A toolbox for sustaining working waterfronts;
Assessing applications in Newport, Oregon

by
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AN ABSTRACT OF THE PROJECT OF

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Title: A toolbox for sustaining working waterfronts; Assessing applications in Newport, Oregon

Working waterfronts across the nation are under pressure. Land use priorities of local governments are changing in response to population growth, new economic pressures, and shifting policy and politics. In Oregon, the decline of fisheries and timber in economic importance followed by the growth of tourism and retirement services has introduced new challenges for traditional water-dependent activities and land uses.

The Community Seafood Initiative and Seafood Consumer Center, in partnership with the Coastal Oregon Marine Experiment Station and Oregon State University, are leading a Pacific Northwest project to identify tools and strategies to sustain working waterfronts. Developing a 21st Century Toolbox is a main component of the research that will support community-specific engagement strategies. Toolbox frameworks developed in previous research for seaport development and waterfront revitalization are adapted to better address sustaining working waterfronts.

Based on its prominence as a commercial fishing port and local interest in supporting this industry, the use of the toolbox in Newport, Oregon is investigated. Relevant tools and strategies are identified from the existing waterfront toolbox and modified and expanded into a "toolbox for working waterfronts." Current applications of strategies to sustain the working waterfront are addressed based on a series of criteria noted in the literature for good processes concerning waterfronts. These criteria are adopted for a potential Model Working Waterfront Program (MWWP) and used to assess Newport in comparison to other working waterfront communities in the United States.

Findings indicate that the toolbox is continually evolving and Newport may be underutilizing some of the tools identified for sustaining working waterfronts as compared to other waterfront communities and the criteria for a MWWP. Conclusions on the present status of tool utilization in Oregon and Newport are presented, key areas of improvement are suggested, and recommendations are offered to sustain the state's working waterfronts.

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Introduction

1.1 Working waterfronts

Across the nation, working waterfronts are under pressure. Many working landscapes are undergoing conversion to alternative uses, including recreational, retail, and tourist developments. Several key factors at play across the New West (Ghose 2004) may be driving transitions of the waterfront from a working environment to one dominated by retail, residential, and tourist uses. A combination of pressures has been identified in research on waterfronts including declines in traditional sectors, a rising post-industrial economy, changing demographics and shifting social values about the use of waterfront space (Breen and Rigby 1985, Sairinen and Kumpulainen 2006).

Ports in the Pacific Northwest have been dependent on natural resource extraction and related economies (Oregon State Ports Commission. 1972). Working waterfronts on the Oregon coast have been tied inextricably to productive landscapes in the state's interior such as agricultural areas and harvested forests. Ports are often the final site for processing and export of these materials. When agricultural or timber lands are converted to alternative uses such as parks or subdivisions, coastal ports may pay a price in decreased exports. Globalization of manufacturing processes and services has also taken a toll on ports and working waterfronts (Bunce and Desfor 2007). Like many products, fish can be caught, farmed, and processed in larger quantities overseas, and for cheaper prices. Challenged by the shorter value chains in today's market (Buttel 2003), coastal communities are thus more vulnerable to prices set in the global marketplace and the fact that cheaper products can be obtained elsewhere.

An increasing number of environmental and coastal regulations introduced since the 1970s including the Endangered Species Act, the Marine Mammal Protection Act, the Magnuson Stevens Act, the Coastal Zone Management Act, and the Clean Water Act among others have changed the operating context for ports (Port staff 2, pers. intv. 2009). Restrictions on fish catches, halts in the timber harvest, and stringent requirements for

new development have put the squeeze on many ports that were founded in a very different operating environment. Ports and waterfronts that are highly susceptible to fluctuations in natural resource availability now are much more at risk of economic failure if focused solely on extractive industries.

Like agricultural landscapes threatened by suburban and exurban development (Smith and Giraud 2006), working waterfronts are also challenged by increasing demands for land located in desirable areas. Rising property values may create a disincentive to continue ranching or fish processing, facilitating the conversion of lands to more profitable uses. This presents a problem for many reasons, two of which are noted here. First, these lands are often irreplaceable. In the case of working waterfronts, land located adjacent to the navigable waterway is a finite resource. Essential working waterfront activities such as moorage, fuel provisioning, and haul out facilities must be located on these limited lands close to the water. Second, land use changes are often irreversible. If replaced by alternative uses such as condominiums, it is unlikely that waterfront properties will ever return to industrial or traditional working uses.

Ports and working waterfronts are an integral part of coastal communities, providing jobs and linkages to outside markets, sustaining local cultural heritage, and connecting the community to the environment. Especially in smaller, non-metropolitan or "peri-urban" regions (Vallega 2001), working waterfronts may be a significant source of local employment (The Research Group 2006). Port managers, harbormasters, fish processing and offloading staff, maintenance workers, and truck drivers all form a part of the local economic and social fabric of a working waterfront community. As traditional jobs disappear in the natural resource sectors, the structure of these communities changes (Good and Goodwin 1992). Service sector employment grows and newcomers to the area may be retirees who are not active in the employed sector. Tourism, technology, investment, and retirement services become central components of the new economy (Evans 2008). In times of rural restructuring (Cocklin et al. 2002, Nelson 2002), some researchers have found that it serves the best interests of a community to maintain a diverse economic base, which includes working waterfronts. While jobs in tourism and

the hospitality industry are highly seasonal (The Research Group 2006), occupations associated with the working waterfront, such as boat repair and marine supply may provide year-round, living wage employment for local residents. By maintaining a steady source of local jobs, ports and waterfronts may be able to support a diverse workforce and social structure (Cramer 2000). A recent report released by Oregon Sea Grant on marine research and information gaps mentions a need for support of programs that focus on sustaining working waterfronts (Risien 2009). These areas may also constitute an inextricable part of the history and character of a community (Gilden 1999, Price 1975). Their "authentic" components of a working waterfront make them popular sites for tourists and recent in-migrants and they are thus implicated to some extent in the shifts occurring in coastal communities.

1.2 Definitions

In the United States, working waterfronts have been defined nationally as real property, land, and support structures that are located on or adjacent to navigable waterways (HR 3223 § (2) 2007). Their functions and businesses are primarily water-dependent. Prior works have produced a definition of water-dependent use (WDU)[1] as "economic activities that cannot exist without access to water, for example marinas and boat building" (Lucas and Pitts 2007, Robinson 2007). Representative activities include commercial fish offloading, fish processing, and boat repair. Some businesses associated with water-dependent uses, such as marine supply retailers, also constitute the working waterfront. Water-related and non-water related activities may also be present in these areas in the form of retail stores, restaurants, residences, office space, tourist facilities, and other establishments. Water related use (WRU) and non-water related use (NWDU) have been defined by Lucas and Pitts (2007) as: "water related uses could exist anywhere, but derive an economic benefit from being close to the water" and "non water-dependent uses do not require access to water and derive little to no economic benefit from being close to the water." This study is concerned with all three types of uses.

[1] For the definitions of "Water-dependent use," "Water-related use," and "Water-oriented use" in Oregon, See Chapter 6 Applications in Newport, 6.1.3 Planning.

1.3 Literature review

Prior research on waterfronts in both the United States and abroad has focused largely on seaport development and urban waterfront revitalization (Hoyle 1988, Sieber 1991, Breen and Rigby 1985). Studies on San Francisco, Lisbon, Barcelona (Garcia 2008) Singapore, and Toronto (Hoyle 1993) have focused on transitions and challenges in large scale ports, urban governance and sustainability (Hall 2007), and the connections between waterfront housing and gentrification (Wong 2006). Additional work has focused on coastal gentrification more broadly (Bennett 1996, Gurran and Blakely 2007, Freeman and Cheyne) and well as its effects on the waterfront (Heidkamp and Lucas 2006). Mann (1988) has identified ten trends observed in the redevelopment of urban waterfronts, none of which emphasizes the revitalization of ports or working waterfront infrastructure. Instead, aesthetic components are featured prominently, including art, lighting, design, historic restoration, expositions, and festivals. A so-called renaissance of the waterfront that focuses on "sophisticated" uses for the future merely takes note of the loss of marine-dependent uses without exploring the consequences of eliminating core components of the working waterfront. Sieber has noted that similar development strategies "are evident in cities of all sizes and at all levels," (1991), but substantial research on the effects of these approaches on small city waterfronts is not covered with equal breadth or depth of that given to urban areas.

Other authors have found that the process of waterfront development is often a "property-led venture" (Oakely 2007) that results in the conversion of traditional working uses to meet new market demands for recreational, retail, and residential space. Hoyle's model of "port-city evolution" (1993) for metropolitan waterfronts charts the transition of "primitive seaports" from their early working uses to their current status as post-modern landscapes of play. However, the reworking of smaller waterfronts occurs in a different manner. New developments are limited by restrictions on space and a lack of capital for large-scale, comprehensive projects. Instead of constructing new facilities from the ground up, redevelopment often occurs through piece by piece adaptations of existing uses (Petrillio 1987) that may result in a "natural evolution" of the waterfront (Krausse 1995).

The study of tools and strategies that address this "evolution" and promote the sustainability of small-scale waterfronts on the West Coast has received less attention (Good and Goodwin 1992, Goodwin 1987, Petrillo 1987). In the early 1990s, Good and Goodwin developed a comprehensive guide for revitalizing waterfronts in small cities. The publication focused on the Pacific Northwest and offered case studies that explored successful processes and outcomes. Organizations, such as the Oregon Coastal Zone Management Association (OCZMA) have also provided general information on this topic and Goodwin compiled strategies for waterfronts in smaller communities based on work in Washington (1987). In California, Petrillo (1987) looked at strategies for "restoring" small city waterfronts by developing shoreside amenities and the California Coastal Conservancy has been active in some efforts. However, much of this work does not focus exclusively on working waterfronts and the majority of the studies are over fifteen years old; the operating context of working waterfronts has evolved in the interim.

1.4 Contemporary studies

Much of the contemporary data available on working waterfronts has been published in periodicals, conference proceedings, presentations, reports, and other gray literature. Newspaper articles often provide the most recent data on specific tools and strategies being employed by working waterfront communities. These sources offer details on tools such as zoning, tax incentives, and new legislation developed at the local or regional level. Academic conferences, such as The Coastal Society and Coastal Zone also provide literature on working waterfronts.[2] Voiland (2008), Portman (2008), Robinson (2007) Smythe (2008), Connors (2008) and others have contributed to current studies on tools and strategies available to working waterfronts in different states.

Recent articles in academic journals are limited on the topic. Studies in the United States have focused primarily on the East Coast and have covered a range of issues from the

[2] Several conferences held recently on the specific topic of working waterfronts include the Working Waterways and Waterfronts Conference in Norfolk, VA (2007) and the Michigan Working Waterfront Conference in Lansing, MI (2009).

influence of marine resource conditions on working waterfronts to the role of tax incentives in slowing waterfront change (Portman et. al. 2009, Robinson 2007, Lucas and Pitts 2007, Davis 2001). Portman et al. (2009) explored the connections between fisheries landings and land use change on the waterfronts in New Bedford and Fairhaven, Massachusetts. The research founds links between landings and land use change and also revealed that specific land use tools and statewide regulations were effective in sustaining working waterfront activities at the local level. Lucas and Pitts (2007) looked at land use change on the waterfront in Portland, Maine and the compatibility of mixed uses, finding that a transition to commercial activities may not completely displace maritime industry. Davis (2001) also worked in Maine researching the role of tax incentives and zoning on balancing waterfront growth and development in Portland. Robinson (2007) investigated the fate of water-dependent uses in Chatham, Massachusetts and connections to community attitudes, finding that the potential impacts of the "retiree effect" on local waterfront policy have not been fully explored. Preliminary results indicated that new members of the coastal community are less vested in local heritage and are less likely to fight changes in traditional land uses.

1.5 The waterfront toolbox

For this study, the toolbox for seaport development and waterfront revitalization identified in the literature (Goodwin 1999, Hershman 1999) is adapted for sustaining working waterfronts. This toolbox was developed as part of the National Coastal Zone Management Effectiveness Study conducted in the late 1990s and informed by prior research on waterfronts (Breen and Rigby 1985, Breen et al. 1980, Goodwin 1987). Goodwin and Hershman independently investigated the effectiveness of state coastal management programs in achieving goals outlined in the federal Coastal Zone Management Act (CZMA). Goodwin evaluated the importance of waterfront revitalization (WR) as an issue for each state with a coastal management program (CMP) and further explored and the use of use of tools to achieve WR goals. Hershman analyzed support for seaport development which was singled out to draw attention to state management of "coastal-dependent economic uses." Both authors developed a similar

conceptual framework for assessing the use and application of available tools, and this structure forms the basis of this study on the toolbox for working waterfronts.

The framework includes three main categories for tools: (1) proactive, (2) supportive, and (3) reactive (Goodwin 1999). Proactive tools direct waterfront revitalization efforts and strategies. Supportive tools assist in the implementation of strategies, and reactive tools are used to review the process of implementation and assess potential outcomes. Twelve main tools are identified. Leadership, partnership, planning, policy, and landholding are proactive tools. Incentives, capital, outreach, and technical assistance are supportive tools. Reactive tools include local coastal program review/plan review, waterfront project review, and environmental review and permitting (Goodwin 1999, Hershman 1999).

1.6 Toolbox use in Oregon

The findings from prior research inform this effort at constructing a 21st century toolbox for working waterfronts and assessing its present application in Newport, Oregon. Goodwin concluded that tool applications in Oregon concerning waterfront revitalization (WR) could be improved. He found that the state had high tool potential, that is, the state had a suite of tools comparable to an ideal WR program, but they were not being fully utilized on the ground in local communities. He reported some change over time. For instance, the issue had "medium" importance at the time the state's coastal program was approved, (as reported by state managers on a "High," "Medium," and "Low," scale) and had developed as a "high" importance issue by the late 1990s (Goodwin 1999). Hershman reported that seaport development received low rankings in Oregon, based on its "perceived importance" in state coastal management planning and low public capital expenditures for 1992-1999 (Hershman 1999). The state also ranked low on seaport related policies but had higher rankings for coordination and planning tools and medium rankings on regulatory tools used to manage port development. Goodwin did not thoroughly investigate institutional capacities, leadership, funding, staff and legislative support in this work. The author advised that future studies build on the framework created by the CZMA effectiveness study and specifically that research efforts focus on the community scale (Goodwin 1999).

1.7 Research context and objectives

This paper is situated within a broader project funded by the U.S. Economic Development Administration to address the sustainability of working waterfronts in the Pacific Northwest. Titled "Preserving seafood-related working waterfronts through strategic decision-making processes" (PSRWW), it is a collaborative effort of the Community Seafood Initiative (CSI), the Seafood Consumer Center (SCC), the Coastal Oregon Marine Experiment Station (COMES), and Oregon State University. The goal is to identify tools and strategies to sustain working waterfronts, specifically activities of the fishing industry. Developing a 21st century toolbox in Phase I of the project is a main component that will lead to community-specific engagement strategies in Phase II. The community of Newport has been selected by the project team as one of four diverse "engagement" ports with whom the team will work more closely in Phase II adapting the toolbox to develop site specific strategies for sustaining the working waterfront.

As a subcomponent of the PSRWW project, this paper investigates two research questions:

1. Which tools are being utilized to sustain water-dependent uses on the Bayfront in Newport, Oregon?
2. Based on good practices criteria for a MWWP and the application of tools in other working waterfront communities, can Newport improve its utilization of the toolbox?

The project assumes that the community in collaboration with local leadership seeks to sustain the traditional activities and characteristics of the working waterfront. Studies by Cramer (2000), Mann and Sylvia (2007) and interviews with port leaders have shown that Newport supports maintaining the commercial fishing components of its waterfront. Local policy also broadly reflects this priority. The Bayfront Plan (1999) outlines a goal of maintaining the "historic mix of fishing and tourism" on the waterfront.

To accomplish the goals of this study in relation to the PSRWW project the following tasks were completed:

1. Outline key components of the toolbox for sustaining working waterfronts
2. Identify criteria and good practices for a Model Working Waterfront Program[3]
3. Assesses applications of the toolbox to the Bayfront in Newport, Oregon, specifically which tools are being applied and how they were being applied, as determined by good practices criteria for a MWWP and in comparison to other working waterfront communities. This task further explores how tools that may not be utilized currently in line with the Criteria could be used based on "ideal" applications or applications in other communities.

1. Outline key components of the toolbox

The toolbox for seaport development and waterfront revitalization identified in the literature (Goodwin 1999, Hershman 1999) has been modified towards the goal of sustaining working waterfronts. The three central tool categories: (1) proactive, (2) supportive, and (3) reactive (Goodwin 1999) and various subsets of tools are explained in depth in *Chapter 4 Toolbox*.

2. Identify criteria and good practices for a Model Working Waterfront Program

A series of criteria for a Model Working Waterfront Program (MWWP) are identified from the literature and outlined in *Chapter 5 Good practices*. Examples of good practice are presented from various waterfront communities that contribute to the criteria of a MWWP.

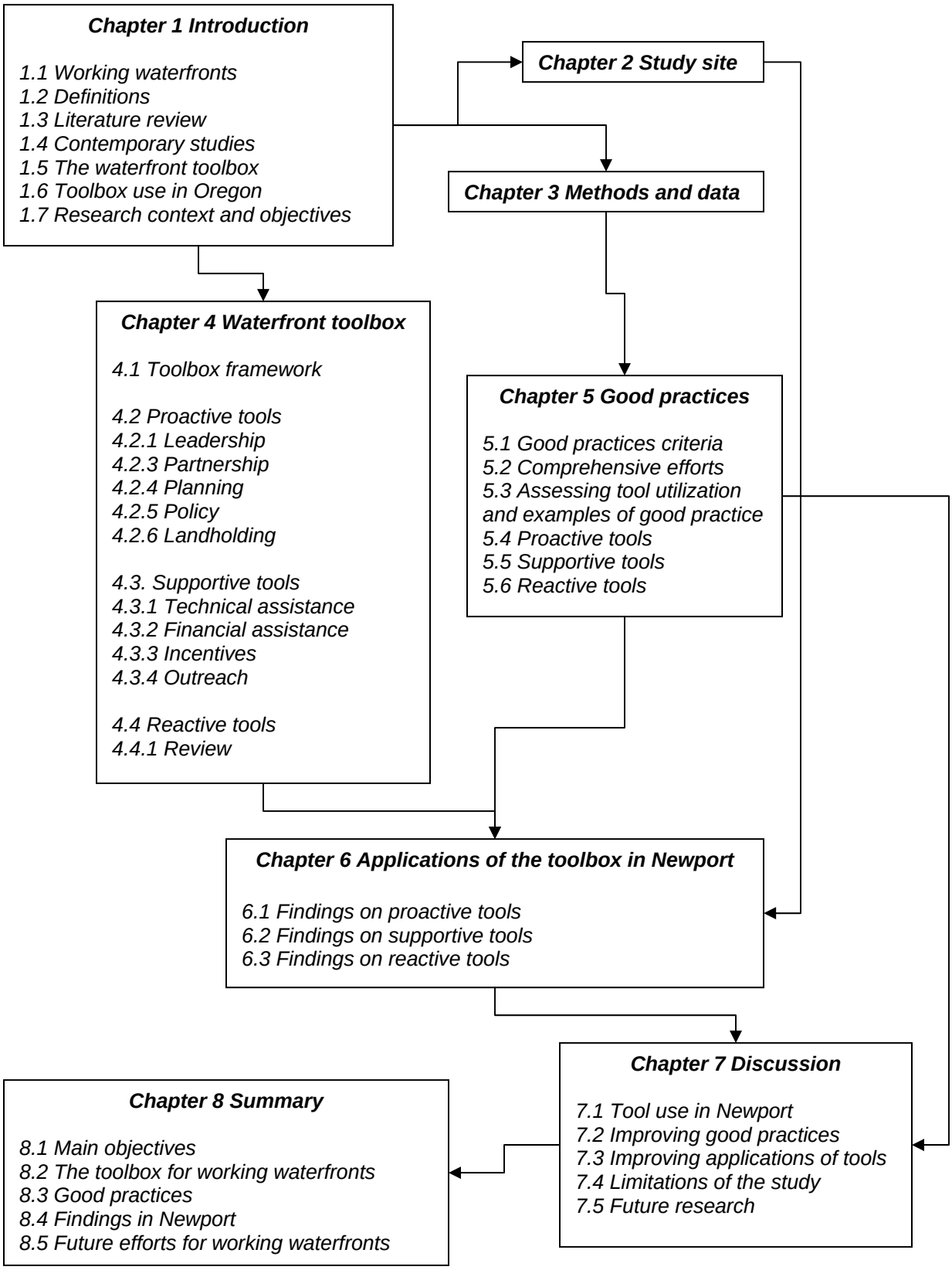
3. Assess applications of the toolbox to the Bayfront in Newport, Oregon

Key goals and current challenges are identified for the Bayfront in Newport *(Chapter 2 Study site).* The work summarizes the present application of tools to sustain the working waterfront in Newport against MWWP criteria as well as in comparison to other working waterfront communities (*Chapter 6 Application of the toolbox in Newport*). This task

[3] Modified from Goodwin's "Model Coastal Management Program" (1999).

further explores applications of the toolbox, specifically how tools that may not be utilized could be used based on “ideal” applications in a MWWP or applications in other communities (*Chapter 7 Discussion)*. The discussion of tool applications considers local goals for the waterfront and institutional support for the working waterfront at various levels of governance.

