose of developing a new transient marina in Ohio, on an island and all the challenges associated with developing a public project using multiple funding sources, pressured by multiple stakeholders and an ever-changing natural and political environment. Ohio has been successful but learned many lessons along the way. We will share our success's and failures from a planning perspective so others may learn and apply these lessons to thier efforts.

### *Description*

Ohio is developing a waterfront island project; Middle Bass Island Marina. Ohio has face incredible challenges and obstacles as the acquisition, public coordination, political pressures, multiple funding sources (including private funding opportunities), environmental pressures (including a federally threatened snake species)and other stakeholder pressures threaten to kill the project. But even with these seemingly insurmoutable pressures, Ohio has managed to complete a multi-phase acquisition, a master plan design, environmental assessment and engineering documents to begin construction in calendar year 2007. The marina promises to be Ohio's "flag-ship" for transient marinas in Ohio and the Lake Erie region while functioning as the key component to sustainable island development.

## **Maine Working Waterfront Access Pilot Program**

Hugh Cowperthwaite

### *Objectives*

To share with other states the experiences, challenges and lessons learned that Maine has had over the last 2 years with developing a state bond program to invest in "significantly important" working waterfront properties along the Maine coast.

### *Description*

Waterfront access is a pressing issue in Maine. Property values and property taxes are rising rapidly and commercial property is being purchased for residential use. This has resulted in reduced water access for commercial entities along the coast. Today just 25 miles of Maine's 5,300-mile coastline is still in service to fishing and marine industries. In an effort to reverse this trend, Maine has recently experimented with a \$2M Working Waterfront Access Pilot Program. The pilot program was designed to award 4-6 grants with a 1:1 dollar match to invest in "significantly important" working waterfront access projects along Maine's coast through a competitive application process in this first "trial round". CEI is currently involved in administering the pilot program on behalf of the Maine Department of Marine Resources and the Land For Maine's Future Program. The presentation will include a summary of the steps taken from working with the Maine legislature to place a bond allocation on a statewide ballot, passing the referendum, developing the language to enable the state to "hold" properties, developing a pilot program and a look at the projects that were ultimately selected for funding. The presentation will also include a brief but in-depth focus on developing program criteria, program materials, the application process, and ultimately the development of multiple projects with various components that include: real estate appraisals; business plans, financing arrangements, match dollars, environmental hazard assessments and a working waterfront covenant that ultimately protects each property from a change in use in perpetuity.



# Local Case Studies

## Dealing with the Loss of Waterfront Land in South Florida: The Monroe County Marine Management Strategic Plan

Lenore Alpert

### *Objectives*

To share a case study specific of Monroe County (in south Florida) to show how the county deals with the loss of waterfront land in their Marine Management Plan.

### *Description*

Along with other coastal counties in South Florida, Monroe County in the Florida Keys is experiencing the loss and redevelopment of waterfront marine facilities and their associated businesses and employment. A limited supply of waterfront land and an increasing demand for different uses is the driving force behind the apparent change in waterfront properties. One challenge is the loss of the “working waterfront,” which includes commercial marinas and marine-related industries. The current trend is a transition to non-water dependent uses (e.g. condominiums) and exclusive uses (e.g. private marinas). Related to the redevelopment issue is concern for public water access and the loss of boat ramps and dockage that is currently provided by boat yards and marinas.

To address these challenges, the Center for Urban and Environmental Solutions at Florida Atlantic University and the South Florida Regional Planning Council prepared a Marine Management Strategic Plan in 2005 to provide a comprehensive strategy for protecting and preserving the marine industry in Monroe County. The plan presents options for implementation, including government policies and programs and regulatory modifications, institutional arrangements, financial strategies, and legislation, among others, to achieve the plan’s objectives. Implementation activity underway in 2006 and 2007 include revision to the County’s marine-related zoning and Comprehensive Plan, as well as development of a Working Waterfront Preservation Plan. This presentation will summarize the plan, its implementation, and the implications for boating access in one of Florida’s premier coastal counties.