Figure 1. Structure and sequence of the paper



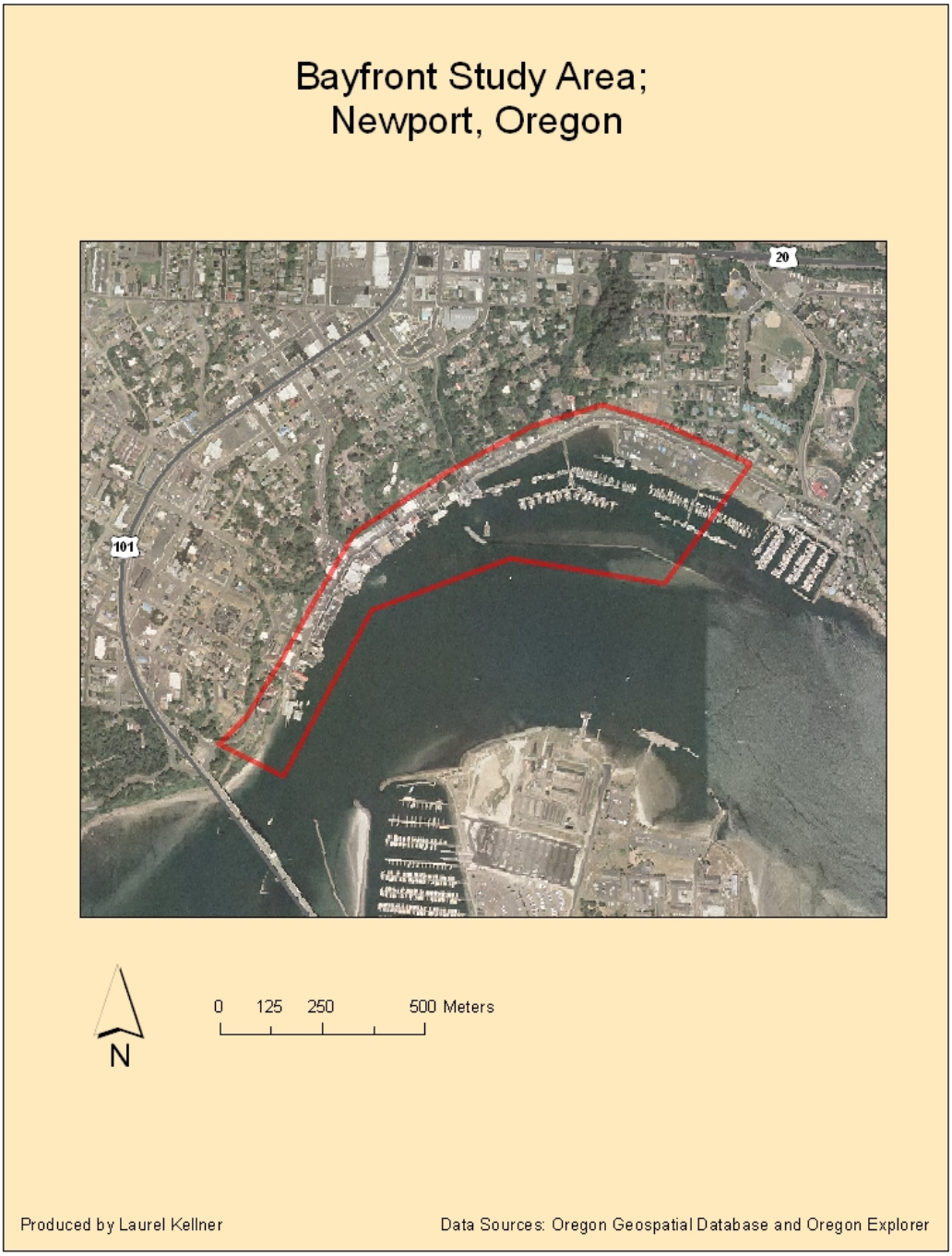
Chapter 2
Study site

2.1 Background

Newport is an informative study for investigating the working waterfront based on its status as a fishing community and its long history of mixed uses on the waterfront. Located in rural Lincoln County, the city of nearly 10,000 inhabitants is neither urban nor particularly rural, falling into a category some have described as "peri-urban" or "non-metropolitan" (Vallega 2001, Bennett 1996, US Census 2000). While it may experience many of the standard pressures of urban environments concerning growth and development, it is a smaller city located in a rural context where most of the population is clustered along the coast. The city was founded on a combination of fishing and tourism, in contrast to other working waterfronts in the Unites States that have developed solely along the lines of commercial fishing and maritime industry. Starting in the late nineteenth century, seasonal visitors and a profitable oyster harvest shaped the community and both fishing and tourism elements have grown to become an inextricable part of its character (Price 1975). Structural changes in recent times such as population growth and economic shifts, while influencing community dynamics, have been relatively consistent with the transitions occurring along the Oregon coast (The Research Group 2006). The decline of one traditional sector on the waterfront— the timber industry—has impacted the area in the last several decades, a trend that has been observed throughout ports in the Pacific Northwest (Kirby et al. unpublished manuscript) and is most likely the result of many factors beyond local control. Still today, in addition to its appeal as a tourist destination, it has one of the most prominent working waterfronts in coastal Oregon (Bannan 2002). The port ranks in the top ten for the West Coast in both tonnage and dollar value of fish landed (NWFSC 2008). With fluctuations in fish stocks and product value, it is clear that the fishing industry has played a complicated role in the economics of the community. However, its contributions to the sense of place are well recognized through the presence of the working waterfront. Relying on research and input from readers, Sunset magazine named the Bayfront the "Best Waterfront" in a piece

on the “West’s Best Cities,” which looked at places with fewer than 600,000 inhabitants (Bannan 2002).

Figure 2. Newport’s Bayfront



2.2 Rationale for site selection

The Bayfront,[4] defined as the section of Newport's waterfront "roughly between the Yaquina Bay Bridge and up to and including the Embarcadero resort," (City of Newport 1999) was selected for this study for several reasons. First, Newport is one of the coastal ports included in Phase I of the PSRWW project and has been selected as an engagement community for Phase II. Second, the Bayfront is situated within a fishing community (Gilden 1999) with a long history of mixed uses dedicated to marine industry and tourist activities (Price 1975). It hosts traditional activities, such as commercial fishing, while maintaining economic diversity by providing local employment through a variety of sectors, including natural resource industries, retail, and food services (U.S. Census 2000). Third, it exhibits some of the characteristics of coastal gentrification and development pressures that have influenced change in other communities, including demographic and economic sector shifts (Bennett 1996). Bay Boulevard, the main thoroughfare on the waterfront, has limited land available for development. New projects and existing structures are constrained by physical features with water on one side and steep slopes on the other. Most new construction, expansion, or conversions of land use must occur in a concentrated area that is mostly developed with a mix of commercial, industrial, and residential uses. Forth, local plans and policy have been drafted for this site, providing some of the data necessary for documenting strategies to sustain the working waterfront. Last, interviews with port leaders revealed several ongoing challenges to the working waterfront including funding, limited lands available for development, managing existing infrastructure, shifts in the fishing industry, and the impacts of environmental regulations and other restrictions on natural resources and development. Furthermore, recent evaluation of Oregon's comprehensive land use planning goals revealed a lack of standardized information on the conservation of lands especially suited for water-dependent development (The Institute of Natural Resources 2008). This may present a problem for Newport because it appears that water-dependent uses can only occur along the Bayfront and along the southern shores of Yaquina Bay. While other areas of the city such as the Historic Nye Beach District can also cater to

[4] The Bayfront contains the major elements of the working waterfront, but is not completely synonymous with the working waterfront, which also contains industrial facilities to the East of the Embarcadero resort. The South Beach Recreational Marina was not included in this study.

tourist needs, the Bayfront is the only place that can provide for commercial fishing and other marine dependent activities (*relevant to Waterfront Goals 1-5 in Chapter 2*).

2.3 Waterfront goals

Local plans and policy have been created for the waterfront, and the Bayfront in particular, by the City and Port of Newport. The mission statement for the City of Newport and main goals for the city council include the enhancement of community live-ability and the provision of essential and institutional services (City of Newport 2009). The Strategic Plan for the Port of Newport includes similar goals for sustainable development, community employment, and economic growth (Port of Newport 2007). In 1996, the citizens of Newport, including a variety of stakeholders, joined in an effort to develop a Bayfront plan to preserve the "historic mix of fishing and tourism" on their waterfront. The resulting plan, which was guided by a multi-sector Bayfront Advisory Committee before being adopted into the city's Comprehensive Plan, addresses similar objectives for the area as outlined individually by the city and the port. Specifically, the Plan calls for preserving a mix of uses on the Bayfront, maintaining its cultural history and accessibility, and providing the necessary infrastructure to meet the diverse demands on the waterfront.

Waterfront Goals identified from port and city planning documents include[5]:

1. Promote traditional economic activities
2. Support local employment and community income
3. Advance sustainable development
4. Maintain economic diversity
5. Encourage mixed uses

2.4 Challenges to the working waterfront

Interviews with port leaders in Newport revealed several ongoing challenges to the working waterfront including funding, limited lands available for development, managing existing infrastructure, shifts in the fishing industry, and the impacts of environmental

[5] These goals were named and numbered for the purposes of this paper and do not necessarily appear in this exact form in public documents.

regulations and other restrictions on natural resources and development. Securing funding for essential working waterfront activities such as dock improvements, maintenance, and dredging is difficult, as is the maintenance of port facilities based on fluctuations in the fishing industry. Environmental regulations, mitigation, and permitting requirements may complicate financial assistance strategies and land use planning. Newport recently passed a bond in support of development at the Terminal Project and was able to get a Department of Transportation "Connect Oregon" grant from the state, but it has been delayed by several factors, including environmental permits (Port staff pers. intv 2009). Lands available to the port for further development are limited and a key challenge is balancing development to meet port needs in partnership with other public and private landowners on the waterfront. A final challenge the port has identified is finding staff capacity to meet all opportunities (Kirby and Mann pers. comm. 2009). There may be some projects or initiatives that the port would like to be engaged in more thoroughly, but current conditions make it difficult for staff to extend their time and efforts into additional realms.

2.5 Land use on the Bayfront

To investigate potential challenges to the working waterfront stemming from land use *(See previous section, 2.4 Challenges to the working waterfront*) the author of this paper conducted a preliminary inventory of land uses on five sub-sections of the Bayfront.[6] The goal of this study was to inventory the current composition of land uses at the heart of the Bayfront and to investigate the relationship between current land use and land use policy, specifically zoning designations for the area. The study covers lands in Water-dependent, Water-related, and Public-structures zones. The composition of land uses is divided into three categories, based on the property class code list of the Lincoln County Tax Assessor's Office (2009). The three general categories are defined as follows: (1) Exempt, (2) Commercial (3) Industrial. The exempt category includes city, federal, port and municipal lands as well as other improved property. Vacant land, improved property, and taxable leased city and port properties are also included in this category. The

[6] This research did not incorporate the section of the waterfront further to the East that is zoned "Industrial."

commercial category includes improved commercial property and some commercial vacant land. The industrial category includes industrial vacant land, improved industrial property, and state responsibility industrial property. Data was obtained from various city and county offices and analyzed in ArcGIS.

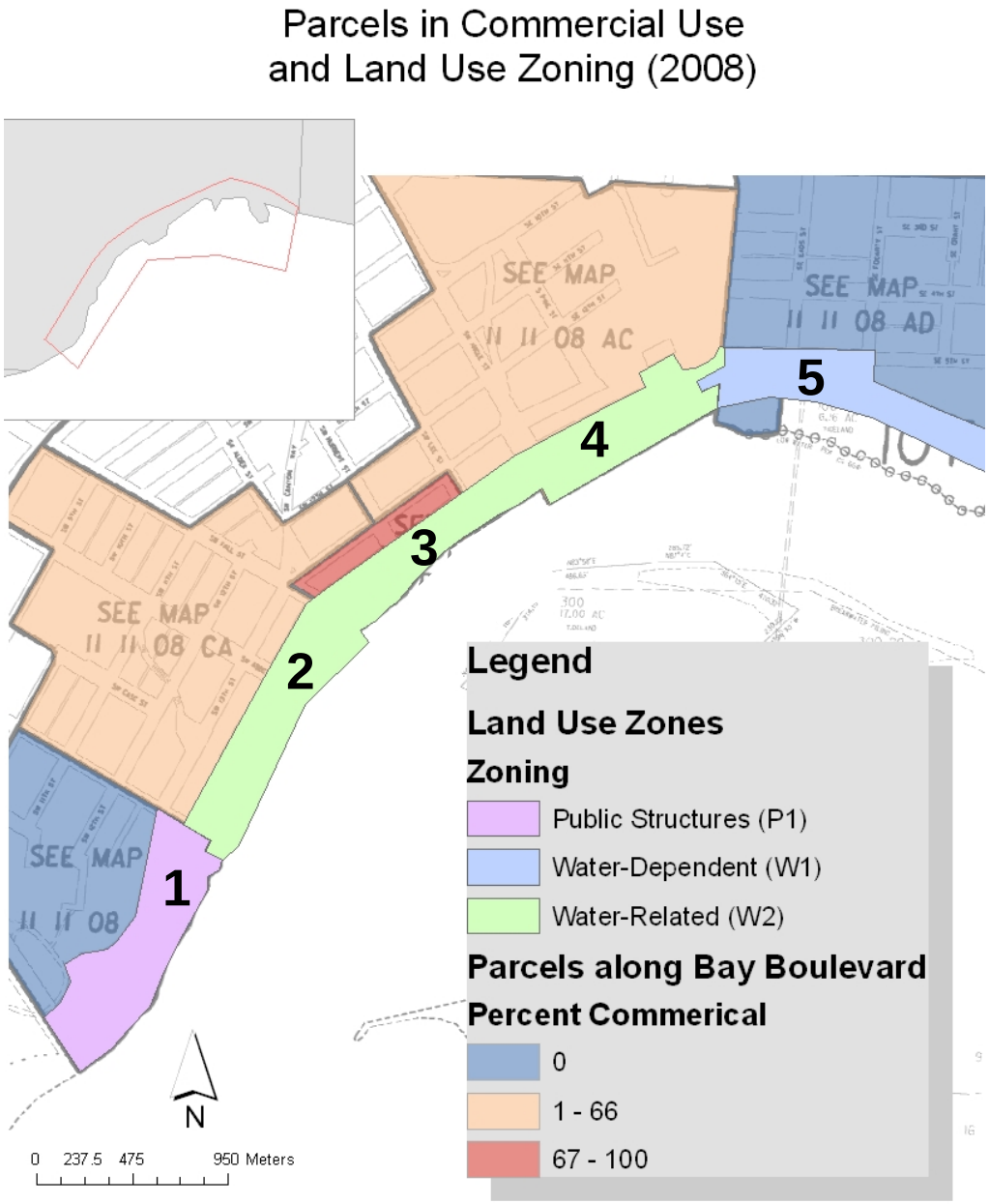
Existing data was sufficient to complete a preliminary analysis of land use and zoning on the waterfront and based on the findings of this brief study, there appear to be some inconsistencies between land use and zoning in certain sub-areas of the Bayfront. Land use in the Public-structures zone and the Water-dependent zone appear to be consistent with the land use policy designations. However, areas zoned for water-related use contained many parcels in commercial type uses. For example, Sub-area 3 had 69% of its parcels in commercial use (Lincoln County Tax Assessors 2009). One sub-area where industrial expansion or redevelopment might present a problem in the future is Sub-area 2, which contains a high number of both commercial and industrial uses. Commercial, residential, and other uses may present a compatibility problem for industrial operations on waterfront and both use types compete for very limited space. If commercial uses are given preference by local decision makers and landowners, the water-dependent industrial uses may have no other suitable location within the city to operate.

Table 1. Parcels in each land use category (by sub-area)

	Zone	Commercial	Exempt	Industrial
Sub-area 1	Public-structures	0	1	0
Sub-area 2	Water-related	24	6	16
Sub-area 3	Water-related	20	2	7
Sub-area 4	Water-related	12	6	1
Sub-area 5	Water-dependent	0	20	0

Source: Lincoln County Tax Assessor's Office 2009 and City of Newport 1999

Figure 3. Parcels in Commercial Use and Land Use Zoning



Zoning designations are overlaid on the sub-areas 1-5. Section 3 contains a high percentage of commercial uses (red). Sections 2 and 4 contain a mix of uses, including commerical and idustrial uses. Sections 1 and 5 apparently contain no commercial uses (dark blue) as indicated by the tax assessment data.
Source: (Lincoln County Tax Assessors Office 2009, City of Newport 1999)

Chapter 3
Methods and Data

3.1 Methods

The information for this study was collected intermittently over a period of two years (2007-2009). The majority of the background data on the toolbox was collected in 2007-2008 and updated in some cases in 2009. Interviews were conducted in the spring of 2009. Additional personal communication occurred throughout 2008 and 2009. The research calls upon several methods and a variety of data sources detailed below, including academic literature, local policy and planning documentation, census data, gray literature, and semi-structured interview data.

The research utilized three methods:

1) Focus group interviews with a semi-structured interview guide
2) Review of academic literature and public documents
3) Informal consultations with public officials

3.1.1 Interviews

Focus group interviews provide an opportunity for group interaction that may enhance research. The "group effect" noted by Lindlof & Taylor (2002) explains how information shared by one member of the group leads to insights and additional data from another member that might not have been revealed though a process of interviewing each member individually. This group process may result in making information that would not have been disclosed otherwise more accessible to the researchers. Focus group interviews conducted with an interview guide are a good method for exploratory research (Morgan 1997). They provide a means to achieve depth (Morgan 1997) while also maintaining an efficient and effective process (Bernard 2000) that delivers the necessary data for the study at hand. The simultaneous sharing of information in the group process can bring on unstructured conversations and unsolicited data, which leads to new insights and linkages that can also better inform the research.

Semi-structured interviews are a preferred method when the researcher has only one opportunity to conduct an interview with a participant or group of participants. A sequence of questions, or a "general script and list of topics" can be covered in one setting and the researchers ensure that consistent types of information are collected from all participants or participant groups (Bernard 2000). Slightly modified templates for different groups or individual interviews allow participants to provide more information within their specific areas of expertise (Morgan 1997).

For the PSRWW project, of which this paper is a sub-component, focus group interviews were conducted by the author and another project team member with 19 ports and harbors in California, Oregon, and Washington to develop a "Port Atlas." The semi-structured interviews were based on the PSRWW data collection template and a "port specific" section that served as the primary interview guide (Bernard 2000). A standard set of questions were asked under various thematic headings including "History and establishment of the port," "Economics and financial resources," and "Long term and strategic planning" among others. (*For a complete list of questions asked, see the port data collection template in Appendix A*). The information collected from each of these thematic questions was reported in the draft Port Atlas under the same thematic heading. Additional information collected during the interview or during review of port documents, websites, and other sources, which was relevant to a thematic heading, was also reported in under that heading.

The focus group interviews conducted with port leaders including port commissioners, harbormasters, harbor CEO's, port managers, and other tenured port staff. Interviews were conducted in 2008 and 2009 by Margaret Kirby, of Shore-Bank Enterprise Cascadia and Laurel Kellner, of Oregon State University. Ms. Kirby conducted interviews of five Washington ports included in the project as well as four Oregon ports and one harbor in California.[7] Ms. Kellner conducted interviews of four ports in Oregon and two harbors in California.

[7] Ports interviewed in Washington, followed by the city where they are located, included: Port of Grays Harbor, Westport; Port of Willapa Harbor, Raymond; Port of Peninsula, Nahcotta; Port of Ilwaco, Ilwaco;

Interviews ranged between 1 to 2 hours and the number of participants in each ranged from 2-4 persons. In most instances they were conducted at port offices. Attempts were made to hold the interviews in semi-private areas of the port offices so interviewees would not be overheard or interrupted by other persons. When distance prevented in-person focus group interviews or individual interviews, these were conducted over the telephone.

The majority of the interviews were not audio recorded or transcribed verbatim. Interviews by the author included the four Oregon ports of Astoria, Newport, and Garibaldi, and Tillamook and two California harbors, Trinidad Harbor and Humboldt Bay Harbor. Three of the Oregon interviews were conducted in person and audio recorded. No audio recordings were taken for the Port of Tillamook, Trinidad Harbor, and Humboldt Bay Harbor. The interviews were recorded real time by typewritten transcriptions. Handwritten notes were taken for the remaining 13 interviews by another researcher and the information utilized from those interviews was not reviewed by the author of this paper in rough form. Available data from those interviews was reviewed by the author of this paper after incorporation by the other researcher into the draft Port Atlas of the PSRWW project (Kirby et. al. unpublished manuscript).

3.1.2 Review of academic literature and public documents

Academic literature on tools and strategies for waterfront communities is utilized to inform compilation of the 21st century toolbox for working waterfronts. While much of the literature on waterfronts focuses on development and revitalization in urban areas (Mann 1988, Oakley 2007, Goodwin 1999, Hershman 1999) the processes and tools presented here are adapted and applied to the context of sustaining working waterfronts in smaller communities.

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and Port of Chinook, Chinook. Ports and harbors interviewed in California included Crescent City Harbor, Crescent City; Trinidad Harbor, Trinidad; and Humboldt Bay Harbor, Eureka (Kirby et al. unpublished manuscript).

Contextual data, including basic economic and demographic profiles, is summarized from the 2000 U.S. Census and reports prepared for the Oregon Coastal Zone Management Association (The Research Group 2006). Local policy and planning documentation was available from the Port of Newport, the City of Newport, the Newport Chamber of Commerce, and Lincoln County administrative offices, including the tax assessor's office, the surveyor's office, and the planning office. Additional white papers, reports, local surveys, and source data used in this study were obtained from Oregon State University, fishing industry professionals, community members, the Newport Chamber of Commerce, and officials at the City of Newport, Lincoln County, and the State of Oregon. Data provided by these officials is used to report on the utilization and application of the working waterfronts toolbox in Oregon, and specifically in Newport.

3.1.3 Informal consultations with public officials

To obtain additional, public data necessary for this study, the author conducted informal consultations with public officials over the telephone, via email, or in person. Consultations occurred with individuals in the following governmental departments: the State of Oregon (Department of State Lands and Economic and Community Development Department); Lincoln County (Tax Assessor's Office, Surveryor's Office, and Planning Department); the City of Newport (Planning Department, Community Development Department, and Finance Department) and the Port of Newport. Information for this study was also provided by a member of Newport's Bayfront Association.

Chapter 4
Toolbox for sustaining working waterfronts

4.1 Toolbox framework

For this study, the toolbox for seaport development and waterfront revitalization identified in the literature (Goodwin 1999, Hershman 1999) is adapted for sustaining working waterfronts (*See Table 2 "Developing the toolbox for sustaining working waterfronts"*). The toolbox framework established in prior research includes three main tool categories: (1) proactive, (2) supportive, and (3) reactive) (Goodwin 1999). Proactive tools direct waterfront revitalization efforts and strategies. Supportive tools assist in the implementation of strategies, and reactive tools are used to review the process of implementation and assess potential outcomes. Twelve main tools are identified. Leadership, partnership, planning, policy, and landholding are proactive tools. Incentives, capital, outreach, and technical assistance are supportive tools. Reactive tools include local coastal program review/plan review, waterfront project review, and environmental review and permitting (Goodwin 1999, Hershman 1999).

The overarching framework of "proactive, supportive, and reactive" (PSR) tools was developed by Goodwin (1999) to analyze state coastal management efforts directed at waterfront revitalization. Goodwin specifically addressed the following PSR tools in relation to waterfront revitalization: inventory and designation, financial assistance, technical assistance, guidance documents, education and training, partnering, Special Area Management Plans (SAMPs), policy protecting water-dependent industry, Local Coastal Program review, project review, and environmental review. His "Model Coastal Management Program to address the issue of waterfront revitalization" also included greater authority to support the state coastal management program as well as policies that linked to other management objectives for the coastal zone. Waterfront festivals and maritime events, as well as program monitoring and evaluation were additional components of the model program (Goodwin 1999).

Similar tools and strategies have been identified across the board in waterfront research and many of these approaches fit neatly into the PSR framework. Hershman analyzed policy and planning tool use by coastal management programs to promote seaport development. The research incorporated policies specifically for seaports, water-dependency, economic growth, and specialized port facilities. Coordination and planning tools identified by Hershman included formal coordination, informal consultation, financial and technical assistance, port planning, and "port-specific zoning or special area designation" (1999). Regulatory tools that were discussed in the Hershman study included coastal permits, expedited permitting for ports, and federal consistency provisions. Breen et al. (1980) produced a practical guide for waterfront improvement that featured a suite of tools. Many of those later identified by Goodwin (1999) and Hershman (1999) are included in this earlier guide. This paper on working waterfront makes note of several tools catalogued by Breen et al. including specific landholding tools, such as land exchange, land banking/retention, fee-simple purchase, transfer of development rights, and easements. Platt (2004) has outlined the role of covenants as an additional land use management tool. In working on waterfront revitalization for small cities, Good and Goodwin (1992), highlighted a number of strategies. Their work referenced the following tools along with others that were identified earlier by Breen et al. (1980): Special Area Management Plans (SAMPs), landholding, and various types of financial assistance such as grants, loans, funds, and bonds.

Table 2. Developing the toolkit for sustaining working waterfronts

Tools for ports and waterfronts *	Tools for sustaining working waterfronts
Proactive	***Proactive***
Authority*	***Leadership****
Seaport Advisory Council**	Ports Association/Ports Group**
Management structures**	Working Waterfront Leadership Group***
Urban Waterfront Action Group**	Fishermen's Groups***
Partnering	***Partnership***
Formal coordination**	Governmental**
Informal consultation**	▪ Formal**
	▪ Informal**
	Non-governmental***
	▪ Formal***
	▪ Informal***
Planning	***Planning***
Port planning	Port planning
Special Area Management Plan (SAMP)**	▪ Regional port planning/SAMP**
Guidance documents	▪ Individual port planning**
Waterfront plans	Waterfront plans/Guidance documents**
Policy	***Policy***
Coastal Management Program policy**	Working Waterfronts Program policy**
▪ Policies to protect water-dependent industry	▪ Policies to protect water-dependent industry
	▪ Policies identify water-dependent uses***
Seaport specific /No sprawl port policy*	Policies specific to ports of any size**
Economic growth policy for ports	▪ Economic growth policy for ports
Designation/Port-specific zoning	Designation/Port-specific zoning
Special district/Urban renewal district	▪ Special district/Urban renewal district
Specialized port facilities policy**	Zoning**
Waterfront zones	▪ Waterfront zones
Overlay zoning	▪ Overlay zoning
Incentive zoning	▪ Incentive zoning
Landholding	***Landholding***
Land banking**	Retention***/Land banking
(Inverse)/Leaseback**	▪ Lands/property leased to another entity**
Land writedowns**	▪ Lands/property leased from other entity**

*Identified by Hershman (1999), Goodwin (1999), Good and Goodwin (1992) and Breen et al. (1980). Proactive, supportive, and reactive framework developed by Goodwin (1999).
**Tool has been modified and/or expanded from prior research on waterfronts
***Tool has been added specifically to the working waterfronts toolbox

Tools for ports and waterfronts *	Tools for sustaining working waterfronts
Proactive (continued)	***Proactive (continued)***
▪ Covenants	▪ Covenants
Acquisition	Acquisition
▪ Fee simple purchase	▪ Fee simple purchase
▪ Transfer/purchase of development rights	▪ Transfer/purchase of development rights
▪ Land exchange	▪ Land exchange
Easements	Easements
Supportive	***Supportive***
Technical assistance	***Technical assistance***
Staff assistance/Trained staff**	Staff assistance**
Feasibility studies	Research and reports***
Plan development	▪ Feasibility studies
Inventories	▪ Plan development
Specialized assistance	▪ Inventories
	Technical support**
	▪ Specialized assistance
Financial assistance	***Financial assistance***
Grants	Grants
Development agency loans**	Loans **
Fishing community assistance program	Fishing community assistance program
Funds	Funds
Bonds	Bonds
Commercial financing	Commercial financing
Private investment	Private investment
Incentives to private developers	***Incentives****
Special tax districts/incentives/increment financing**	Tax incentives**
	Lease rates***
Education and training*	***Outreach****
Education and outreach facilities/infrastructure	Education and outreach facilities/infrastructure
Port, waterfront, and maritime festivals	Port, waterfront, and maritime festivals
Reactive	***Reactive***
Review	***Review***
Local Coastal Program review	Local Coastal Program review
Project review**	▪ Consistency**
Environmental review	Waterfront project review**
Coastal permits**	Environmental review
Expedited permitting for ports**	▪ Permits**
Federal consistency provisions**	

*Identified by Hershman (1999), Goodwin (1999), Good and Goodwin (1992) and Breen et al. (1980). Proactive, supportive, and reactive framework developed by Goodwin (1999).
**Tool has been modified and/or expanded from prior research on waterfronts
***Tool has been added specifically to the working waterfronts toolbox

The following section provides explanations of each tool and how it may be applied to sustaining the working waterfront. Explanations are given of how the tool was adopted from the waterfront revitalization/seaport development toolboxes (termed here as the "waterfront toolbox."), to which many different researchers have contributed. If a tool in the working waterfront toolbox was adopted directly from a tool that can be attributed to one author, that author is noted. In the "Good practices" section examples of tool applications are explored in greater depth.

4.2 PROACTIVE TOOLS

4.2.1 Leadership

Various leadership groups with an emphasis on maritime activity and local culture may be leveraged or created specifically by waterfront communities to sustain working waterfronts. This tool category was modified from the existing waterfront toolbox. It includes the concepts of "Authority" (Goodwin 1999), "Management structures," an "Urban Waterfront Action Group"[8] (Breen et al. 1980), "Advisory Councils" (Hershman 1999), and other leadership organizations identified by Good and Goodwin (1992). Leadership groups specific to the working waterfront were added to this category (*See Table 2. Developing the toolkit for sustaining working waterfronts, above*).

Examples of leadership groups for the working waterfront include Port Associations, Port Groups, Working Waterfront Leadership Groups, and Fishermen's Groups. A Ports Association or Ports Group represents publicly-owned ports and supports port interests and the interests of the maritime industry in general. A Working Waterfront Leadership Group is focused on planning, development, and management of the working waterfront. It may be a long-term organization such as in Providence, Rhode Island or a short term commission as has existed in Maryland (MWWC 2008). Examples include Working Waterfront Coalitions (at the state level such as in Maine and at the city level, in Portland, Oregon) steering committees, management councils, and advisory boards

[8] The Urban Waterfront Action Group identified by Breen et al. (1980) is not a formal association. It is a list of federal agencies including the Army Corps of Engineers, the Department of Housing and Urban Development, and the Federal Emergency Management Agency, among others, that may play a role in urban waterfront development.

(Cowperthwaite 2005) (Abbott 2008). Fishermen's Groups, such as Fishermen's Wives Associations and Fishermen's Alliances support fishing activities in the community and offer assistance to the industry as well as fishing families (Lincoln et al. 2002).

4.2.2 Partnership

A variety of partnerships, including codified and informal cooperation, may be utilized to further the goals of coastal communities in regards to their working waterfronts. This tool category was modified and expanded from the existing framework. "Formal coordination" (Hershman 1999) was modified to "Governmental partnerships" with both "formal" and "informal" partnership subcategories. "Informal consultation" (Hershman 1999) was modified to "Non-governmental partnership" with both "formal" and "informal" partnership subcategories. Codified or formal partnerships among government departments and programs at various jurisdictional levels can provide institutional support for working waterfronts as well as influence decision-making processes (Springuel and Schmitt 2007). Non-governmental, untraditional, and informal partnerships can also be leveraged to support working waterfronts (de Langen, 2005).

4.2.3 Planning

Planning frameworks that address the working waterfront may be regional in scope as well as specific to local entities, such as ports and cities. This tool category was modified from the waterfront toolbox and consolidates Special Area Management Plans (SAMPs) with "Regional port planning." Guidance documents (Hershman 1999) were consolidated with "individual port planning." Regional port plans or Special Area Management Plans (SAMPs) may be utilized to manage regions that encompass more than one working waterfront. SAMPs may incorporate several local governments and regulatory agencies and "should provide increased specificity for reasonable coastal-dependent economic growth" as dictated in the Federal CZMA (16 U.S.C. § 1452 (3)(c)) (Hershman 1999, Good and Goodwin 1992). Individual port planning, including documents such as Master Plans, Strategic Plans, or Business Plans, guide port management, development, and operations (Hershman 1999). Planning elements are

often tied directly to policy directives which are explored in greater depth in the following section.

4.2.4 Policy

The use of policy as a tool to support working waterfronts may take various forms, including policy specific to ports and working waterfronts, policies identifying water-dependent uses, zoning, and port-specific zoning or designations. The "Policy" tool category was modified and expanded from the waterfront toolbox. "Coastal Management Program policy" (Goodwin 1999) was adapted to "Working Waterfronts Program policy," and "policies identifying water-dependent uses" was added. "Seaport specific policy" and "no-sprawl port policy" (Hershman 1999) were modified to "policies specific to ports of any size," and "specialized port facilities policy" was broadened to "zoning," which incorporates other types of uses and facilities, as well as the subcategories of "Waterfront zones," "Overlay zoning," and "Incentive zoning" (Breen et al. 1980).

i. Working waterfront policy

Working waterfronts policy may include various components intended to direct waterfront management and development. Policy components may including a definition of the working waterfront as well as other provisions such as the creation of a working waterfront leadership group, tax incentives, and the issuance of covenants regarding specific areas or land uses (HR 3223 § (2) 2007).

Working waterfronts legislation does not exist at the federal level. Several bills to support waterfronts were introduced in 2007 but did not progress beyond the committee stage in the U.S. House of Representatives. The two bills were titled the Working Waterfront Preservation Act and the Keep Our Waterfronts Working Act. The Working Waterfront Preservation Act of 2007 outlined a grant program that would ensure waterfront access for commercial fishermen. It would have amended the Magnuson-Stevens Fishery Conservation and Management Act by adding "Title V: Grants for Commercial Fishing Access" (HR 2565 § (2) 2007). The Keep Our Waterfronts Working Act of 2007 proposed to amend the CZMA by adding "Section 320, a Working

Waterfront Grant Program" (HR 3223 § (2) 2007). Both bills were reintroduced in 2009 by leaders from Maine, one in the House and one in the Senate, and both are pending progress through committees before any further action occurs.[9]

Legislative measures at the federal and state level currently recognize the importance of maintaining waterfronts without specifically supporting working waterfronts. The Coastal Zone Management Act contains several sections that support waterfront development. Section 303 (2)(F) directs state programs to assist in the redevelopment of deteriorating urban waterfronts and ports, in addition to sensitive preservation and restoration of historic, cultural, and esthetic coastal features (16 U.S.C. § 303 (2)(F)). Section 306 provides waterfront planning grants. (16 U.S.C. § 306). Section 306A provides funds for land acquisition and low-cost construction. This section also "defines the term 'urban waterfront and port' as any developed area that is densely populated and is being used for, or has been used for, urban residential recreational, commercial, shipping or industrial purposes" (16 U.S.C. § 306 (A)). Section 309 offers grants that do not require a match at the local level, but working waterfronts are not explicitly addressed. Environmental permitting processes administered at the federal and state levels are also directly applicable waterfront development (Good and Goodwin 1992). However, this study does not attempt to record and analyze all permits required for development. Nationwide, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency (EPA) have authority to regulate many projects related to waterfront under Section 10 of the 1899 Federal Rivers and Harbors Act and Section 404 in the Clean Water Act (1977).

ii. Definition of the working waterfront

A definition of the working waterfront may direct policy, funding, and support. Decision-makers and the public may gain a better understanding of the resource if its components are clearly identified. Some definitions are focused explicitly on commercial fishing and aquaculture (HR 2565 § (2) 2007), while others involve a combination of

[9] In 2009, HR 3223 was reintroduced in the U.S. House of Representatives as HR 2548 § and similar text to HR 2565 § (2) 2007) was introduced into the Senate as S.533.

water-dependent industry, marine trades, recreation/tourism, public access, and water-enhanced industry (Springuel and Schmitt, 2007). The proposed amendment to the CZMA identified core elements of the working waterfront as follows: "Water-dependent commercial activities depend on coastal access in the form of docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling, repair, and construction facilities, commercial fishing facilities, and other support structures on, over, or adjacent to navigable bodies of water" (HR 3223 § (2) 2007).

iii. Port specific policy

Port-specific policies at the state or local level may grant ports greater financial power and management authority regarding the use and development of waterfront lands (Hershman 1999). Enabling legislation at the state level for ports gives them the ability to issue bonds, levy taxes, and control many waterfront operations through a leadership body such as an elected or appointed Port Commission.

iv. Policies identifying water-dependent uses

Policies identifying water-dependent uses may indicate a preference for specific uses on the waterfront and distinguish water-dependent uses from water-related uses (Hershman 1999). All states surveyed in prior research on seaport development (Hershman 1999) had policies that noted a preference for water-dependent uses along shorelands, but not all states explicitly recognize working waterfronts in their policy objectives. This policy tool can be influential for in the case where distinctions among "water-dependent" or "water-related" uses are not identified, certain uses such as marinas may be prioritized over others, such as boat repair facilities (Breen and Rigby 1985).

v. Zoning

Zoning is one of the most common land-use planning tools employed by local governments (Platt 2004) and may be used to promote specific activities and land uses on the waterfront. It can be employed to sustain current uses at a particular site, preserve waterfront land for future uses consistent with community goals, or establish new uses for the waterfront and adjacent lands. Depending on the goals for the waterfront, zoning

designations can be made very specific. Waterfronts can be zoned broadly for mixed-use, more narrowly for water-dependent use, specifically for industrial operations, or exclusively for fisheries-dependent activity. Special districts or urban renewal districts may also include special zoning provisions with funding and development incentives (Goodwin 1999, Good and Goodwin 1992). Overlay zones are a more specific tool in this category that has been applied to the goal of sustaining working waterfronts. An overlay zone is used to refine the underlying zoning scheme. It retains detailed zoning standards while making policy distinctions to meet certain needs within a specialized area. Conflicts between the overlay zone and the underlying zoning scheme are often resolved in favor of the most restrictive of the two options (Good and Goodwin 1992). Incentive zoning is another type of policy that may help to promote specific uses in a defined area (Breen et al. 1980). "Performance zoning" is a non-traditional zoning tool that is not related directly to use type or density in the zone, but rather the effects or impacts of the regulation. Trips generated at a specific location would be an example of performance or impact zoning (Good pers. comm. 2009).

vi. Port specific zoning or designation

Port specific zoning or designation reserves lands primarily for marine-dependent uses, to be defined by the state or local governmental entity. Examples include the 11 Designated Port Areas (DPAs) in Massachusetts, created by the Massachusetts Office of Coastal Zone Management in 1978, which are implemented as overlay districts (Portman et al. 2009) (Rafferty 1996).

4.2.5 Landholding

Various landholding tools are used to support working waterfronts, including retention, acquisition, and easements strategies. This tool category was slightly modified from existing research. "Land banking" was renamed "Retention" strategies and "Leaseback," "Inverse Leaseback" and "Land Writedowns" (Breen et al. 1980) were consolidated into 1) "The port or city leases lands/property to another entity" and 2) "The port or city leases lands/property from another entity."

i. Retention/Land banking

Land retention or land banking is a means for ports to maintain waterfront properties without always owning our operating them outright (Breen et al. 1980). Examples include ports or cities leasing property *to* another entity, ports or cities leasing property *from* other entity, and the application of covenants.

a. When the port or city leases property to another entity, the governmental entity retains lands but is not directly using them for its own operations. In this case, the port or city still reserves ownership of the lands and the option to use them in the future for activities that it deems necessary (Breen et al. 1980).

b. A port or city may also lease lands from another entity with the intent to acquire these lands and rights to the option to purchase (Good and Goodwin 1992). This option retains the lands under relative port or city control concerning present use and development (Breen et al. 1980).

c. Covenants are restrictions on development or land use that are employed as means to preserve specific characteristics or uses in a designated area or at the property/ parcel level. The restrictions are often tied to the property even after it has changed ownership (Platt 2004). At the national level, covenants have been proposed as a tool in new legislation to sustain working uses on the waterfront (H.R. 2548, 2009).

ii. Acquisition

Acquisition in the context of the working waterfront is a tool by which lands or property, or specific rights to those lands or properties, are obtained. Lands or properties acquired may afford more options for growth and development of the working waterfront. Specific uses may be retained while new uses are accommodated. Traditional acquisition tools can be applied in new ways to sustain working waterfronts. Acquisition may be achieved through multiple means including fee simple purchase, transfer/purchase of development rights, land exchanges, and conservation easements. These tools may be applied to take advantage of short-lived windows of opportunity to obtain waterfront property and secure it for desired uses (Ronzio 2004, Goodwin 1999).

a. In a fee simple purchase transaction, lands or property are purchased outright; the fee simple title is acquired (Platt 2004) (Breen et al. 1980).

b. The transfer or purchase of development rights is a means to regulate growth and development. Rights to develop at a certain site are purchased by another party, preventing that site from being further modified or developed according to adopted guidelines. The owner of the site does not relinquish existing use rights. Rights to develop at a certain site may also be transferred to another party to be utilized at a different site according to adopted guidelines (Platt 2004) (Breen et al. 1980).

c. Ports and cities may also trade lands with another governmental or non-governmental entity for a desired piece of property if funds are not available for fee-simple purchase or other acquisition methods are not feasible (Breen et al. 1980) (Good and Goodwin 1992).

d. An easement is a limited interest in a property that is retained by someone other than the owner of the property. Easements may be held by the general public. Scenic, conservation, and recreation easements, may be utilized to maintain working waterfront access and also to control development. Restrictive easements are often tied to the property even after it has changed ownership (Platt 2004) (Breen et al. 1980).