## Preserving and Promoting a Viable Working Harbor: The Experience of Gloucester, MA

Jack Wiggin

### *Objectives*

- Describe the challenge of accommodating needed economic development on a working waterfront where public policy, regulations, and investments strongly favor water-dependent industry
- Describe specific adjustments to state and municipal regulations to include broader economic opportunities (specifically excluding recreational boating and housing) while preserving future water-dependent development potential

### *Description*

For nearly 400 years, Gloucester Harbor has been the center of one of the country’s most important commercial fishing communities. For generations, its piers have been lined with fishing vessels and the waterfront dominated by facilities and services supporting the seafood industry. Over the past two decades, as groundfish stocks have declined and management measures designed to rebuild the stocks have reduced the size and effort of the fleet, the shoreside infrastructure has deteriorated and businesses that depend on groundfish have struggled, contracted, or vanished.

The City of Gloucester and the Commonwealth of Massachusetts have been steadfast in maintaining Gloucester Harbor as a commercial fishing and marine industrial waterfront through capital investments, programs, and strong policies and regulatory controls. For example, the waterfront has been zoned by the city for marine industrial uses and been a state designated port area for over 25 years.



A recent planning process had to confront the reality of a long decline in traditional water-dependent economic activity (and an unclear future) with the shared community and state objective of maintaining the working waterfront potential of the harbor. The plan proposes significant changes to the city and state regulations applicable to the harbor to provide property owners with alternative economic opportunities that provide new revenue streams, support the on-going maritime activities, and maintain the capacity and infrastructure needed for future water-dependent growth. The plan also repositions the responsibility for harbor development within city government to better take advantage of economic incentives.

## **Providing Local Politically Supported Water Access Opportunities to the Waterways of Virginia's Middle Peninsula**

Lewie Lawrence

### *Objectives*

Discuss how Virginia regional government resource managers elevated the provision of public access to a priority status with local elected officials.

### *Description*

In 2003, the Virginia General Assembly approved House Bill 619 creating the institutional framework for Middle Peninsula local governments to address public access on a regional basis and enabling the creation of the Middle Peninsula Chesapeake Bay Public Access Authority. This session will discuss the utility of a single purpose government entity who's only function is to provide focused attention to public access issues.

## **State Initiatives**

### **Keeping Vessels at the Water's Edge: Progressive Stewardship of Public Trustlands in Massachusetts**

Dennis Ducsik

### *Objectives*

The presentation seeks to describe the regulatory tools we use in Massachusetts, under our state Public Trust law, to preserve and enhance vessel-related infrastructure along the coastal shoreline.

### *Description*

As in coastal states everywhere, in Massachusetts the waterfront infrastructure necessary to support fishing, shipping, passenger transportation, and other maritime industry has been difficult to sustain in the face of intense pressure for development of incompatible (usually nonwater-dependent) uses. But we in the Office of Coastal Zone Management are pushing back, in collaboration with colleagues in the Waterways Regulation Program of the Department of Environmental Protection. Together these sister agencies work to preserve and enhance vessel-related infrastructure as a primary objective of state control over development on tidelands subject to the public trust doctrine, which in our jurisdiction encompasses both present ("flowed") and former ("filled") submerged lands and intertidal areas.

The waterfront at work in Massachusetts is safeguarded through application of the so-called "chapter 91 regulations," which govern permitting of all projects involving proposed use changes or structural alterations on flowed and filled tidelands. These regulations contain several explicit requirements of both a preventative and promotional nature. Included (among other things) are standards that reserve the waterway and the immediate waterfront for water-dependent uses exclusively; require development of new facilities for water-based public activity; prohibit certain inappropriate projects on prime port lands called Designated Port Areas; prevent involuntary displacement of existing water-dependent uses; invite "competing party" proposals allowing maritime projects to "out-bid" non-maritime projects; and allow use diversifications so maritime businesses can tap opportunities for internal economic subsidy. The presentation will review these major provisions of the regulations with examples of application to actual cases.