4.3 SUPPORTIVE TOOLS

4.3.1 Technical assistance

Technical assistance is available to working waterfronts in various forms, including staff assistance, specialized technical support, and local research and reports. This tool category was modified and expanded from the waterfront toolbox. "Staff assistance" was kept as part of the toolbox and was inclusive of the concept of "trained staff." The subcategory "Research and reports" was added which incorporated the "feasibility studies," "plan development" and "inventory" tools. Another subcategory, "Technical

support" was added to include specialized assistance, both in-house services and contracted services.

Various types of technical assistance, including economic analysis, financial guidance, and scientific expertise can guide strategic decisions and waterfront governance. Waterfront communities may be better positioned to look towards the future and formulate plans if they have sound research at their disposal. Informed decision making can rely on local studies that examine changes in the local economy, assess port status, or take inventory of existing infrastructure (Dawkins and Colebatch 2006). As a tool, staff assistance includes various types of in-kind services, such as project design, project review and contributions by specialists such as GIS technicians to waterfront planning and management (Hershman 1999). Specialized services also include in-house engineering and environmental expertise research. Research and reports include studies such as economic analyses of the working waterfront, feasibility studies, and inventories of land use which can be used for plan development as well as assessments of the working waterfront and associated activities (Goodwin 1999, Hershman 1999).

4.3.2 Financial assistance

Financial assistance for the working waterfront is available from a variety of sources: taxes, grants, private investment, loans, bonds, and special funds, commercial financing, and private investment. This tool category was slightly modified from the existing framework, which in some instances (Good and Goodwin 1992, Breen et al 1980) contained many sub-categories that were not addressed in detail during the research for this paper. The "development agency loans" categories which were identified by Goodwin (1999) and Good and Goodwin (1992) in the existing toolbox were consolidated under one category "Loans" to include broader types of loans available to working waterfronts.

Financial assistance, as analyzed for this paper, incorporates a variety of mostly public funding mechanisms. Public tax dollars that are used for waterfronts include both property and sales taxes among others at the local, state and federal levels. Some sources of capital, such as grants, are created specifically to support waterfronts and may have

restrictions, such as cost-sharing stipulations and mandates for use on a specific project. Loan programs and funds at the federal, state, or local level are also available (Good and Goodwin 1992). These programs may offer low interest rates and other financial benefits. Cities, and often ports, have bonding authority that may be utilized to support operations and development on the working waterfront (Good and Goodwin 1992) (Goodwin 1987). General obligation bonds and revenue bonds are two examples of this funding mechanism. Private developers, investors, and non-governmental organizations may be other sources of financial assistance for the working waterfront as money invested in projects and developments may offer benefits to the local economy. A specialized "fishing community assistance program" (Goodwin 1999) may combine several of the tools detailed above. Commercial financing and private investment are additional financial tools that may be available to the working waterfront (Goodwin 1999, Good and Goodwin 1992).

4.3.3 Incentives

A variety of incentive tools may be created and employed to support working waterfronts including preferential lease rates and tax incentives such as property tax breaks. This tool was modified from Breen et al's (1980) "Incentives to private developers" to "Incentives," which can include a broader target group. "Special tax districts," "tax incentives" and "tax increment financing" were simplified to "tax incentives."

Financial incentives may benefit working waterfronts by encouraging development that sustains or enhances their working character. One example is the specialized application of property taxes as a tool. Local property taxes are fixed on the current use of waterfront land and not on the potential value of the land if developed for residential, retail or other "highest and best" uses. These types of incentives are often directed at working waterfront, commercial fishing, or other water-dependent uses as defined by state or local policy. In some cases, the tax exemption tool is also viewed as a type of government subsidy (Davis 2001). Tax "abatement, exemption, and exclusion" as well as "income assessment," where "taxes are based on the income of the redevelopment project and not on the value of the property itself," are additional tax incentives incorporated into the

working waterfront toolbox (Breen et al. 1980). Preferential lease rates were not explored in great depth in earlier research on the waterfront and were added to the working waterfront toolbox by the author.

4.3.4 Outreach

Outreach tools include quality education about the working waterfront that may promote strategic planning and decision-making. Outreach facilities and infrastructure, and port, waterfront, and maritime festivals are additional types of tools that can engage stakeholders in sustaining the working waterfront. This tool category was slightly modified from the existing waterfront toolbox; "Education and staff training" was adapted to "Outreach." Outreach about the working waterfront is offered through conferences, educational workshops/forums, trainings, and tours for employees in the industry as well as the public. Involving the community in the waterfront planning and management process is another type of outreach strategy (Taussik 2007). Facilities such as maritime museums, viewing platforms, docks, piers, and boats that are accessible to the public constitute outreach infrastructure (Good and Goodwin 1992). Events that focus on the maritime history, seafood culture, and fishing character of the waterfront, in addition to festivals such as arts and crafts fairs may serve to promote the visibility of the working waterfront (Goodwin 1999).

4.4 REACTIVE TOOLS

4.4.1 Review

Waterfront plans and projects often occur within a broader planning and management framework that is subject to state review for compliance with environmental regulations and coastal management directives. This tool was slightly modified from the existing toolbox. "Consistency" (Hershman 1999) was consolidated under "Local Coastal Program review" (Goodwin 1999). "Project review" (Goodwin 1999) was specified as "Waterfront project review." "Environmental review" was expanded to incorporate permitting processes such as "Coastal permits" and "Expedited permitting for ports" (Hershman 1999). Local coastal programs (LCPs), plans, and projects addressing

waterfront development undergo state review for adherence to state standards regarding coastal zone management and environmental impacts (Goodwin 1999). This methodology has been developed to ensure that the decision-making of local governments concerning the use of these limited lands is consistent with state goals. Permitting processes at the local, state, regional, and federal levels are another type of "review" that is often required on the waterfront (Hershman 1999, Good and Goodwin 1992).

Table 3. Tools identified for the working waterfront

Tool	Tool Description
Proactive tools	
Leadership	
Ports Association/ Ports Group	A Ports Association represents publicly-owned ports, supporting port interests and the interests of the maritime industry (CAPA 2005) (WPPA 2006).
Working Waterfront Leadership Group	A working waterfront leadership group is focused on planning, development, and management of the working waterfront. It may be a long-term organization or a short term commission. Examples include Working Waterfront Coalitions (Maine and Portland, Oregon), steering committees, management councils, and advisory boards (Cowperthwaite 2005, Abbott 2008, MWWC 2008).
Fishermen's Groups	Fishermen's Wives Associations and Fishermen's Alliances support fishing activities in the community and offer assistance to the industry as well as to fishing families (Lincoln et al. 2002)
Partnership	
Governmental	Formal and informal partnerships among government departments and programs at various jurisdictional levels may provide institutional support for working waterfronts (Springuel and Schmitt, 2007).
Non-governmental	Non-governmental, non-traditional, and informal partnerships may support working waterfronts (de Langen 2005).
Planning	
Regional port planning/SAMPs	Regional port plans or Special Area Management Plans (SAMPs) may be utilized to manage regions that encompass more than one working waterfront. SAMPs often incorporate several local governments and regulatory agencies (Good and Goodwin 1992).
Individual port planning	Port plans, such as Master Plans, Strategic Plans, or Business Plans, guide port management, development, and operations (Hershman 1999).
Waterfront plans/Guidance documents	A waterfront plan or guidance document may be developed in partnership with community stakeholders to meet local goals for the waterfront (Goodwin 1999).
Policy	
Working waterfronts policy	Working waterfronts policy may include various components intended to direct waterfront management and development. Policy components may include a definition of the working waterfront and protections for water-dependent industry as well as other provisions such as the creation of a working waterfront leadership group, tax incentives, and covenants regarding specific areas or land uses (HR 3223 § (2) 2007).

Tool	Tool Description
Policy (continued)	
Policies identifying water-dependent uses	Policies identifying water-dependent uses may indicate a preference for specific uses on the waterfront and distinguish water-dependent uses from water-related uses (Hershman 1999).
Policies specific to ports of any size	Port-specific policies at the state or local level and economic growth policy for ports may grant them greater authority regarding the management, use, and development of waterfront lands (Hershman 1999).
Zoning	Zoning is one of the most common land-use planning tools employed by local governments and may be used to promote specific activities and land uses on the waterfront through waterfront, overlay, and incentive zoning (Platt 2004) (Good and Goodwin 1992)
Designation/ Port specific zoning	Port specific zoning or designation reserves lands primarily for marine-dependent uses, to be defined by the state or local governmental entity. Examples include the 11 Designated Port Areas (DPAs) in Massachusetts, created by the Massachusetts Office of Coastal Zone Management in 1978. DPAs are implemented as overlay districts (Portman et al. 2009) (Rafferty 1996). Special districts and urban renewal districts may also offer advantages to the working waterfront (Goodwin 1999).
Landholding	
Retention/ *Land banking*	Land retention is a means to maintain waterfront properties through ownership or management or through mechanisms where the properties are not owned or operated outright (Breen et al. 1980).
Port/city leases property to another entity	The port/city is retaining lands, but is not directly using them for its own operations. The port /city reserves the option to use the lands in the future for activities that it deems necessary (Breen et al. 1980).
Port/city leases property from other entity	The port /city is leasing lands from another entity, perhaps with the intent to acquire. This activity retains the lands under relative port /city control, concerning present use and development (Breen et al. 1980).
Covenants	Covenants are restrictions on development or land use that are employed as means to preserve specific characteristics or uses in a designated area or at the property parcel level. The restrictions are often tied to the property even after it has changed ownership (Platt 2004).
Acquisition	Acquisition in the context of the working waterfront is a tool by which lands or property, or specific rights to those lands or properties, are obtained. Acquisition may be achieved through multiple means. Lands or properties acquired may afford more options for growth and development of the working waterfront. Acquisition of lands may retain working waterfront uses and accommodate multiple-use developments.

Tool	Tool Description
Landholding (con't)	
Fee simple purchase	In fee simple purchase, lands or property are purchased outright; the fee simple title is acquired (Platt 2004) (Breen et al. 1980).
Transfer/purchase of development rights	The transfer or purchase of development rights is a means to regulate growth and development. Rights to develop at a certain site are purchased by another party, preventing that site from being further modified or developed according to adopted guidelines. The owner of the site does not relinquish existing use rights. Rights to develop at a certain site may also be transferred to another party to be utilized at a different site according to adopted guidelines (Platt 2004) (Breen et al. 1980).
Land exchange	A port may trade lands with another governmental or non-governmental entity for a desired piece of property if funds are not available for fee-simple purchase or other acquisition methods are not feasible (Breen et al. 1980) (Good and Goodwin 1992).
Easements	An easement is a limited interest in a property that is retained by someone other than the owner of the property. Easements may be held by the general public. Scenic, conservation, and recreation easements may be utilized to maintain working waterfront access and also to control development. Restrictive easements are often tied to the property even after it has changed ownership (Platt 2004) (Breen et al. 1980).
Supportive tools	
Technical assistance	
Staff assistance	Staff assistance includes various types of in-kind services, such as project design, project review, and contributions by trained staff and specialists to waterfront planning and management (Hershman 1999).
Technical support	Technical support includes various types of specialized services such as engineering expertise, environmental research, and GIS analysis that may assist waterfront planning and management (Goodwin 1999) (Hershman 1999).
Research and reports	Research and reports include studies such as economic analyses of the working waterfront, feasibility studies, and inventories of land uses which can serve waterfront assessment and plan development (Goodwin 1999) (Hershman 1999).
Financial assistance	
Grants	Federal, state, or local grants can be utilized to sustain the working waterfront. The grants may have restrictions, such as cost-sharing stipulations and mandates that the grant be used for a specific project (Good and Goodwin 1992).
Loans/Funds	Loan programs and funds at the federal, state, or local level can be utilized for the working waterfront (Good and Goodwin 1992)
Bonds	Cities, and often ports, have bonding authority that may be utilized to support operations and development on the working waterfront (Good and Goodwin 1992) (Goodwin 1987).
Fishing community assistance program	A specialized "fishing community assistance program" (Goodwin 1999) may combine several of the financial tools in this category to promote the sustainability of fisheries-dependent communities.

Tool	Tool Description
Financial assistance (con't)	
Commercial financing	Commercial lenders may assist in public/private development and renovation efforts on the waterfront (Good and Goodwin 1992).
Private investment	Private investment by developers, waterfront operators, land owners and others may assist in sustaining the working waterfront (Goodwin 1999, Good and Goodwin 1992).
Incentives	
Lease rates	Lease rates for waterfront properties or lands may be lowered for specific businesses, activities or land uses, to be defined by the local governing entity or leadership body.
Tax incentives	Tax incentives may include special taxing districts, tax abatement, exemption, or exclusion, and income assessment (Breen et al. 1980). Property tax relief is a tool used to support working waterfronts. Local property taxes are fixed on the current use of waterfront land (for working waterfront, commercial fishing, or other water-dependent uses) and not on the potential value of the land if developed for residential, retail or other "highest and best" economic uses (Wheeler 2005, Davis 2001).
Outreach	
Education and outreach facilities/infrastructure	Education about the working waterfront is offered through conferences, workshops/forums, trainings, and tours for employees in the industry as well as the public (Good and Goodwin 1992). Facilities such as maritime museums, viewing platforms, docks, piers, and boats that are accessible to the public constitute outreach infrastructure.
Port, waterfront, and maritime festivals	Events that focus on the maritime history, seafood culture, and fishing character of the waterfront, in addition to festivals such as arts and crafts fairs may serve to promote the visibility of the working waterfront (Goodwin 1999).
Reactive tools	
Review	
Local coastal program review/plan review	Local coastal programs (LCPs) or plans addressing waterfront development are subject to state review for adherence to state standards regarding coastal zone management (Goodwin 1999).
Project review	Local projects addressing waterfront development are subject to state review for adherence to state standards regarding coastal zone management (Goodwin 1999).
Environmental review	Plans and projects addressing waterfront development are subject to state review for adherence to state standards regarding environmental impacts (Goodwin 1999).

Chapter 5

Good practices

5.1 Good practices criteria

A review of key literature highlights key principles that can provide guidance for designing a "Model Working Waterfront Program" (MWWP). A model program would operate in accordance with many of the principles and criteria, while utilizing a suite of tools from the working waterfront toolbox (*See Table 4 Model Working Waterfronts Program below*). Good practices, as outlined below and in Table 4, are defined as practices that contribute towards achievement of the criteria for a MWWP. These fourteen criteria are explained as follows: The program has supporting legislation (Hershman 1999), is adequately funded and resourced (Goodwin 1999), incorporated into broader management frameworks (Portman et. al 2009), and linked to other initiatives (Goodwin 1999). The program includes mandates for engagement and preliminary reviews to select the appropriate suite of tools for application (MWWC 2008). Achievable goals and clear objectives for the working waterfront are outlined by the program (Goodwin 1999), which also includes critical success factors and criteria for its application (Connors 2008). The program is monitored and evaluated against goals and criteria (Goodwin 1999) and subject to periodic reviews (Hershman 1999). The working waterfronts program is spatially explicit (Dawkins and Colebatch 2006) while amenable to widespread utilization (Hershman 1999). The ideal program is evaluated in comparison to efforts in other areas (MWWC 2008) and remains adaptable and flexible to the incorporation of new tools and strategies (Davis 2001).

5.2 Comprehensive efforts

The application of good practices in using tools and strategies to sustain the working waterfront is still evolving. However, in most cases good practices involve the integrated application of tools and strategies in a deliberate sequence. Many of the good practices presented here under specific tool headings are part of multifaceted effort at the state level that employs a suite of tools to sustain working waterfronts. Florida, Maine, Maryland and North Carolina and others have formal leadership or partnership groups

that have led policy, planning, and engagement strategies, provided technical assistance, and assisted in the development of new legislation and financial support for the working waterfront (Springuel and Schmitt 2007). These strategies have been sequenced in similar ways roughly following the MWWP criteria (1-14). The initiatives start with leadership, outreach, and partnerships that lead to the development of additional proactive and supportive tools. These strategies are then reviewed, their effectiveness evaluated, and revisions may be made for better tool development and implementation (Springuel and Schmitt 2007). The following section does not report on comprehensive processes in each state but makes note of integrated strategies while providing examples of good practices under each tool category.

5.3 Assessing tool utilization and examples of good practice

Each tool constitutes a discrete action or approach which may be underpinned by good practices criteria. Just because a waterfront tool has been used by a state or local entity in some cases, does not mean that it has been used specifically to sustain the working waterfront nor that it has been used in a manner that satisfies the criteria for a MWWP. The extent to which the tool was used and the manner in which it was used to contribute to meeting MWWP criteria are explored in this section. Using a tool to contribute to achieving all fourteen of the MWWP criteria would be an "idealized" application. The data collected for this study is not sufficient to determine whether or not applications of any of the tools in the toolbox have achieved this ideal status anywhere in the United States, or if ideal status is even necessary for effective tool use and successful results. Thus, to be included as a "best example of tool use" in this paper, the "best example" was chosen from among the examples available that contributed to the greatest number of criteria. For some tools, there were few examples and the best example may have contributed to fewer than half of the good practices criteria.

Table 4. Model Working Waterfronts Program (MWWP)

Criteria	Practice
1. Includes mandates for engagement[6]	Multiple stakeholders, including government organizations, private entities, and the public are involved in the formulation of the program and its goals and objectives. [e]
2. Outlines clear goals and objectives[4]	The program contains clear goals and objectives for sustaining the working waterfront that may be codified in legislation. [a]
3. Selects appropriate tools	The program selects the appropriate suite of integrated tools to achieve goals and objectives. Tools are applied in a relative sequence, with substantial overlap and integration among their applications.
4. Has supporting legislation[2]	Federal, state, or local legislation supports efforts to sustain the working waterfront. [a] The legislation defines working waterfronts and creates a working waterfronts program with specific tasks, measurable goals, and funding. Incentives for maintaining water-dependent uses, the creation of covenants, [b] and other tools may be incorporated into the legislative mandate to sustain working waterfronts.
5. Is adequately funded and resourced[4]	The program receives federal, state, regional, or local funding to operate. [c]
6. Is included in a broader management framework[3]	The program is incorporated as part of the local, state, or federal coastal management/resource management/land use planning or other framework and receives institutional support from those entities. [d]
7. Is linked to other initiatives[4]	The working waterfronts program is linked to other governmental and non-governmental initiatives to support the working waterfront and promotes both formal and informal partnerships. [c]
8. Identifies criteria [5]	The program identifies critical success factors as well as criteria for funding working waterfront projects. [c]
9. Is monitored and evaluated against goals and criteria[4]	The program is monitored and evaluated for effectiveness using the identified critical success factors and goals established for the program. [d]
10. Is spatially explicit[1]	The program explicitly addresses working waterfronts. Components of the working waterfront are clearly defined. [e]
11. Can be widely used [2]	The program is amenable to use in different waterfront areas throughout the city, region, state, [c] or nation.
12. Undergoes periodic review[2]	The policies and approaches of the program are periodically reviewed for effectiveness against stated goals and criteria. [c]
13. Is evaluated comparatively[6]	The program is compared to other programs at the local, regional, state, or federal level. [e]
14. Is adaptive and flexible[7]	The program may be modified as needed based on the results of monitoring and evaluation against goals and criteria, comparative evaluations, and periodic reviews. [c] The initial framework of the program can be adapted to accommodate new tools.

* Modified from Goodwin's "Model Coastal Management Program" (1999)

[1]Dawkins and Colebatch 2006, [2]Hershman 1999, [3]Portman et al. 2009, [4] Goodwin 1999, [5]Connors 2008, [6]MWWC 2008, [7]Davis 2001

[a] Maine, Florida, North Carolina, and Maryland have working waterfront legislation (Springuel and Schmitt 2007), [b] "Keep America's Waterfronts Working Act of 2009," (H.R. 2548, 2009)

[c] Maine's Working Waterfront Access Pilot Program (WWAPP), funded by the state Department of Marine Resources (DMR), has funded several projects throughout the state and works in conjunction with the Land For Maine's Future Program (Connors 2008) and local land trusts. Maine has recently reviewed their waterfront legislation, with public participation, to find solutions to newly identified problem areas in the law and make necessary changes (Springuel and Schmitt 2007, Connors 2008), [d]The Waterfronts Florida Partnership Program was created by the Florida Coastal Management Program and has designated over 20 Waterfronts Florida Partnership Communities. The program is managed by managed by the Florida Department of Community Affairs and staffed by a Waterfronts Florida Coordinator. The Program is funded in part by the Florida Department of Environmental Protection, Florida Coastal Management Program, and the National Oceanic and Atmospheric Administration (NOAA). The program partners with Florida cities and counties, which are "required to prepare a Coastal Management Element for Local Government Comprehensive Plans" (FL DCA 2007), [e] Maryland's Working Waterfront Commission was created with the assistance of an extensive review of existing working waterfront initiatives in other states, involved public participation, and defined the working waterfront specifically for Maryland (MMWC 2008).

5.4 PROACTIVE

5.4.1 Leadership

A Ports Association or Ports Group represents publicly-owned ports, supporting their interests as well as the interests of the maritime industry in general. Prominent examples of this kind of organization on the West Coast include the Washington Public Ports Association (WPPA) and the California Association of Port Authorities (CAPA).
Both of these leadership organizations have supporting legislation, are linked to broader management frameworks and other initiatives, are spatially explicit and can be widely used, contributing to Criteria 4, 6, 10 and 11. (*For a complete list of the criteria, see Table 4. Model Working Waterfronts Program [MWWP] above*). From the data available, it appears that the organizations have outlined a clear mission and goals, engaged with various stakeholders, and acquired funding and resources to be both operational and effective in advancing their interests (contributing to Criteria 1, 2, and 5). The WPPA was created by the state legislature in 1961 to advocate for port interests and facilitate inter-governmental relationships. The organization has an interactive and updated website and lists 66 ports in its directory (WPPA 2006). CAPA advocates for its eleven member ports through multiple means, including the management of government relations at the state and federal levels. The organization reviews legislative proposals affecting the maritime industry and acts as an intermediary with the Federal Marine Commission (CAPA 2005).

Working Waterfront Leadership Groups are focused on the planning, development, and management of the working waterfront. Those that are codified in state legislature and play an active role in local communities have greater authority and decision-making capabilities. They may be long-term organizations such as in Providence, Rhode Island, short term commissions such as in Maryland, or partnership groups such as the Waterfronts Florida Partnership Program. These leadership groups have organized efforts to support the working waterfront by commissioning studies on the economic contributions of maritime industry to local economies as well as emphasizing public involvement in waterfront planning (MWWC 2008, Providence Working Waterfront

Alliance 2007). Leadership groups that incorporate multi-sector and/or multi-agency participation may be more effective. Maine's Working Waterfront Coalition is comprised of more than 100 organizations and individuals and exists in concert with other programs throughout the state that support working waterfronts. These programs and organizations include the Maine Working Waterfronts Initiative, the Maine Coastal Program and State Planning Office (SPO 2006), the Land for Maine's Future Board and the Maine Department of Marine Resources (DMR) (Connors 2008, Springuel and Schmitt 2007).

Maine's Working Waterfront Access Pilot Program WWAPP is a "best example." The program is funded and resourced, included in a broader management framework, linked to other initiatives, identifies criteria, is spatially explicit, and can be widely used throughout the state (contributing to Criteria 5-8, 10 and 11).

Fishermen's Groups include Fishermen's Wives Associations and Fishermen's Alliances. These organizations support fishing activities in the community and offer assistance to fishing families. Examples include the Newport Fishermen's Wives Association, the Gloucester Fishermen's Wives Association, and the Rhode Island Fisherman's Alliance (GWFA no date, Rhode Island Fisherman's Alliance no date, Lincoln et. al 2002). The Newport Fishermen's Wives Association is recognized statewide and supports fishing communities and families outside of Newport (Port Commissioner, pers. intv. 2009). The Association is involved in other community events and projects that involve the fishing industry. Sufficient data was not collected on Fishermen's Wives Associations to make a sound judgment on a "best example."

5.4.2 Partnership

Partnerships among government departments and programs at the state or local level provide institutional support for working waterfronts. Maine's Working Waterfront Coalition supported by departments within state government is one example of good practices concerning partnerships (*also detailed in the Good practices "Leadership" section*). A related partnership effort is Maine's Working Waterfront Access Pilot

Program (WWAPP) administered by the state Department of Marine Resources (DMR) in conjunction with the Land for Maine's Future Board. The focus of the program is protecting coastal waterfront land for commercial fisheries businesses (Connors 2008). Maryland also provides examples of good practices concerning collaboration at the state level. The Maryland Working Waterfront Commission's (MWWC) 2008 report on working waterfronts in the state was prepared in collaboration with the Department of Business and Economic Development, the Maryland Historical Trust (Maryland Department of Planning), the Maryland Sea Grant Extension (University of Maryland) and the Seafood and Aquaculture Marketing Program (Maryland Department of Agriculture) (MMWC 2008). Maryland's use of the WWC includes efforts at institutional consistency that may extend the life of the Coalitions' goals. While the WWC leadership body will officially expire, it has attempted to continue its efforts through the Tidal Fisheries Advisory Commission (TFAC), the creation of a statewide working group, and other partnership efforts (MMWC 2008).

The partnership tool may be used to both create and evaluate programs and projects aimed at sustaining working waterfronts. Maine's Working Waterfront Coalition has collaborated with the Maine Revenue Service and Maine Sea Grant on a series of workshops to refine state strategies to sustain working waterfronts (Springuel and Schmitt 2007).

The "best example" selected for the "Partnership" category is the Waterfronts Florida Partnership Program. It is a state partnership between the Department of Environmental Protection and the Department of Community Affairs which assists coastal communities with waterfront issues such as revitalization, access, and improved planning. The Partnership was codified through the state's 2005 Working Waterfronts Legislation and requires creation of local Waterfronts Partnership Committees (Springuel and Schmitt 2007, MMWC 2008). According to the data collected for this paper, the program contributes to Criteria 1, 2, 4-7, and 10 and 11 of a MWWP.

5.4.3Planning

Planning frameworks that address the working waterfront may be regional in scope (as recognized in federal CZM legislation) well as specific to local entities, such as ports and cities.

i. Regional planning

SAMPs that contain strategic components and are evaluated and updated periodically may be most effective at meeting regional needs regarding the working waterfront. The "best example" of a SAMP identified in this paper is the nationally recognized plan in development for the Narragansett Metro Bay Area (Rhode Island). The plan is an update of the Providence Harbor SAMP that was developed nearly 20 years ago. The new SAMP emphasizes streamlining the permitting process for appropriate redevelopment, improving recreational opportunities and public access, and enhancing social, economic, and environmental elements of the working waterfront (Metro Bay SAMP no date) (NOAA 2009). The SAMP has engaged local stakeholders, outlined clear goals and objectives, and been spatially explicit as well as widely applicable in the sub-region it addresses, contributing to Criteria 1, 2, 10, and 11. The plan is part of a broader management framework, has been subject to review, and has remained adaptive and flexible, contributing to additional Criteria 6, 12, and 14.

Beaufort County, South Carolina, offers another example of good planning practices where local communities engaged in an overhaul of county land use planning. Stakeholders identified working waterfronts as a piece of their cultural and economic heritage worth preserving and set forth certain planning mechanisms to ensure their sustainability. In addition, the application of the Rural and Critical Land program may be another relevant tool "to protect working waterfronts from development pressure" (Beaufort County, no date). While preserving lands for commercial fishing use, the communities have recognized that the local seafood industry itself needs support and are taking measures to protect that traditional sector. The process contributes to Criteria 1-3, 6, 10, and 11.

ii. Individual port planning

Individual port planning may assist ports and waterfronts in strategic decision-making. The Harbor Revitalization Plan (2003) commissioned by the Humboldt Bay Conservation and Recreation District, resulted in the port acquiring a marine terminal to resolve the issue of exclusive ownership of the terminals by private entities. To move forward strategically, the port deemed it necessary to have at least one terminal in the bay under public ownership. Identifying this need in the plan resulted in the acquisition of the Redwood Marine Terminal now utilized for oyster and other mariculture production (Port staff 1, pers. intv. 2009). This "best example" illustrates that the quality of a plan, the planning development process, and the eventual utilization of the plan can support a working waterfront. Other ports interviewed for the PSRWW project had extensive lists of plans, but it was not always clear that they had been implemented, integrated with other strategies, reviewed, or evaluated for effectiveness (Kirby et al. unpublished manuscript). Humboldt Bay's plan was produced after an extensive engagement process, identified achievable goals, aided in the selection of appropriate tools, was included as part of a broader management framework for the bay, was spatially explicit and could be widely used throughout the sub-region it addressed, contributing to Criteria 1-3, 6, 10, and 11.

5.4.4 Policy

i. Working waterfront policy

Legislation to support working waterfronts may include a definition of the working waterfront as well as stipulations such as tax incentives, covenants, and other methods to promote their sustainability (H.R. 2548, 2009). Working waterfront legislation has been introduced into the U.S. Congress and passed in several states, including Maine and Florida (Springuel and Schmitt 2007). Rhode Island has recently introduced State Senate Bill (S-0758) for consideration, the Rhode Island Working Waterfronts Protection Act (Providence Working Waterfront Alliance 2007). As this legislation is relatively new at the state level, and has yet to be passed at the national level, it is difficult to assess its effectiveness in sustaining the working waterfront.

A “best example” for the “Policy” category is hard to identify from the available examples because each state that has legislation supporting the working waterfront has a slightly different approach to address the needs of their region. For example, Florida has included recreational uses in working waterfront policy while Maine has focused primarily on commercial fishing components. Both initiatives in Maine and Florida, supported by legislation, have led to the funding and support of working waterfront projects and “Waterfront Partnership Communities” (Connors 2008, FL DCA 2007). It appears that working waterfront policy in both states has led to engagement, goal setting, the selection of appropriate tools, additional legislation, funding and resources, inclusion in broader management frameworks, linkages to other initiatives, criteria development, and spatially explicit and widely used programs that are reviewed and adapted accordingly, contributing to Criteria 1-8, 10-12, and 14.

ii. Definition

Defining the working waterfront to fit local needs and objectives is an evolving practice. Some definitions, such as that in US H.R. 2565 and in Maine’s legislation, are focused primarily on the fishing industry. Florida has a broader definition of the working waterfront that fits state needs by allowing for recreational uses. The Florida definition reads “A working waterfront can be either recreational or commercial in nature and is a parcel of real property that provides access for water-dependent commercial activities or provides access for the public to the navigable waters of the state” (Springuel and Schmitt 2007).

iii. Policies identifying water-dependent uses

Policies identifying water-dependent uses are also part of strong working waterfront policy (Goodwin 1999, Hershman 1999). In Washington State, the Shoreline Management Act (1972) encourages water-dependent uses. Conversion of waterfront land to non-water dependent use (e.g. from industrial to solely commercial) is restricted in major industrial waterways (Springuel and Schmitt 2007). This approach contributes to Criteria 3, 4, 6, 10, and 11, and to some extent 8.

iii. Zoning

Good practices regarding the application of the zoning tool include the creation of flexible zoning schemes, as well as mixed use zones, industry specific zones, and overlay zones. Portland, Oregon has focused on one sector and created an "Industrial Sanctuary Policy" to protect manufacturing and industrial uses along the shorelands of the Willamette River (Abbott 2008). This zoning program has identified an appropriate tool that is part of a broader management framework to produce a spatially explicit solution to the problem of encroachment on the industrial waterfront, contributing to criteria 3, 6, and 10. Beaufort County, South Carolina has also considered use of a special zone, the "Commercial Fishing Village Overlay" zone, to protect certain land areas for potential growth of working-type uses (Beaufort County, no date). Flexible and adaptive zoning may be the best approach for waterfronts that have experienced extensive restructuring. For example, Portland, Maine revised their restrictive zoning scheme that prohibited non-water-dependent uses when the policy resulted in high vacancy rates on the waterfront because of a lack of demand for space by traditional maritime industries, contributing to Criteria 3, 10-12, and 14 (Davis 2001).

iv. Port specific zoning or designation

Port specific zoning or designation reserves lands for marine-dependent uses defined by the government. A good example is the 11 Designated Port Areas (DPAs) in Massachusetts. The (DPAs) were created by the Office of Coastal Zone Management in the state and are implemented as overlay districts. Recent studies have shown that the DPA program introduced in 1978, has had notable impacts on retaining working waterfront uses in New Bedford, Massachusetts (Portman et al 2009, Rafferty 1996). Research for this paper indicates that this program has contributed to Criteria 3, 6, 10, and 11.

5.4.5 Landholding

Various landholding tools are used to support working waterfronts, including retention, acquisition, and easements strategies. Acquisition strategies include public/private partnerships, the use of conservation easements and public land trusts, state bonds, and

outright purchase by groups such as fishermen's cooperatives (Ronzio 2004, Goodwin 1999). A "best example" is the York Land Trust in New England. The group set a precedent for being the first land conservation group in Maine to invest in a working waterfront by purchasing a conservation easement on the property to maintain it for working uses by local lobstermen (Ronzio 2004). The strategy included community engagement, a clear goal to protect working waterfront infrastructure, the selection of appropriate tools, adequate funding, linkages to other initiatives in the state and a broader management framework to support working waterfronts, as well as spatially explicit applications that can be adapted for other communities around the nation. The process has contributed to Criteria 1-3, 5-7, and 10 and 11. Based on successes in other communities, such as Maine, the Maryland's Working Waterfront Commission (WWC) proposed a Working Waterfront Conservation Easement Program that may be implemented by a statewide workgroup after the WWC expires (MWWC 2008).

5.5 SUPPORTIVE

5.5.1 Technical Assistance

Technical assistance is available to working waterfronts in various forms, including staff assistance, specialized support, and local research and reports. Ports and waterfronts have utilized distinct forms of technical assistance to achieve various goals. New Jersey commissioned a study of break-bulk facilities along the Hudson that found them to be an obsolete technology, allowing a transition towards new uses and development (Hershman 1999). San Francisco conducted a Maritime Cargo Industrial Land Use Study to assess operations along the waterfront and begin to focus management priorities away from industry in certain areas (Beaupre 2003). Maine collected information on local waterfronts that assisted planning efforts and was circulated statewide to coastal communities to facilitate further protection of waterfront access (Conover 2007). Looking forward, Rotterdam Municipal Port Management commissioned a study to identify new trends and developments that were not currently affecting the port, but had the potential to be influential in the near future (de Langen 2005).

Many states have conducted studies to assess the status of their working waterfronts. Alabama Working Waterfront Coalition funded a study by Auburn University to inventory working waterfronts in Mobile County, Alabama and offer information for community education (Springuel and Schmitt 2007). Maryland conducted an inventory of working waterfronts including critical access areas, places with commercial access, and sites in need of more access. The Island Institute, a private, non-profit group in Maine, mapped waterfront access in coastal towns for the entire state. The inventory included public and private infrastructure, marine zoning, boatyards and marinas. The data supports efforts to sustain working waterfronts based on the number of water access points that are not publicly owned and may be converted to non-marine uses in the near future (Springuel and Schmitt 2007). The Waterfronts Florida Partnership Program and the North Carolina Waterfront Access Study Committee (WASC) also provide technical assistance to working waterfront efforts in those respective states (Voiland 2008, MWWC 2008).

Maine offered the best example of technical assistance in the data collected for this paper. Maine Sea Grant has created an information portal on coastal access for use by multiple stakeholders including interest groups, governments, and the general public. The site presents legal tools to address the specific needs of these various stakeholder groups on the coast (Accessing the Maine Coast 2009). While based on Maine laws, the National Sea Grant Law Center found that much of the legal content on the site could be adapted for application in other areas, creating a new type of "legal technical assistance" for use by coastal communities nationwide. This strategy promotes engagement, the selection of appropriate (and spatially explicit) tools, supporting legislation, inclusion in a broader management framework, linkages to other initiatives, and wide use, contributing to Criteria 1, 3, 4, 6, 7, 10, and 11.

5.5.2 Financial assistance

Financial assistance is a multi-faceted tool available to working waterfronts from a variety of sources including taxes, grants, private investment, loans, and special funds.

Maine offers an example of good practices concerning the role of financial assistance in sustaining the working waterfront, specifically, the Land for Maine's Future Program among other state efforts. A state referendum passed in 2005 allocated $2 million of bond funds towards the protection of working waterfront lands. The funding helps both municipal and private efforts for acquisition of waterfronts while retaining a working waterfront covenant to keep the land "working" in perpetuity. The program has funded several properties since it was instated (Springuel and Schmitt 2007) (Goss 2006) (Connors 2008). The Public Access to Maine Waters Fund, connected to the Land for Maine's Future program, also utilizes bonds to acquire small parcels of land for public access (Connors 2008) (MMWC 2008). Maine's Community Development Block Program which includes Public Facilities Grants and its Economic Development Infrastructure Grants are also available to economically challenged communities to sustain working waterfronts (MMWC 2008). [10] As a best example, application of the financial assistance tool in Maine contributes to local engagement, the selection of an appropriate tool, supporting legislation, providing adequate resources, inclusion in a broader management framework, and linkages to other initiatives (Criteria 1, 3-7). Finally, it appears to be a spatially explicit strategy that can be used widely throughout the state (Criteria 10 and 11) and adapted by other states to fit their needs. North Carolina has instated a Waterway Access and Marine Industry Fund (WAMI) for waterfront purchase or development and The Waterfronts Florida Partnership Program also offers grants to coastal communities (MWWC 2007).

5.5.3 Incentives

A variety of incentive tools have been created to support waterfronts but one of the most commonly employed is property tax breaks (Springuel and Schmitt 2007). Maine, Florida, and North Carolina have employed property tax relief as a tool to support water-dependent uses (Wheeler 2005) (Voiland 2008). North Carolina's policy extends present use value taxation assessment to commercial fisheries-related working waterfronts.

[10] Additional funds in Maine include the Small Harbor Improvement Program—grants facilitated by the Department of Transportation for infrastructure improvements and the Boating Facility Grant Program administered by the Bureau of Parks and Lands at the Maine Department of Conservation (MMWC 2008, SPO 2006).

Maine is currently evaluating the future prospects of tax exemptions to refine this tool for its best application (Springuel and Schmitt 2007). In Maryland, the Working Waterfronts Property Tax Credit is applicable to commercial waterfront property and has been "considered and implemented by several jurisdictions" (MWWC 2008). Alabama's Working Waterfront Coalition has also advocated for new legislation to include tax breaks for water-dependent and water-enhanced commerce (Springuel and Schmitt 2007).

Good practices with incentives also recognize and address the faults of these types of tools. One problem with tax incentives is that the sale price of a parcel of property is often much greater than the value of the property tax breaks that are granted to its owners, even over an extended period of time. Therefore, many property owners make the decision to sell in lieu of accepting less enticing tax breaks for preserving their waterfront lands for water-dependent use. Thus, tax exemptions are viewed as a temporary fix, best used in conjunction with zoning or other accompanying tools (Davis 2001). To ensure that owners will not take advantage of tax breaks incentives and then convert or sell their waterfront property for non-water dependent uses, some incentive tools also employ deterrents. Maine offers a "best example" for use of incentives, contributing to Criteria 6, 10, 11, 14. In Maine, if a property owner decides to convert land that has been classified as tax-exempt to non-exempt uses, the penalty for conversion is the taxes that would have been due over the previous five years had the land been taxed for its "highest and best use" (Davis 2001).

5.5.4 Outreach

Good practices with respect to outreach tools include education about the working waterfront, outreach facilities and infrastructure, as well as port, waterfront, and maritime festivals. The Maryland Working Waterfront Commission has taken an active role in involving the pubic. The Commission invited citizens, interest groups, academics, and state and local officials to give presentations to the group and engage in discussions about waterfront development and challenges to the commercial fishing industry (MMWC 2008). South Carolina Sea Grant has investigated issues of coastal access from a fisheries and land use planning perspective. The goal was to present case studies on the major

challenges being faced by coastal communities and to lead an educational forum for community stakeholders to begin to develop solutions (Springuel and Schmitt 2007).

The Narragansett Metro Bay Area plan offers a best example of outreach applications from the data collected for this study. The nationally recognized SAMP was developed by engaging the public in the process with outreach and education materials (Metro Bay SAMP no date) and the plan also includes a web-based tool for public access. Through their website, the public may view different layers of information concerning bay management, development, and future planning. Data included on the interactive map includes Areas of Particular Concern, Development Zones, Residential Zones, and Municipal Visioning Plans (Springuel and Schmitt 2007). The outreach process for plan development has contributed to good practices Criteria 1, 3, 6, 10-12 and has perhaps influenced the recent introduction of a statewide bill in Rhode Island to support Working Waterfronts (Criteria 4).

Other good examples include interstate outreach efforts and education with an action-oriented focus. After Hurricane Katrina caused extensive damage to fishing operations on the Gulf Coast, New Jersey's Sea Grant Extension program hosted representatives from the Southern Mississippi Planning and Development District (SMPDD) and the Mississippi Department of Marine Resources (MDMR) to share strategies on working waterfronts and linking the seafood industry to successful economic development (Kosko 2007). These efforts contributed to Criteria 1, 3, 5, 7, and 13.

5.6 REACTIVE

5.6.1 Review

In most coastal states, waterfront operations occur within a broader planning and management framework that is subject to state review for compliance with environmental regulations and coastal management directives. Local coastal programs (LCPs), plans, and projects addressing waterfront development undergo state review for adherence to state standards regarding coastal zone management and environmental impacts (Goodwin

1999). Washington's State Shoreline Management Act (1972) requires local governments to create Shoreline Master Programs, which are integrated with the state's Growth Management Act (Springuel and Schmitt 2007). Review and revision of waterfront programs is a good practice that has been exemplified by Maine. Their Working Waterfront Coalition, in collaboration with the Maine Revenue Service and Maine Sea Grant, hosted a series of workshops to refine the state's recently passed waterfront legislation and find solutions to newly identified problem areas in the law (Springuel and Schmitt 2007). This approach contributes to good practices Criteria 1-4, 6, 7, 10, 11, 12, and 14.