# **The Portfields Initiative: Revitalizing Port and Harbor Communities**

Kenneth Walker

## *Objectives*

Overview of the “Portfields” Initiative and lessons learned from Portfields pilots.

## *Description*

“Portfields” is a federal interagency effort focused on port community revitalization with an emphasis on development of environmentally sound port facilities, community revitalization, and environmental restoration. Led by the National Oceanic & Atmospheric Administration (NOAA) with partners, including the Environmental Protection Agency, the Economic Development Administration, the U.S. Army Corps of Engineers and the U.S. Maritime Administration three Portfields Pilots were selected: New Bedford, Massachusetts, Bellingham, Washington, and Tampa, Florida. The goal of the pilots is to produce on-the-ground results by improving the delivery of partner agencies’ financial and technical resources and by improving coordination among federal, state and local partners. Examples of Portfields activities implemented in the three pilots includes brownfields clean up and reuse, navigational dredging and beneficial use, waterfront revitalization, stormwater management, habitat restoration and permit streamlining.

Portfields is building on the success of brownfields cleanup and redevelopment efforts over the past decade. Port communities face a number of unique challenges that require strong partnerships at all levels of government and the private sector. By applying a collaborative, integrated approach, the Portfields Initiative is leveraging public and private resources, providing more efficient delivery of services, and developing creative solutions to support port revitalization. The experience in each of the pilots is providing opportunities to transfer innovative tools, best practices, and lessons learned to other port communities. This presentation will provide an overview of the Portfields Initiative as well as “lessons learned” from the three Portfields Pilots.

# **Can State Coastal Management Programs Ensure Water Access? An Evaluation of Northeastern Coastal Program Policies for Mitigating the Conversion of Marinas and Boatyards to Residential Use**

Tiffany Smythe

## *Objectives*

- Present overview of the conversion of marina and boatyard properties to residential use, including examples from northeastern states
- Describe policies from five northeastern state CMPs that may mitigate the loss of water access due to the conversion of marina and boatyard properties to private residential development
- Identify limitations of aforementioned policies, including limited jurisdiction and enforcement capacity
- Discuss overall lack of monitoring of coastal land use/development
- Identify recommendations for CMPs to better mitigate loss of water access due to conversions, including revised policies, better enforcement, and monitoring of coastal development

## *Description*

Recently, much attention has been given to the loss of water access through the conversion of water-dependent uses, such as marinas and boatyards, to private residential development. Such a ‘conversion trend’ would seem to run counter to coastal management principles as embodied in the Coastal Zone Management Act of 1972, which requires participating states to prioritize water-dependent uses of the coast as well as public coastal access. A study of five northeastern state coastal management programs from Massachusetts to New Jersey reveals that some states have longstanding policies to mitigate the loss of water access due to residential development, which include provisions for the siting of water-dependent uses, requirements for public access to the coastline, and restrictions on

“dockminium” arrangements. However, study results also suggest that such policies may be insufficient to address the type of conversions occurring in the northeast; and the limited jurisdiction and enforcement capacities of these agencies further limit their ability to mitigate the loss of water access. Further, results suggest that these coastal programs have limited capacity to monitor and track coastal development, and as such are ill-equipped to assess the loss of water access due to conversions and other types of development. Accordingly, in order to mitigate the loss of water access due to such conversions, state coastal programs should revise existing policies, improve enforcement measures, and develop strategies for monitoring the conversions of water-dependent recreational uses to residential development.

## **Applying Place-Based Coastal Management Tools in the Redevelopment of Rhode Island’s Urban \Metro Bay\ Shoreline**

Austin Becker

### *Objectives*

- Discuss the issues that Rhode Island faces as redevelopment in Northern Narragansett Bay takes place along its post-industrial waterfront.
- Present some of the tools that Rhode Island’s coastal management program is using, through its Special Area Management Plan process, to balance the needs of working waterfront and maritime industry with new redevelopment plans.
- Generate discussion on the future of port uses and working waterfronts in smaller port cities, such as those in Rhode Island’s Metro Bay.