The data collected for this study was insufficient to report extensively on other components of the review tool, such as permitting, environmental review, and waterfront project review.

Chapter 6
Application of the toolbox in Newport

The following section assesses applications of the toolbox to the Bayfront. This study is focused on applications of the toolbox in Newport and does not attempt to critique applications at the state level. However, this study recognizes that the availability and application of tools at the state level may have a direct impact on potential applications for Newport. If a tool is not available at the state level, it may hinder Newport's ability to create and apply the tool locally.

This section identifies which tools are being applied and how they are being applied based on the good practices criteria for "ideal" applications in a MWWP and applications in other working waterfront communities. Tools in each category, proactive, reactive, and supportive, are explored. Data for this analysis was collected from port and city planning documents, reports and gray literature, port and city websites, personal interviews with staff employed by the State of Oregon, Lincoln County, and the Port and City of Newport as well as other members of the community. Interview data from the PSRWW project was also incorporated in this section.

6.1 FINDINGS ON PROACTIVE TOOLS

6.1.1 Leadership

Oregon

Oregon lacks a statewide, strategic-decision making body to act on behalf of ports and waterfront communities. The state has a Ports Association (OPPA) funded by the ports but the group is neither active nor very organized. The OPPA is essentially a "chapter" of the Special Districts Association of Oregon (SDAO). Twenty-eight types of districts, including ports, are authorized under ORS 198.010 and 198.335. Special Districts are directed by elected officials and funded by property taxes or fees for services. However, the OPPA maintains a minimal public presence, does not have a website, and has

struggled with dues structure and a few name changes over the years (Harlan pers. comm. 2008). The telephone number listed for the organization on the Oregon Economic and Community Development Department (ECDD)[11] website is the number of an unrelated private residence (Logan pers. comm. 2009). The Port Manager for the state has operated during several periods with no support staff (ECDD former employee, pers. intv. 2009) and program policy tasks concerning ports have been dispersed among various individuals. Port information for the state remains unconsolidated except for a brief list of ports and financial resources on the ECDD website (State of Oregon 2009).[12] Despite supporting legislation, inclusion in a broader management framework, a focus on ports/waterfronts, and statewide utility, the OPPA is not a "best example" of a ports or waterfronts leadership group. The organization is not adequately funded or resourced which limits its ability to be highly engaged with diverse stakeholders. The OPPA contributes to Criteria 4, 6, 10, and 11, but without key criteria such as financial support and staff resources, clear goals and objectives, and active engagement (Criteria 1, 2, and 5) it is difficult for the organization to be effective at sustaining working waterfronts.

Ports in Oregon, including the Port of Newport, have supporting legislation at the state level for leadership bodies such as Port Commissions that guide decision-making for the working waterfront.

Newport

Newport does not have a Working Waterfront Leadership Group, but does have a Bayfront Association, concerned with integrated development and activities on the waterfront and maintaining the compatibility of mixed uses. The Association is an informal group which is open to all in the community but is comprised primarily of waterfront business owners and does not have mandates for engagement. While spatially explicit, it does not have supporting legislation, nor is it publicly funded or resourced. The Association meets monthly, except for the summer months, and does not operate

[11] The Oregon Economic and Community Development Department has pending legislation to be renamed and "refocused" to the Oregon Business Development Department (Harlan pers. comm. 2009).
[12] The Oregon Coastal Zone Management Association (OCZMA) offers a list of ports on its website with active links to their respective websites (OCZMA 2008).

with formal agendas. At times the Association works in conjunction with a broader management framework, such as the city, under informal, unpaid partnerships. The group is consulted regarding some city projects, for example a recently proposed public works project by the City of Newport to underground utilities on one portion of the main thoroughfare. The Association has asked that the timing of the project, sponsored by special project federal stimulus funds, does not interfere with traditional activities on the waterfront such as fishing and tourism. Maintaining parking and access during the busy months of July through September helps the community achieve its goals regarding the Bayfront, specifically, accommodating multiple users and activities that compete for space, including tourist traffic and commercial fish offloading and processing. The Bayfront Association is also involved in joint marketing, event planning, and other community support activities, such as the Lincoln County Food Share. Discussions about the creation of a special parking district have involved members of the Association and the group has a representative on city's Way Finding Task Force that looks at city-wide signage and aesthetics (Webster pers. comm. 2009).

The Bayfront Association contributes to Criteria 6, 10, and 11 for a MWWP. The Association was not developed specifically to support the working waterfront, and may be adequately meeting the needs of its members according its informal goals, which do not focus on the commercial fishing. Through informal partnerships with the city and other efforts, the Bayfront Association appears to be, in some ways, an ally for sustaining commercial fishing activities on the working waterfront.

The Newport Fishermen's Wives Association is a well-known organization recognized state wide and utilized by communities outside of Newport, such as Garibaldi. The group is known to support coastal fishermen and fishing families and contributes to Criteria 1. For example, they provide outreach and assistance for relatives and others when a boat and its crew are lost at sea (Port Commissioner, pers. intv. 2009). The Association contributes to Criteria 1, 3, 10, and 11.

Newport does not have a Fisherman's Alliance or another fishing leadership organization (Port staff 2, pers. intv. 2009). The State of Oregon has four seafood commissions that support fishing industry interests, including the Salmon Commission, the Dungeness Crab Commission, the Albacore Commission and the Trawl Commission (State of Oregon, no date).

Leadership tools summary

Overall, it appears that existing leadership groups in Oregon and the City and Port of Newport have the potential to contribute to more of the MWWP criteria but the current utilization of tools towards this purpose does not match applications observed in other working waterfront communities or "ideal" applications.

6.1.2 Partnership

Oregon

The research for this paper did not reveal any partnerships in the state of Oregon specifically directed at sustaining the working waterfront. One governmental partnership organization that involves ports and waterfronts is the Oregon Cascades West Council of Governments (OCWCOG), a voluntary association which counts among its members two port districts, three counties, one tribal government and 21 cities (Port staff 2, pers. intv. 2009) (OCWCOG 2009). The organization was codified under Oregon Law (ORS 190.010) in the 1960s and assists with community planning, economic development, business lending, and transportation programs. Both the Port and the City of Newport are members.

Newport

Several informal governmental partnerships exist in Newport. The Port of Newport collaborates with the City of Newport, the Chamber of Commerce, and various Lincoln County Departments. The city and port have worked together on projects for mutual benefit. For instance, the port allowed the city to build infrastructural improvements to their sewer system within port jurisdiction in exchange for pavement of a port parking lot

(Port staff 2, pers. intv. 2009). Another entity active in the area is the Central Coast County Economic Development Alliance.

Non-governmental alliances in Newport with respect to the maritime industry and waterfront development include the Pacific Coast Congress of Port Managers and Harbormasters (PCC) and the Bayfront Association, described above in detail in the "Leadership" section. Over thirty years ago, Newport was involved in founding the PCC, which aims to support the port and marina industry in the Pacific Northwest and British Columbia, and still a very active member (PCC 2008). This alliance contributes to Criteria 7, 10, and 11.

Public/private partnerships, which can play a considerable role (Good and Goodwin 1992) in the preservation of working waterfronts were not identified as key players in Newport, excepting the Bayfront Association to some extent. This does not mean that public/private partnerships have not influenced developments on the Bayfront, or the sustainability of the working waterfront, only that the data collected for this study did not reveal substantial public/private partnership efforts to sustain the working waterfront.

Partnership tools summary

Oregon and the City and Port of Newport are using formal and informal partnerships to support ports, but it is not clear that these efforts have been tailored specifically to sustain the commercial seafood components of working waterfronts. Some of the efforts have contributed to a limited number of the good practices criteria. The OCWCOG has supporting legislation, and has engaged diverse stakeholders (contributing to Criteria 1 and 4). The Bayfront Association is a sort of partnership among private entities, which can be an appropriate tool for a MWWP (Criteria 3). Similar goals and objectives to promote the marine industry bind together the members of the PCC (contributing to Criteria 2, 10, and 11). Still, altogether these efforts do not match observed partnerships to support the working waterfront in other communities, nor do they approach "ideal" status. It is important to note that the lack of data collected of the role of private entities may limit a more robust analysis of the partnership tool in Newport.

6.1.3 Planning

i. Statewide and regional planning

Oregon

The Oregon Statewide Planning Goals and Guidelines are relevant to ports and port development in several key areas that relate to coastal planning. Goals 16-19, which address estuaries, shorelands, beaches and dunes, and ocean resources, are applicable to port policy, expansion, and sustainable development. Many other Goals in this statewide framework that address issues such as economic development, transportation, and recreation needs also have a significant bearing on the growth and development of Oregon's coastal communities.

Numerous regional planning frameworks exist throughout the state, several of which may relate to ports and waterfronts. This paper does not attempt to identify all regional planning frameworks that may occur in the state. The state of Oregon has used Special Area Management Plans (SAMPs) to include some ports and waterfronts, according to prior research on waterfront revitalization (Goodwin 1999). The research conducted for this paper did not reveal any SAMPs related to multiple ports in the state. Interviews with several Oregon ports identified a 2008 attempt to consolidate the three port districts of Tillamook, Garibaldi, and Nehalem. This effort resulted in an agreement for increased cooperation but no consolidation of the districts, all located in Tillamook County (Benkendorf et al. 2008).

Other regional level planning tools in Oregon that encompasses port areas but are not focused on harbors or waterfronts are the County Comprehensive Plan framework and Estuary Management Plans. The Yaquina Bay Estuary Management Plan, developed in 1982, and the Lincoln County Comprehensive Plan apply to the Newport area.

ii. Individual port planning

Oregon

Strategic Business Plans for all ports are required by the State of Oregon under recently developed legislation (ORS 777.660) (Harlan pers. comm. 2008). The current system is

still being standardized and state staff is working on a method to enforce the new regulations. It is not clear that ports are evaluated for good practices or restricted from access to funds for not having completed a Strategic Plan (Harlan pers. comm. 2009).

Newport

The Port of Newport has a Strategic Business Plan (2007) and a five-year Maintenance Plan, both of which are in the process of being updated. Creating a Master Development Plan is a current priority (Port staff 2, pers. intv. 2009). The Strategic Business Plan highlights key criteria for port sustainability including the maintenance of deep-water ocean access, berths, and competitive port facilities, adequate land for development, policies supportive of natural resource industries, and sustainable operations (Port of Newport 2007). Port business goals emphasize the promotion of traditional economic activity, supporting local businesses and employment, and encouraging rural economic development and sustainability (Port of Newport 2007). The port planning approach contributes to Criteria 4, 6, 10, and 11, and to some extent, criteria 8, 12, and 14.

Newport also has a plan crafted specifically for the waterfront that has been incorporated into the city's Comprehensive Plan. The Bayfront Plan (1999) was a document produced with pubic input to serve community interests and support mixed uses on Newport's waterfront. The City Council, Planning Commission, Bay Front Advisory Committee, City of Newport staff, and other local stakeholders were involved in its development. The plan lists five goals which include the preservation of mixed uses as well as the historic character of the waterfront, maintenance of access infrastructure, enhanced management of high tourist traffic, and the preservation of scenic qualities (*See "Waterfront Goals" in Chapter 2 for combined Port and City goals for the waterfront*). The plan recognizes that change is a part of the Bayfront and emphasizes the goal of integrating new growth with the current a mix of uses (City of Newport 1999).

Planning tools summary

Oregon

Overall, the Oregon land use planning process contributes to Criteria 1-4, 6, and 8-11 setting a strong framework for planning in the Port and City of Newport. However, specific goals in the statewide land use planning framework that may assist ports may receive a different level of prioritization at the state and local levels. From the information collected from state staff for this paper, it does not appear that Goal 9 receives the local support it may need to help ports contribute to meeting MWWP criteria. Furthermore, understanding the effectiveness of Goal 17 (Coastal Shorelands) and its contributions to sustaining water-dependent uses on limited shorelands would be improved by additional data (The Institute of Natural Resources 2008) (*For more information on this goal, see the "Working Waterfronts Policy" section below*). Lastly, while the Estuary Management Plans and County and City Comprehensive Plans are spatially explicit (Criteria 10), goals and objectives do not specifically call out sustaining working waterfronts.

Newport

The Port's Strategic Business Plan is supported by newly passed legislation at the state level that requires plans for every port (Harlan pers. comm. 2009). The plan is funded and resourced through the Oregon Port Planning and Marketing Fund and the Port of Newport staff. The plan identifies tools such as partnership and financial assistance, and is part of a broader state management framework. It calls out critical success factors, is spatially explicit, undergoes periodic review, and appears to be relatively adaptive. Altogether, individual planning at the port contributes to Criteria 3-5, 6, 8, 12, and 14.

The Bayfront Plan is the "waterfront plan" (Goodwin 1999) for the City of Newport and has contributed to several of the good practices criteria (1, 2, 4, 6, 10). The plan appears to undergo periodic review (Criteria 12) as part of the Comprehensive Plan of the City of Newport, which requires regular review by the state. However, it is not apparent from the data that the plan addresses Criteria 12 or 13 and 14. It contains flexible language and appears amenable to adaptation, but it is not clear that it has been evaluated for

effectiveness or significantly modified in the 10 years that is has been in place. Nor is it evident that appropriate tools have been selected to meet the stated goals and objectives or that any criteria for success have been identified that could form some basis for monitoring and evaluation of the plan (Not clear that Criteria 3, 8, and 9 are addressed). While the plan is an asset to the City and perhaps to waterfront management and development, it may not be as effective at sustaining the working waterfront as other plans based on observed applications of planning in other waterfront communities and the suite of good practices criteria for a MWWP. Still, this point is difficult to determine as an analysis of the plan's effectiveness was not found in the data collected for this study and it is unclear how much, if at all, the Bayfront has changed since the plan was implemented.

6.1.4 Policy

i. Working waterfronts policy

Oregon

The state of Oregon does not have policy that specifically addresses working waterfronts, although there are policies specific to ports and coastal areas (See Goals 16-19 in the "Planning" section). The state has several policies identifying water-dependent uses, couched in Oregon Senate Bill 100, which established the statewide land use planning framework.

a) Definitions

Different types of water uses in these areas have been defined by the Oregon Department of Land Conservation and Development (DLCD). These definitions only apply to the 19 Statewide Planning Goals. The language of Goals themselves does not include the definitions of the terms used. The DLCD defines water-dependent, water-related, and water-oriented uses as follows:

Water-dependent: “A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.”

Water-related: “Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered
dependent on or related to water location needs.”

Water-oriented: “A use whose attraction to the public is enhanced by a view of or access to coastal waters”
(Oregon Department of Land Conservation and Development [DLCD] 2009).

Goals 16 and 17 of this framework address estuaries and shorelands. Goal 17 (Coastal Shorelands) appears to prioritize water-dependent uses over water-related uses. However, several amendments to this Goal in 1984 and 1999 allowed for greater flexibility in developing mixed uses on coastal shorelands. This “adaptability”’ may not support the working components of waterfronts. A recent study of Oregon’s Statewide Land Use planning framework found that many of these amendments resulted in a rezoning of shorelands to accommodate new residential and tourist developments. The study, which was conducted in connection with the “Big Look Task Force” evaluating Oregon’s land use planning framework, concluded that more data was necessary to make a better determination on the implementation and effectiveness of this goal in maintaining lands for water-dependent uses (The Institute of Natural Resources 2008). Goal 17, as part of the broader land use planning framework, contributes to Criteria 2, 4, 6, 8, 10, and 11.

ii. Port specific policy

Oregon

The State of Oregon has numerous policies, including a chapter on port statutes and a seminal land use planning framework that address ports and waterfront areas. This paper does not identify every policy that may have an effect on ports and waterfronts, but aims to report on specific policies that were crafted to support ports and waterfronts. Under ORS 285A.627, the Oregon Economic and Community Development Department (OECDD) is the statewide agency that acts on behalf of the ports (Harlan pers. comm. 2008). The Oregon Economic and Community Development Department, also houses the Oregon Public Ports Association. Staff at the ECDD/OPPA have indicated a lack of institutional stability regarding port policy and planning for ports in the state and reported that strategies have been fragmented over the years (Harlan pers. comm. 2009).

The Oregon Revised Statutes Chapter 777 addresses port powers regarding finances, development, management, and other activities. The legislation identifies the "development and improvement of port facilities" as a "state economic goal of high priority" (OR 777.065) and this section directs "all agencies of the State of Oregon" to assist in the process of port improvements aimed at growing world maritime trade. Yet while Oregon's ports have played a significant role in the state's economy (Oregon State Ports Commission 1972) they are still unable to require communities to address their concerns under Goal 9 (Economic Development) of the state's land use planning framework (Harlan pers. comm. 2008). One key concern of ports identified by ECDD staff is maintaining an adequate supply of industrial and commercial lands in cooperation with other local entities to be able to pursue economic development opportunities.

Newport

The working waterfront is addressed in the City of Newport's Comprehensive Plan, including the Bayfront Plan (1999) and the Zoning Ordinance. The Zoning Ordinance prioritizes among water-dependent/water-related uses in certain zones, but the Comprehensive Plan within which it is embedded allows a high number of conditional

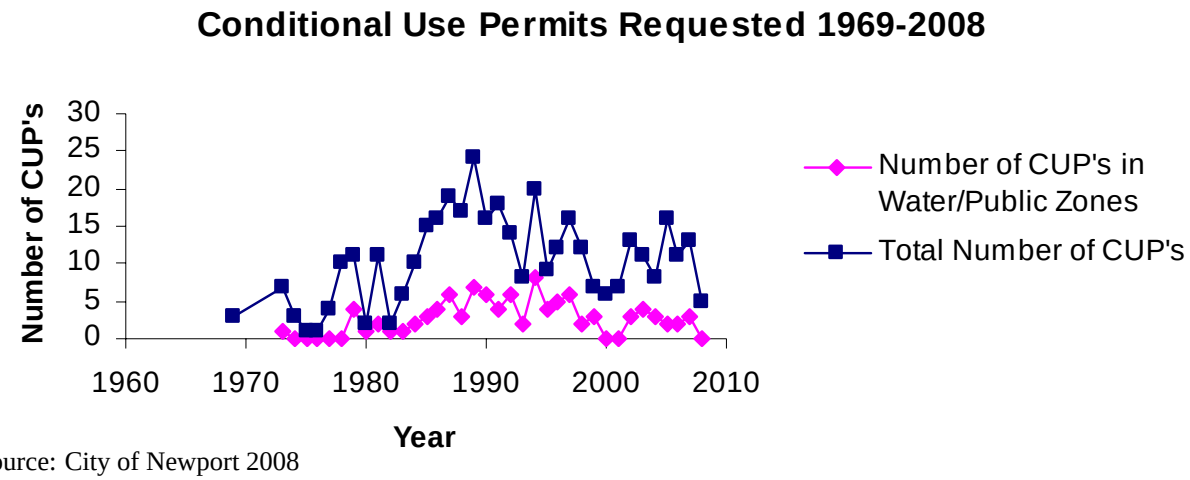
use permits (CUPs) which result in the development of non-prioritized uses. CUPs are a standard part of the land use planning toolkit. Unlike non-conforming uses which are "grandfathered in" after a zoning change has made an existing use illegal, CUPs are applied to existing zones as exceptions for newly proposed developments or land uses. Conditional use permits present three key problems for planning. First, they represent incremental, ad-hoc changes to local policy that may not comply with the community's vision for land use in the area. Secondly, private landowner preferences can take precedence over community planning. The issuance of permits is a process often co-opted by the private sector to circumvent land use regulations. Over a period of several decades, only six percent of the total number of CUPs requested was denied in Newport, and only four percent of the total requested was withdrawn for various reasons by the applicant(s) (City of Newport 2008). The numbers indicate that the majority of private landowner requests were routinely approved by the planning commission and city council. The role of several influential individuals— including developers and landowners—in driving changes through the permitting process is evident by the frequency with which their names appear in the permit documentation (City of Newport 2008). Lastly, a major problem with conditional use permits is their permanence. The permits are only "conditional" for an eighteen month period during which the applicant must proceed with development. After "substantial construction has taken place," they are "valid indefinitely" (City of Newport, 1999). This presents a problem for the Bayfront because once lands have been converted from a use such as crab pot storage to another such as condominiums, it is highly unlikely they will ever revert back to working waterfront uses. It is not clear that any alternatives for current land uses have been investigated by local leadership or that "best fit" solutions to satisfy most stakeholders are even available should working uses be "displaced."

a) Conditional use permits analysis

The city of Newport received over 350 conditional use permit requests from 1969 to September 2008, more than 90 of which were in water-dependent, water-related, or public zones adjacent to Yaquina Bay (City of Newport 2008). The variation in the frequency of permit requests in water and public zones nearly matches the fluctuations in

the total number of requests for the city over time (*see Figure 4. Conditional Use Permits Requested 1969-2008*). Over the several decades investigated, the majority of conditional use permits requested for water-zones were for non-traditional uses such as retail stores, restaurants, and residences (*see Figure 5. Conditional Use Permits (CUPs) on the Bayfront by Use Type(s)).*

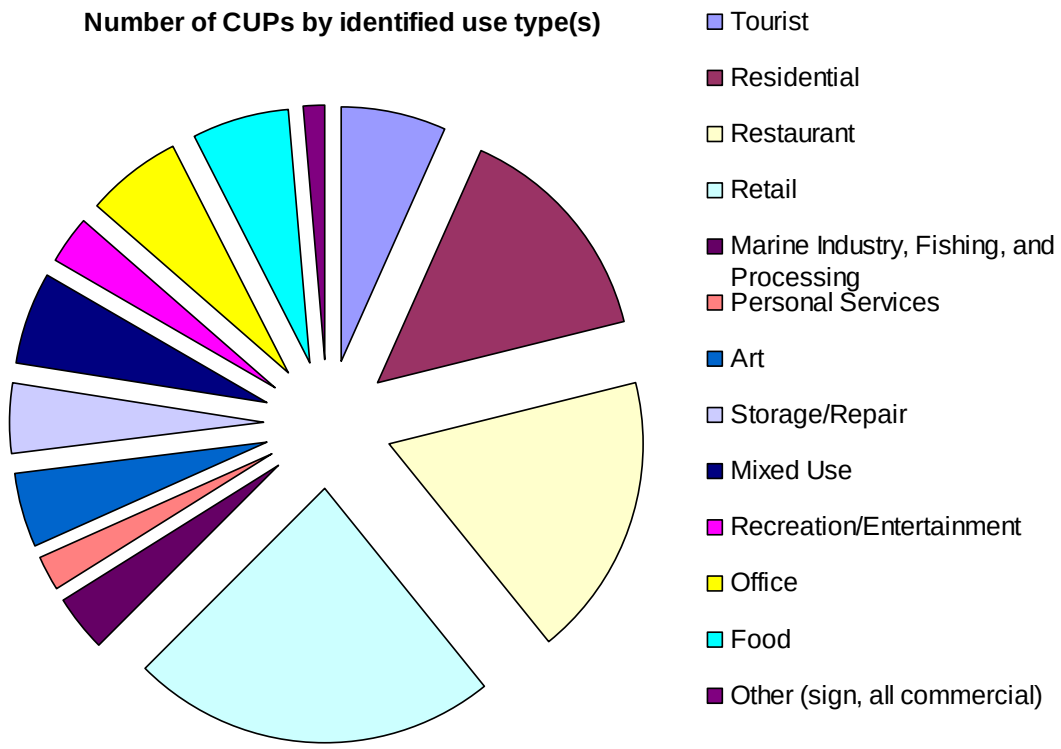
Figure 4. Conditional Permits Requested (1969-2008)



Source: City of Newport 2008

The geographic distribution of conditional use permit requests is not equal for all areas on the Bayfront. Over a period of two decades, more than thirty permits were requested for one of the western sections, Sub-Area 2, (*See Figure 4. Cumulative Conditional Use Permits by Area),* resulting in gift shops, restaurants, retail, and other non-water related uses on an existing dock and adjacent properties (City of Newport 2008). Development in this section, now the "Abby Street Pier" shopping area has occurred in close proximity to remaining fish processing plants. The balance of fishing and tourism on this section of the Bayfront could be hampered by approval of additional non-conforming uses in the immediate area.

Figure 5. Conditional Use Permits (CUPs) on the Bayfront by Use Type(s)



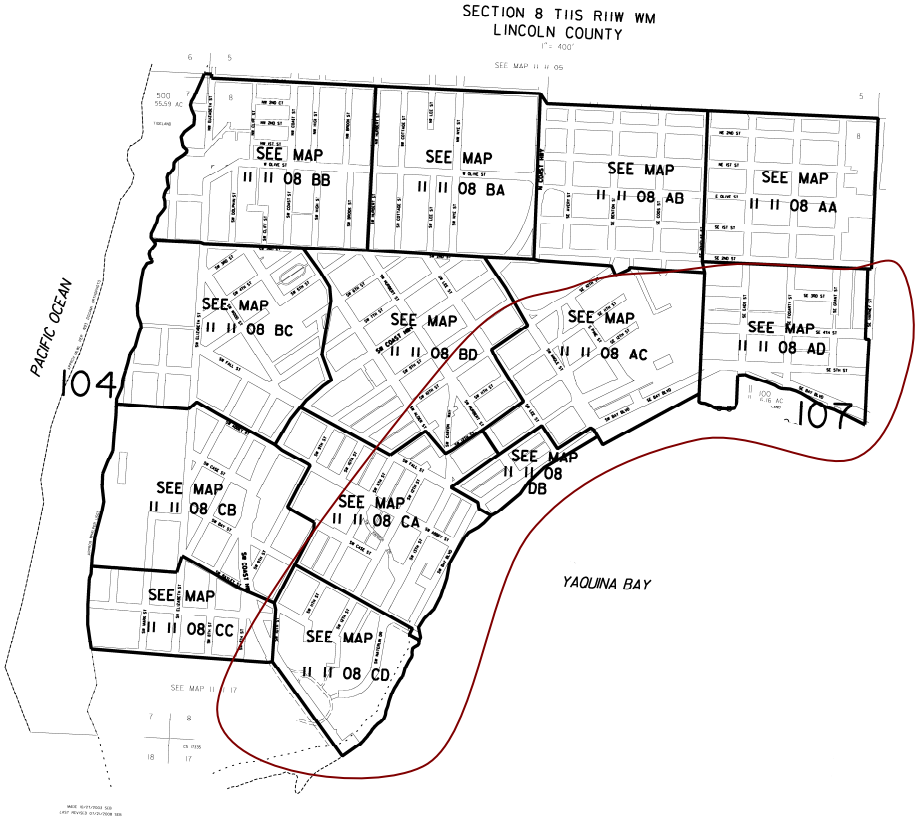
Source: City of Newport 2008

iii. Zoning

Oregon

Zoning is one of the most common land-use planning tools employed by local governments and may be used to promote specific activities and land uses on the waterfront with special waterfront zoning, overlay zoning, and incentive zoning (Platt 2004, Breen et al. 1980). Oregon Senate Bill 100, which established a statewide land use planning framework in 1973 mandated zoning by all local entities. The state does not exercise port specific zoning or designations, such as the "Designated Port Area" tool observed in Massachusetts.

Figure 6. Sub-areas of the Bayfront



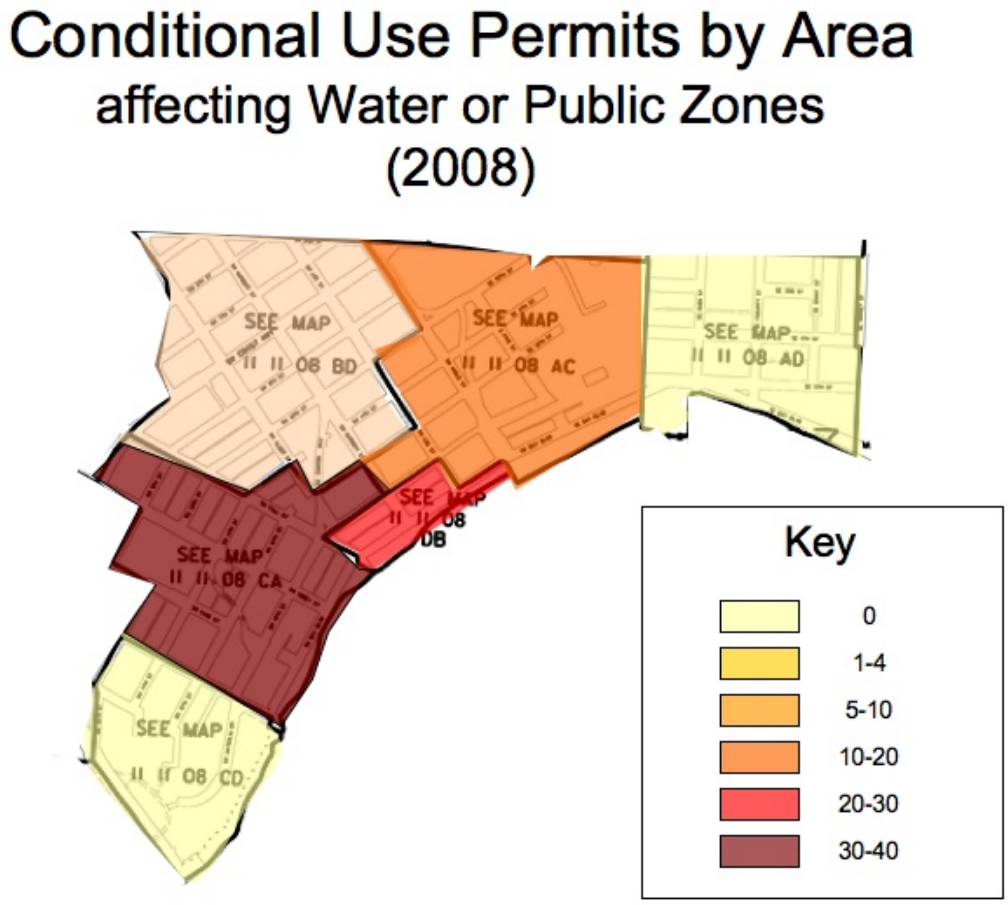
Sub-areas 1-5: Sub-area 1 is located at the lower left of the image and sub-area 5 is located towards the upper right, near the text "107." The Pacific Ocean is to the left of text "104." Source: (Lincoln County Tax Assessors Office 2009)

Newport

The City of Newport's Zoning Ordinance designates several zones that support water-dependent, water-related, industrial, and public uses on the waterfront: a Water-dependent (W-1) zone, a Water-related (W-2) zone, an Industrial zone (I-3), and a Public Structures zone (P-1) (City of Newport 1999). Water-dependent zones (W-1) are designated "outright" for traditional maritime uses such as docks, piers, boat services, and other port facilities. Several "conditional" uses, such as parking lots and warehouses, are allowed if they are approved by the planning commission and city council. Water-

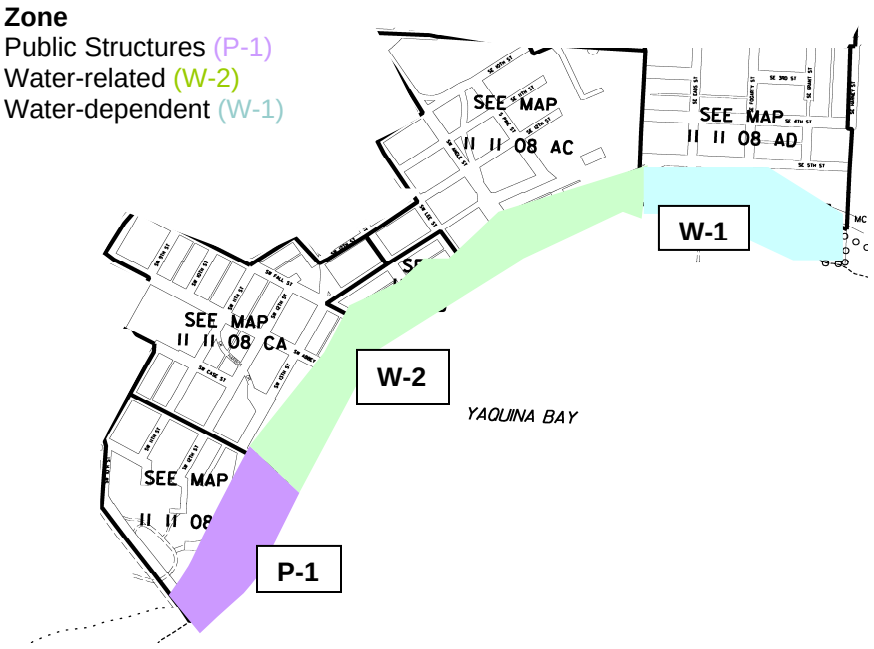
related zones (W-2) permit all of the outright and conditional W-1 activities in addition to other uses such as seafood markets and sporting goods stores for marine activities.

Figure 7. Cumulative Conditional Use Permits by Sub-area



Sources: Lincoln County Tax Assessor's maps [Sections 11-11-08; CD, CA, DB, BD], and Newport Comprehensive Plan [Zoning Ordinance and Conditional Use Permits])

Figure 8. Zoning designations on the Bayfront



Conditional uses that are allowed in the W-2 zone include all of the outright uses in Tourist/Commercial zones (C-2) such as retail, restaurants, and residences. Thus, a significant number of conditional use permits in a W-2 zone effectively converts it into a Tourist/Commercial area. (*For more information on water zones in Newport, see Appendix B.*). The Industrial Zone (I-3) includes port owned property dedicated to water-dependent uses and privately owned property, some of which is leased by the port. The Public Structures zone (P-1) contains properties that are owned and operated by governmental entities, such as the federal Bureau of Land Management, the City of Newport, and the Port. Zoning tools contribute to Criteria 2-4, 6, 8, 10-12 and 14.

iv. Special districts

Newport

The Port of Newport does not have separate zoning authority from the City of Newport and is subject to city zoning designations. Much of the port property is zoned water-dependent or water-related and some is in the industrial zone. An urban renewal district that was created approximately twenty years ago to pursue waterfront development contained some port lands, but is no longer active. Most of the properties in that area formerly maintained by the Newport Urban Renewal Agency have become the responsibility of the city council. The only remaining urban renewal district in the city is located in South Beach (City staff 1, pers. comm. 2009).

Policy tools summary

Overall, the policy for ports and waterfronts throughout the state is strong enabling legislation links to a suite of available tools. It is included as part of the broader management framework and is spatially explicit while allowing wide applications across the state, even including land ports such as Tillamook. The policies are currently under a sort of review (it is not clear that this is "periodic" as outlined by Criteria 12) yet, they are being evaluated comparatively with other states (Harlan pers. comm. 2009). The policy process in Oregon and Newport contributes to Criteria 2-4, 6, 8, 10, 11, and 13.

Despite meeting many of the criteria of a MWWP, staff with the State of Oregon has identified several issues with Oregon port policy. Responsibilities at the state level could be improved in some respects. Staff at state agencies may be unaware of the enabling legislation for ports that declares port development and improvement to be a "state economic goal of high priority" (Harlan pers. comm. 2009). According to the state Port and Program Policy Manager, "conflicting public policy approaches" and a sometimes failure to address the legislative intent of port policy, as well as the ports' role in State Planning Goal 9 (Economic Development) have not been fully resolved (Harlan pers. comm. 2009). This information makes it difficult to judge the role of policy today in supporting Oregon's ports and working waterfronts if it appears to meet many of the

criteria for a MWWP, but insiders suggest that the framework is not as robust as an initial analysis would suggest.

6.1.5 Landholding

Oregon

Oregon law allows ports to "acquire, construct, maintain, operate, and lease or sell facilities, infrastructure, and the lands on which such structures may be located" (OR 777.210). It appears that all ports have exercised these rights (Kirby et al. unpublished manuscript). Land exchange as a tool has also been used by Oregon ports, but it is unclear that it has been either advantageous or effective at enhancing port landholdings or operations. In Tillamook, Oregon the School District of Tillamook County acquired some property within the vicinity of port offices and the port acquired other properties in return (Port staff 4, pers. intv. 2009).

Lincoln County

Lincoln County, where Newport is located, has benefited from several programs that have used conservation easements for the preservation of shorelands but these efforts have been focused primarily on environmental outcomes. The Lincoln Land Legacy Program (LLLP) is a new program that protects scenic viewsheds and other amenities in Lincoln County (LLLP 2009). They have looked at some areas along the Yaquina River, Beaver Creek, and other rivers in the region, however, sustaining working waterfronts is not the focus of the program. One easement they have in place along the Yaquina River covers uplands and has been put into place primarily to protect the health of the adjacent estuary. The Wetlands Conservancy (TWC) is a related state-wide program that owns properties and easements along the upper Yaquina River through public-private partnerships and other collaborative efforts. The Conservancy works primarily to preserve natural wetland environments (Belmont pers. comm. 2009). To the knowledge of the executive director, conservation easements have not been used in Oregon to protect working waterfronts (Lev pers. comm. 2009). The Central Coast Land Conservancy is

another Land Trust organization, but their role, if any, in sustaining working waterfronts is not clear (Oregon Public Broadcasting, no date).

Newport

a) Port

The port is using several landholding tools, including land banking/land retention, long-term leasing of private land, and land sales. To keep options open for future development of working waterfront uses, the port leases a large piece of private property, owned by Rondys and Associates located in an Industrial (I-3) zone. The port retains first right of refusal, the right to renew the lease, and the right to purchase the property. The land is ideally situated for water-dependent and industrial uses, especially as relate to supporting the recent International Terminal project. The intent is to maintain the rights to this property to ensure that working uses may be able to expand into that area if needed. It does not appear that the port pays property taxes on the lands it leases from Rondys and Associates (Lincoln County Tax Assessor's Office 2009). The port also retains lands for uses such as gear storage. Land sales are a tool the port has used with the aim of acquiring other lands of "greater or equal strategic value" (Port of Newport 2007). In recent years, the port sold a piece of property in South Beach near the HMSC and Aquarium facilities which is now used as a parking lot (Port staff 2, pers. intv. 2009).

The port does not have a set rate for leases, which are based on the assessed value of the property (Port staff 2, pers. intv. 2009). They do aim to realize long term returns of 8-10% on the fair market value of the leases. Their leasing criteria include the number of family wage jobs created and the overall benefit to the community (Port of Newport 2007). Many of their leases are to marine operators, or water-dependent and water-related businesses such as Englund Marine Supply and Foulweather Trawl,[13] but it is not clear that they receive preferential lease rates or property tax breaks (Port of Newport 2009) (Lincoln County Tax Assessor's Office 2009).

[13] Foulweather Trawl is a net building and repair operation that is one of very few remaining on the West Coast (Port of Newport 2009).

Earlier in its history, the Port of Newport may have engaged in an advantageous land exchange, trading property in the middle of the Bayfront approximately where the Undersea Gardens Aquarium is now located, for property further east on Bay Road and closer to the Port headquarters that was developed into a marine haul-out facility (Port staff 2, pers. intv. 2009).

b) City

The city may be using various landholding tools, but retention/land banking and leasing were the only two tools identified in the data collected for this study. Analysis of Lincoln County Tax Assessor records provided by Wylie (2009) revealed that the city does lease properties under the auspices of The City of Newport as well as The Newport Urban Renewal Agency which was recently assimilated by the Newport City Council (City staff 2, pers. comm. 2009). The city has several leases that can be identified from the tax assessor's records with Point St. George Fisheries, Ocean Coast Seafood, and Newport Shrimp Co., two of which are confirmed fish processing facilities (Port staff 2, pers. intv. 2009). The city also leases some lands from the Oregon Department of State Lands (Lincoln County Tax Assessor's Office 2009).

Planning staff at the city of Newport were unsure if the city has sold lands that it owns on the Bayfront to private entities and whether or not the city leases lands that it owns on the Bayfront (*The city does lease lands, see statements in prior paragraph*). One planner was able to report that some of the properties currently owned by the city on the waterfront are docks and public parking facilities (City staff 2, pers. comm. 2009).

City staff in the finance department were unsure if there was a set lease rate or if lease rates differed based on the lessee providing some benefits to the property, such as maintaining buildings and other infrastructure (City staff 3 pers. comm. 2009). The City of Newport has not participated in land exchanges to the knowledge of it planning staff contacted for this study (City staff 2, pers. comm. 2009).

One of the long term city planners was not able to provide information on any existing easements, covenants or other restrictions on land use on the Bayfront, which would be private arrangements (City staff 2, pers. comm. 2009). The planner referred the researcher to the title records for all properties on the waterfront which were not reviewed for this study due to time limitations. The city manager was not aware of any covenants or easements on the Bayfront, nor did the Lincoln County Legal Counsel report any when contacted in reference to the Lincoln Land Legacy Program (Belmonot pers. comm. 2009). Port staff recalled use of the covenant tool or codes, covenants, and restrictions (CCRs) in one of the subdivisions upland of port property, but they believed the covenants to have expired. Additional information on the type, term, and intent of the covenants or CCRs was unavailable (Port staff 2, pers. intv. 2009; City staff 2, pers. comm. 2009).

Landholding tools summary

Landholding as a tool in Newport and Oregon in general, has supportive legislation, is included in a broader framework, and is linked to other initiatives, such as urban renewal. To some extent in Newport, the port and the city have considered the appropriate tools in applying landholding strategies, and have been adaptive and flexible in their approach to land sales and land retention, addressing Criteria 3, 4, and 14. Both the city and the port lease property to commercial fishing operators, and the city leases property from the Oregon Department of State Lands that may also be used by these operators (Lincoln County Tax Assessors 2009). The port has previously sold land to private entities and currently leases lands from private parties. The Port Strategic Plan of 2007 identifies criteria for land leases and land sales, addressing Criteria 2 and 8. The data collected for this study did not reveal whether the city has a similar system. Lands are periodically reviewed for the tax rolls, but it is unclear whether public entities conduct regular inventories of land use (Criteria 12 and 13) or that they are regularly reviewed for any other purpose than to assess their worth.