### *Description*

As with many coastal urban communities, rapid redevelopment in the four “Metro Bay” cities surrounding the northern reaches of Rhode Island’s Narragansett Bay is impacting the future of water-dependent uses along the waterfront. Celebrated for its “renaissance” that promotes coastal access and tourism with events like the famous WaterFire art installation, the Metro Bay also has a working waterfront that serves as a major hub for regional energy distribution and other maritime industries. The University of Rhode Island Coastal Resources Center/Rhode Island Sea Grant College Program (CRC/RISG) is coordinating with the state’s Coastal Resources Management Council (CRMC) to revise a dated waterfront plan and create a new Special Area Management Plan (SAMP). The SAMP is a means of resolving significant environmental, social, and economic problems particular to the Metro Bay region. Ultimately a state-approved regulatory document that requires federal consistency, a SAMP is built on a participatory process that engages government, private, and community sectors and promotes regional cooperation to improve, protect and enhance bay resources. As part of this collaborative effort, innovative new watershed zoning policies, which could include new design and compatibility standards, are being developed to guide future use of Metro Bay waters and urban shoreline. This presentation will describe how SAMP-based coastal management “tools with teeth” are helping shape the Metro Bay waterfront in Rhode Island. Lessons learned can provide guidance and examples of strong policies that other urban coastal communities can apply to address their own working-waterfront challenges stemming from waterfront redevelopment and changing maritime uses.

# **Sea Grant Activities in Coastal Rebuilding and Smart Growth**

## **The Fate of Working Waterfronts After Hurricane Katrina: the Mississippi and Alabama Experience**

Jody Thompson

### *Objectives*

This presentation will share case studies of activities related to preservation of working waterfronts along the Mississippi and Alabama Gulf coasts.

### *Description*

A fragile area in coastal Mississippi and Alabama, the working waterfront provides a boon the economies of each state. Destruction from Hurricane Katrina in August 2005 heightened already growing pressures for recreational and residential waterfront development. Water-dependent groups are struggling to maintain water access and their way of life. Efforts of the Mississippi-Alabama Sea Grant Consortium have helped organize groups in both states of water-dependent businesses and other stakeholders. These efforts and progress towards working waterfront protection and the maintenance of the traditional local culture will be discussed in this presentation.

## **Louisiana Sea Grant Assists Delcambre, LA**

Rod Emmer

### *Objectives*

Introduce a methodology for assisting communities organize for recovery after a hurricane.

### *Description*

Delcambre, LA has always been at a crossroad. Its corporate limits extend into Iberia and Vermilion parishes. A navigable channel through town connects the Gulf of Mexico with inland waterways while ground transportation travels east to west on a railroad and four-lane state highway. In September 2005 Hurricane Rita pushed an unprecedented storm surge of ten feet MSL across the entire town. In recovery Delcambre is now at another crossroads – change for a prosperous future or continued decline as the tax base erodes and people leave.

In late 2005 and early 2006 nationally acclaimed planners and experts held meetings, conducted charettes, and developed plans for Delcambre's recovery. But the visions did not inspire the residents to action. Consequently, a collective forum of local leaders organized an ad hoc steering committee to develop a recovery process that was sensitive to local needs and desires and built on their cultural ways.

The Louisiana Sea Grant program offered to assist the Delcambre community in expediting their initiative by supporting planning, organizing programs, and providing linkages to ancillary resources. In response to steering committee needs Sea Grant drafted a business plan. As part of its assistance Louisiana Sea Grant will attend meetings and participate in discussions, draft news releases, and contact experts to make presentations to the steering committee and the community. The basic Louisiana Sea Grant methodology as described in this presentation can be adapted to similar coastal community initiatives throughout the United States.

## **Framing the Elements of Waterfront Smart Growth**

Mike Klepinger

### *Objectives*

To improve the accuracy and relevance of a new list of “elements of waterfront smart growth.” We want help from conferees to frame a national message about the “elements” that could be used by waterfront advocates in community goal setting, regulatory policy making, and grantmaking.

### *Description*

A brief presentation of the new “elements of waterfront smart growth,” derived by participants at the Smart Growth Conference in February, will be followed by participant feedback. Participants will critically analyze the “elements,” refine them, and prioritize the list. We are interested in harvesting the wealth of experience of conference participants in an attempt to distill a list or matrix of essential elements of healthy waterfront development. We want to frame a message about the elements that could be used by advocates in community goal setting, regulatory policy making, and grantmaking. The purpose of this session is to explore what is unique about successful coastal communities. The working draft list of elements includes:

1. Give preference to water-dependent developments in a mixed use waterfront
2. Encourage revitalization of waterfronts
3. Protect coastal heritage values and the coastal character of the place
4. Buffer the shore for hazard mitigation and habitat protection
5. Assure physical and visual access to the waterfront for all residents and visitors
6. Link waterborne transportation to land-based options
7. Accommodate seasonal influxes while retaining the livability and affordability of the community
8. Facilitate state and federal waterfront permitting process at the local level
9. Seek participation from people whose livelihoods depend on the water and find balance with legacy values

Are these correct? Are we missing any essential elements? How should they be stated for maximum impact with policy-makers and funders? Please contribute to our attempt to identify what works in waterfront planning and development. Examples of coastal community smart growth will be provided.

# **Facilitated Discussion**

## **Friday, May 11, 2007**

**Facilitated Conference Strategic Planning Session**

Frank Dukes

**Complete Facilitated Planning Session**



## Alphabet soup

### A list of common acronyms

ACOE (U.S.)	Army Corps of Engineers
ADID	Advance identification (of wetlands, CWA)
AFS	American Fisheries Society
ANS	Aquatic Nuisance Species
APA	Administrative Procedure Act
ARPA	Archeological Resources Protection Act
ASCE	American Society of Civil Engineers
BMPs	Best Management Practices
BOR	Bureau of Reclamation (DOI)
BPL	Bureau of Parks and Lands
BWT	Best Water Technology
CAA	Clean Air Act
CAD	Confined Aquatic Disposal
CARE	Communities Actively Restoring Estuaries
CCMP	Comprehensive Conservation and Management Plan
CDF	Confined Disposal Facilities
CEM	Coastal Engineering Manual
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act ("Superfund")
CeSaM	Center for Social Science Research on the Environment
CFR	Code of Federal Regulations
CHL	Coastal Hydraulics Laboratory
CIPR	Coastal Inlets Research Program
CITES	Convention on International Trade in Endangered Species
CO-OPS	Center for Operational Oceanographic Products & Services
COSEE	Center for Ocean Science Education
CRMP	Comprehensive Resource Management Plan
CSC	Coastal Service Center (NOAA)
CSO	Coastal States Organization
CWA	Clean Water Act
CZARA	Coastal Zone Act Reauthorization Amendments of 1990
CZMA	Coastal Zone Management Act
DAMOS	Disposal Area Monitoring System
DARP	Damage Assessment and Restoration Program
DOER	Dredging Operations and Environmental Research (ACOE)
EA	Environmental Assessment (NEPA)
EEZ	Exclusive Economic Zone

EFH	Essential Fish Habitat (MSFCMA)
EHRS	Estuary Habitat Restoration Strategy
EIA	Environmental Impact Assessment
EIS	Environmental Impact (NEPA)
ENSO	El Nino - Southern Oscillation
EPA	(U.S.) Environmental Protection Agency
EPCRA	Emergency Planning & Community Right-To-Know Act
ERDC	Engineer Research and Development Center (ACOE)
ERA	Estuary Restoration Act
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FCMA	Fishery Conservation and Management Act
FCZ	Fishery Conservation Zone
FEMA	Federal Emergency Management Agency
FEPCA	Federal Environmental Pesticide Control Act
FIFRA	Federal Insecticide, Fungicide, Rodenticide Act
FLPMA	Federal Land Policy and Management Act
FGOC	Federal Geographic Data Committee
FONSI	Finding of No Significant Impact (NEPA)
FWCA	Fish & Wildlife Coordination Act
FWPCA	Federal Water Pollution Control Act (= Clean Water Act)
FWS	(U.S.) Fish & Wildlife Service
GATT	General Agreement on Tariffs and Trade
GIS	Geographic Information System
GPRA	Government Performance and Results Act
GPS	Global Positioning System
ISAC	Invasive Species Advisory Committee
LEDO	Long-term Effects of Dredging Operations (ACOE)
LIDAR	Light Detection and Ranging (scanning and ranging laser technology)
LMR	Living Marine Resources
LTA	Land Trust Alliance
LWCF	Land and Water Conservation Fund
MARPOL	Marine Pollution Treaty
MBTA	Migratory Bird Treaty Act
MHHW	Mean Higher High Watermark
MHW	Mean High Watermark
MLLW	Mean Lower Low Watermark
MLW	Mean Low Watermark
MMPA	Marine Mammal Protection Act
MMS	Minerals Management Service (DOI)

MOAA	Marine Operators Association of America
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPA	Marine Protected Area
MRC	Marine Resources Committee (Northwest Straits Commission)
MFSSA	Marine Protection, Research, and Sanctuaries Act
MRFSS	Marine Recreational Fishery Statistical Survey
MSD	Marine Sanctuaries Division (NOAA)
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MSL	Mean Sea Level
MTS	Maritime Transportation System
NAD27	North American Datum of 1927
NAD83	North American Datum of 1983
NARA	National Archives and Records Administration
NASA	National Aeronautics and Space Administration
NAVD88	North American Vertical Datum of 1988
NEP	National Estuary Program (CWA)
NEPA	National Environmental Policy Act
NERRS	National Estuarine Research Reserve System
NGIS	National Geoscience Information Service
NGO	Non-Government Organization
NGVD29	National Geodetic Vertical Datum of 1929
NHPA	National Historic Preservation Act
NMD	National Mapping Discipline (USGS)
NMFS	National Marine Fisheries Service (Commerce Dept.)
NMMA	National Marine Manufacturers Association
NMS	National Marine Sanctuary
NMSA	National Marine Sanctuaries Act
NMSP	National Marine Sanctuary Program (NOAA)
NODC	National Oceanographic Data Center (NOAA)
NOC	National Ocean Conference
NOPP	National Ocean Partnership Program
NOPP-ORAP	NOPP Ocean Research Advisory Panel
NOS	National Ocean Service (NOAA)
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRC	National Research Council
NRDA	National Resource Damage Assessment
NSES	National Science Education Standards
NSF	National Science Foundation
NSTA	National Science Teachers Association

NWPA	Navigable Waters Protection Act
NWSC	Northwest Straits Commission
OCS	Outer Continental Shelf, or Ocean Sciences Center (California)
OCSLA	Outer Continental Shelf Lands Act
OPA	Oil Pollution Act of 1990
OW	Office of Water (EPA)
OWOW	Office of Wetlands, Oceans, and Watersheds (EPA/OW)
PCB	Polychlorinated biphenyls (contaminated sediment)
PEIS	Programmatic Environmental Impact Statement
PMBP	Project Management Business Process (ACOE)
PNCERS	Pacific Northwest Coastal Ecosystem Regional Study
POC	Pew Oceans Commission
PPA	Pollution Prevention Act
RCRA	Resource Conservation and Recovery Act
RSL	Relative Sea Level
RSM	Regional Sediment Management
SAMP	Special Area Management Plan
SCA	Student Conservation Association
SDWA	Safe Drinking Water Act
SEIS	Supplemental Environmental Impact Statement
SLP	Submerged Lands Program
SOBA	States Organization for Boating Access
SWMP	System-wide Monitoring Program
SWRCA	Soil and Water Resources Conservation Act of 1977
UNCLOS	United Nations Convention on the Law of the Sea
USACE	U.S. Army Corps of Engineers
USAF	U.S. Air Force
USDA U.S.	Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish & Wildlife Service
USGS	U.S. Geological Survey
WIS	Wave Information Studies
WGS84	World Geodetic System of 1984
WRDA	Water Resources Development Act
WRP	Wetlands Reserve Program