6.2 FINDINGS ON SUPPORTIVE TOOLS

6.2.1 Technical assistance

Pacific Northwest and Oregon

Current studies to assess the economic contributions of ports and harbors to local economies in the Pacific Northwest include the Hovde Financial Study, related to activities in Willapa Bay Harbor in Washington (Kirby et al. unpublished manuscript). Interviews with Oregon port leaders did not reveal similar studies occurring in Oregon (Kirby et al. unpublished manuscript) however this does not mean that this type of research is not occurring. The OCZMA has directed studies of the economics and demographics of the Oregon coast (The Research Group 2006), and Oregon Sea Grant recently released a report on additional marine research and information needs at a regional level (Risien 2009). In the past, there were several feasibility studies conducted around the state to look at the growth and development potential for ports. The Booz Allen Hamilton Study (1980), Oregon Ports Study (1980), Survey of Oregon Ports (1972), an inventory of deep draft sites in the mid-1980s, and a robust Ports and Water Transportation Study (1968) all provided information decades ago for strategic decision making as concerned working waterfronts (Harlan pers. comm. 2009).

Other ports and Newport

Ports in Oregon and the Port of Newport in particular have used various types of technical assistance. Under the leadership of State Senator Betsy Johnson, the three ports of Nehalem, Garibaldi, and Tillamook engaged in a local study to determine the benefits of becoming one port district (Bell pers. intv. 2009). The Tillamook Ports Consolidation Feasibility Study was drafted by a private contractor and while it did not result in the consolidation of the three local ports, it has become a useful document for other purposes (Benkendorf et al. 2008). The ports are able to utilize significant portions of the document in crafting their strategic plans and they are saved additional costs in collecting that information (ECDD former employee, pers. intv. 2009). Some technical assistance that may have supported strategic decision making for the working waterfront in

Newport, reported by the OCZMA (2002) includes the following reports/planning documents: an Update of the Port Development Element of City of Newport's Comprehensive Plan by CH2M Hill (1989), Port Dock 7 Site Development Master Plan by HNTB Corp (1995), and the Newport International Terminal Redevelopment Plan (1997). In recent times, to get technical assistance such as engineering or environmental expertise, the port applies to the state for a grant [to help with the cost of a consultant], or pays the cost themselves if grant assistance is unavailable (Port staff 2, pers. intv. 2009).

City

Newport's Chamber of Commerce has provided technical assistance by commissioning vacancy analyses on the waterfront (SR Enterprises 1996), but the city in general has not used this tool recently to inventory land use on the waterfront. The city has conducted some research and reports as concerns the shorelands but these document, their titles, and dates of publication were not readily available (City staff 2, pers. comm. 2009) (City staff 1, pers. comm. 2009). Planning staff at the city noted that the Chamber is an independent entity and may commission their own research and reports with a focus on business development, that are then shared with other jurisdictions, such as the city and the port. To be put into effect at the city or the port, any research and reports would have to be adopted into the official guiding documents of those two entities (City staff 2, pers. comm.2009).

In terms of staff assistance, The City of Newport does not have a GIS technician, but developing GIS capabilities is a priority that has been noted in the City Council's goals for 2009 (City of Newport 2009). The Public Works department of the city has engineering staff, but the city staff was not certain of the extent of their involvement in planning and development at the port or on the waterfront. One of the senior planners at the city has a wetlands background but beyond that, the city did not indicate that staff is extensively involved in preparing for EPA/Army Corps permitting processes or other types of required environmental review by the federal or state government for proposed projects for the Bayfront (City staff 1, pers. comm. 2009). Staff in the planning department indicated that most projects on the waterfront are evaluated for compliance

with city regulations, namely the Zoning Ordinance and the Comprehensive Plan. Projects located over the water or in the bay itself, are subject to Department of State Lands rules and regulations (City staff 1, pers. comm. 2009).

Technical tools summary

Technical assistance tools have been used throughout Oregon, including Newport, contributing to Criteria 10 and 11. They have at times been included in a broader management framework and been linked to other initiatives, addressing Criteria 6 and 7. The use of these tools is funded somewhat through the Oregon Port Planning and Marketing fund (addressing Criteria 5) but it is not clear that there is adequate funding and resources for other types of research endeavors, such as environmental assessments. It recent times, it appears that the reports produced by the OCZMA may provide some of the information for strategic decision making by working waterfronts that was previously provided by ODOT. The data collected for this paper is insufficient to determine whether technical assistance tools are employed in line with other good practices criteria of a MWWP. Much more data exists in this category than the research for this project was able to reveal. The list of technical assistance projects listed here is a small sample of technical assistance work on waterfronts that has been conducted in the State of Oregon and the Port and City of Newport.

6.2.2 Financial assistance

Oregon

Oregon has several economic development grants that serve ports that are available through the Economic Community and Development Department (ECDD) including the Marine Navigation Improvement Fund (MNIF), the Port Revolving Loan fund (PRF), the Port Planning and Marketing Fund (PPMF), the Special Public Works Fund (SPWF), Industrial Revenue Bonds, and other special funds (Legislative Counsel Committee 2005). Most grant programs require a local cash match to obtain funding and may be restricted to specific projects. The Port of Newport has used various federal, state and local grant programs and low interest loans to support working waterfront activities.

Additional financial resources include federal funds. To fund the International Terminal Project, the port used General Obligation Bonds (Port of Newport 2009).

Newport

The City of Newport does not have specific financial assistance programs, including loans, funds, or bonds set up for the waterfront (City staff 1, pers. comm. 2009) (City staff 2, pers. comm. 2009) (City staff 3 pers. comm. 2009). The city does attempt to get matching funds for capital projects if they can from the state or other entities but the current city staff was not aware of any in effect regarding waterfront infrastructure (City staff 1, pers. comm. 2009). The Department of Public Works for the city had received some federal stimulus money in 2009 for improvements of sewer lines and other core infrastructure along the Bayfront (Webster pers. comm. 2009).

Financial tools summary

Financial tools for the working waterfront in Oregon and Newport are somewhat supported through state port policy, included as part of a broader management framework, linked to other initiatives, spatially explicit, and, it appears, widely used, contributing to Criteria 4, 6, 7, 10, and 11 (Port staff 3, pers. comm. 2009) (Port staff 2 pers. intv. 2009) (Harlan pers. comm. 2009). However, it is not clear that all public financial tools are adequately funded and resourced (Criteria 5). For example, the PRF is flexible (Criteria 14) but small. According to the Oregon Port Policy and Program Manager, "Total assets of the fund (outstanding loans and cash on hand)" were approximately $15 million in 2008. At any time, a port may only have a maximum of $3 million from this funding source, which limits the size of projects that can be completed using this instrument (Harlan pers. comm. 2009). The SPWF is a larger funding source, ($69 million in port loans were from this source in 2008), and may be more broadly used. Grant resources from the PPMF are less flexible than in the past, and are "not supposed to be used for normal port operating expenses or for anything that requires an ongoing subsidy" (Harlan pers. comm. 2009). Thus, while Oregon has a suite of financial resources available to ports, funds may be limited and have limited applicability and none

are specifically directed at working waterfronts per se, as has been observed in other states (*See the "Financial assistance" section above in "Good practices"*).

6.2.3 Incentives

Preferential lease rates and lowered property taxes are several types of incentives that may be used to support specific uses on the working waterfront.

i. Lease Rates

Oregon

Oregon has a complicated leasing system for submerged lands, which are owned by the state and managed by the Department of State Lands and the State Land Board. Several laws in the Oregon Revised Statutes (ORS) enacted by the legislature relate to leasing and use of these lands. ORS Chapter 273 contains laws about state-owned "upland" and ORS 274 relates to state-owned submerged and submersible land. Administrative rules governing the Department of State Lands' waterway leasing activities are dictated in OAR 141-082 (Kroft pers. comm. 2009).

The rules establish a base minimum annual lease rental payment which is the greater of A) $0.0056 per square foot times the lease area or B) $275. The lessee may choose between two options for calculating the lease: Option 1) Flat rate method of $0.XX per square foot (which is increased by 3% each year) times the authorized lease area in square feet of state-owned submerged and submersible land or Option 2) The riparian land value method. This method results in an annual lease rent payment (AR) that is calculated by multiplying the assessed value or appraised value (AV) times the lease area (LA) times 5 percent (5%), shown in a formula as AR= AV * LA * 5%. Commercial marinas and docks, and commercial floating home moorages have a third option which allow them to select as a annual lease rental payment Option 3) 3% of actual annual slip or boat rental income. The lessee can select the formula for lease payment that results in the lowest calculated payment, but not lower than the base minimum (OAR 141-082-0100(4)(a)- (h)).

The rules also identify eight use classifications with associated lease rental formulas, and define each use in detail. For the purposes of this study, data is presented for marine and non-marine uses. It does not appear that marine uses have preferred rates over non-marine uses. *Non-Marine uses* are defined as "structures or uses, typically commercial or residential, which *do not need to be located in or adjacent to water areas*. Such structures and uses include, but are not limited to: apartments, hotels, motels, residences, restaurants, offices, retail stores, manufacturing plants, and warehouses." *Marine Industrial/Marine Service uses* are defined as follows: "structures or uses which are commercial or industrial in nature and which *need to be located in or adjacent to water areas* because the use requires water access. Such uses include, but are not limited to: ship, tug barge and workboat moorage and storage; vessel repair facilities; aquaculture facilities; and fish processing facilities" (Oregon State Archives 2009, *Italics added by author*).

Different uses have different flat rates that are entered into a formula for calculating the annual lease rent payment. For example, the flat rate for commercial marinas and docks is $0.0191 per square foot and the flat rate for log boom or log raft storage areas is slightly lower at $.00956 per square foot. Non-marine uses have the same flat rate as fish processing plans and other marine industrial and marine service commercial uses at $0.383 per square foot, a rate which is significantly higher than other uses identified above.

Based on these formulas, it does not appear that marine industrial and marine service commercial uses have preferential lease rate agreements with the state of Oregon. Nor do ports have special lease arrangements with the Department of State Lands (Kroft pers. comm. 2009).

Newport

Special lease rates do not appear to be in use in Newport as of 2009 (Kroft pers. comm. 2009; Port staff 2, pers. intv. 2009; City staff 3 pers. comm. 2009).

ii. Property taxes

Oregon

Property taxes in Oregon were adjusted by a state measure that was passed in 1997, Measure 50, which mandates limits on the assessed value of property by capping the rate of increase of the assessed value at 3% per year. The passage of this measure had statewide impacts which are not addressed in this research. In brief, local property taxes are subject to the state wide taxation system and also to rates determined by the Lincoln County. Although property owners in Newport may benefit from the limits on property taxes imposed by the state, it does not appear that any local financial incentives are offered for traditional maritime uses on the waterfront.

Newport

Tax exemption and tax exclusion tools (Breen et al 1980) have been observed in Newport. Most port and city properties, including the Newport Urban Renewal Agency properties, are exempt or excluded from property taxes. However, private parties who may lease lands/properties form these public entities are not exempt. According to Lincoln County Tax Assessor's records, those private entities that operate "industrial uses" on the waterfront are assessed and taxed at 80-100% of their market value, while many commercial and recreational uses are assessed and taxed at 50-100% of market value (Lincoln County Tax Assessor's Office 2009). Most processing plants on the Bayfront are categorized as "industrial" uses, and are assessed for property taxes at industrial rates. Industrial land use classifications also include various uses such as industrial vacant land, improved industrial property, and state responsibility industrial property. Depending on the value of the industrial property, it may be assed in comparison to other properties in the state, not the local area. Thus, some processing plants in Newport would be assessed in comparison to similar facilities located in Astoria or other areas throughout the state (Boris pers. comm. 2009). It does not appear that the port is subject to property taxes, neither on properties that it owns nor on properties leased from private entities, such as Rondys and Associates. Property taxes are paid on lands that are leased by the port to another entity (Lincoln County Tax Assessor's Office 2009).

Incentives tools summary

Data on several incentive mechanisms, including property taxes and lease rates, was collected in depth for Oregon and Newport/Lincoln County. The taxing and leasing structures have supporting legislation, appears to be adequately resourced, are part of a broader management framework, identify criteria, are monitored and evaluated, spatially explicit (down to the parcel level), and can be widely used (contributing to Criteria 4-6, 8-11). They appear to be reviewed periodically and evaluated comparatively, with some flexibility and adaptability inherent in the tools (addressing Criteria 12-14). Despite meeting a significant number of the good practices criteria, the current system does not appear to overtly support the working waterfront in any significant way. Incentives do not seem to be offered for water-dependent uses, and in some cases, there may be a disincentive for operating "working" or industrial uses on the Bayfront. Data collected for this study did not reveal other types of incentive strategies identified in the toolbox such as other tax incentives and tax increment financing. Challenges with the availability and accessibility of data on this topic may limit the assessment of this tool in Newport and Oregon.

6.2.4 Outreach

Newport

The Port and the City of Newport have various types of outreach strategies as regard the working waterfront, including festivals, a forum, and projects in progress that involve community stakeholders in the development of additional facilities. Once a month, the port hosts a Fishermen's Forum to give fishermen an opportunity to discuss any issues, concerns, or ideas with the port manager and harbormaster. For several years, the port has hosted an annual Fisherman's Appreciation Day, which involves the Newport Fisherman's Wives organization and the Coast Guard. Additional festivals include the Seafood & Wine Festival (February), the Newport Loyalty Day and Sea Fair Festival, Oregon Lighthouse Week, Stories by the Sea, Oyster Cloister on the Oregon Coast, the

Newport Clambake and Seafood BBQ, the Blessing of the Fleet and the Seafood Cook-off, and the Lighted Boat Parade (Port staff 2, pers. intv. 2009).

Another key outreach and engagement project for the community is the future Newport Fisheries Center. The Center, which will include a demonstration kitchen and event space, is a partnership effort to connect the port, the public, and consumers. The Center involves collaboration among seafood related groups such as the Fishermen's Wives and the Seafood Consumer Center. It will house organizations with interests in the seafood industry and associated support businesses and focus on initiatives such as fisheries interpretation, education, and peer interaction among other tasks. Part of the goal of the Center is to ensure local job creation and retention, which is a requirement for obtaining some funds. Additional outreach efforts concern education around the International Terminal project, including public meetings and forums, the redevelopment of the port website, and the planning of annual events on the waterfront (Port staff 2, pers. intv. 2009).

Outreach tools summary

Outreach tools employed by the city and the port involve public participation and contributions at regular meetings, and in many cases the selection of an appropriate strategy, addressing Criteria 1 and 3. Strategies in general are spatially explicit, included in a broader management framework, and amenable to wide use throughout the state (contributing to Criteria 6, 10, and 11). In the case of the Newport Fisheries Center project, it appears that a general goal has been outlined but that adequate funding and resources have been harder to come by (not contributing to Criteria 5). It is not clear from the data collected that outreach strategies in Newport or the state identify critical success factors or undergo any type of monitoring, evaluation, or review (not contributing to Criteria 8, 9, 12, or 13). It may be inferred that they are adaptive and flexible over time (some waterfront festivals come and go) but data to confirm this characteristic for all outreach tools is not apparent.

6.3 FINDINGS ON REACTIVE TOOLS

6.3.1 Review

Oregon

Review mechanisms at the state level are focused primarily on environmental components of projects. The State Department of Environmental Quality (DEQ), the Department of State Lands (DSL), and the Department of Fish and Wildlife (DFW) are involved with dredge and fill permits that affect waterways or wetlands. DSL issues the permits after "consultation" with the DEQ and DFW. A similar process occurs at the federal level where permits are issued by the U.S. Army Corps of Engineers in conjunction with NOAA, NMFS, U.S. Fish and Wildlife Service, and the EPA (Harlan pers. comm. 2009). The state is also involved in the issuing of building permits through the State Department of Consumer and Business Services. Lastly, some port planning tools are reviewed by the state. The Port Strategic Plan Template for Oregon is under review by the ECDD "in conjunction with a three-member Ports Peer Review Committee" (Harlan pers. comm. 2009).

Newport

Waterfront development at the city and the port occurs within a broader planning and management framework that is subject to review for compliance with environmental regulations and coastal management directives. Plans and projects on the Bayfront, as part of the local policy framework, likely adhere to state standards and federal regulations regarding land use planning and environmental impacts (City staff 1, pers. comm. 2009). Planning staff at the city did not mention that waterfront projects were regularly reviewed by state or federal agencies for consistency with environmental requirements. The DEQ was noted as a reviewer when the project occurs in the Yaquina Bay or on the shorelands that fall within the jurisdiction of the Department of State Lands (City staff 2, pers. comm. 2009). Other city staff reported that the city does natural resource planning and has limited inventories in development as their planning and policy documents are prepared for periodic review by the state (City staff 1, pers. comm. 2009). Prior studies have found that while Oregon does have a permitting structure that addresses coastal

projects as well as regulatory criteria specific to ports, the state does not have a permitting process that speeds the approval of port development projects (Hershman 1999, Harlan pers. comm. 2009).

Review tools summary

Review tools in Oregon and Newport are spatially explicit and widely used, have supporting legislation, are funded and resourced to some extent, and are included in a broader management framework (contributing to Criteria 4, 6,10 and 11, and to some extent 5). Data on review tools was primarily focused on environmental review. It is unclear if the review tools themselves are evaluated and reviewed, or if they contain adaptive and flexible components (not clear if contributing to Criteria 12-14). From the data collected for this paper it is difficult to determine if the review process at the state or federal level supports the working waterfront in Newport in any way beyond ensuring environmental sustainability and providing any social and economic benefits that may be derived from that status.

Table 5. Good practices and tool utilization in Oregon/Newport

Tool	Good practices	Oregon/Newport
Proactive		
Leadership		
Ports Association/Ports Group	Prominent examples of this kind of organization on the West Coast include the Washington Public Ports Association (WPPA) and the California Association of Port Authorities (CAPA). Both associations have significant membership and play an active role in advocating for port interests and facilitating inter-governmental relationships (CAPA 2005) (WPPA 2006). *In Washington, contributes to criteria 1, 2, 4- 6, 10 and 11*	The OPPA is essentially a chapter of the Special Districts Association of Oregon (SDAO) and is neither very active nor very organized (Harlan pers. comm. 2008). It maintains a minimal public presence and has no active website. It is not adequately funded or resourced. *Contributes to criteria 4, 6, 10, 11*
Working Waterfront Leadership Group	Examples include Working Waterfront Coalitions (Maine and Portland, Oregon), steering committees, management councils, and advisory boards (Cowperthwaite 2005) (Abbott 2008). *In Maine, contributes to criteria 5-8, 10, and 11*	The State of Oregon and Newport do not have a Working Waterfront Leadership Group. The city does have an informal group called the Bayfront Association comprised of waterfront business owners which is concerned with integrating activities on the waterfront (Webster pers. comm. 2009). *Contributes to criteria 6, 10, and 11*
Fishermen's Groups	Examples include the Newport Fishermen's Wives Association, the Gloucester Fishermen's Wives Association, and the Rhode Island Fisherman's Alliance (Lincoln et al. 2002). *Criteria: n/d**	The Newport Fishermen's Wives Association is recognized statewide and utilized by communities outside of Newport (Port Commissioner, pers. comm. 2009). Newport does not have a Fishermen's Alliance (Port staff 2, pers. intv. 2009). *Criteria: n/d*
Partnership		
Governmental	The Waterfronts Florida Partnership Program assists coastal communities with revitalization. The Program is a formal partnership between the Department of Environmental Protection and the Department of Community Affairs codified through the state Working Waterfronts Legislation (Springuel and Schmitt, 2007). *Contributes to criteria 1, 2, 4-7, 10, and 11*	Informal partnerships regarding the waterfront occur among the Port of Newport, City of Newport, the Chamber of Commerce, and various Lincoln County Departments. The Central Coast County Economic Development Alliance coordinates some activities in the area. The City and Port of Newport are also part of the Oregon Cascades West Council of Governments (OCWCOG) which has been codefied by the State of Oregon (Port staff 2, pers. intv. 2009; OCWCOG 2009). *Contributes to criteria 3, 4, 10, and 11*

*n/d signifies that no data was available from the research conducted for this paper

Tool	Good practices	Oregon/Newport
Partnership (con't)		
Non-governmental	York Land Trust (ME) partnered with local lobster fishermen to acquire waterfront properties for working uses (Ronzio 2004). *In Maine, contributes to criteria 1,3,5-7,10,and 11*	The Pacific Coast Congress of Port Managers and Harbormasters, and the Bayfront Association are non-governmental partnerships (Port staff 2, pers. intv. 2009). *Contributes to criteria 2,6, 10 and 11*
Planning		
Regional port planning/SAMPs	The nationally recognized SAMP in development for the Narragansett Metro Bay Area in Rhode Island, is an update of the Providence Harbor SAMP that was developed nearly 20 years ago. The new SAMP emphasizes streamlining the permitting process for appropriate redevelopment, improving recreational opportunities and public access, and enhancing social, economic, and environmental elements of the working waterfront (Metro Bay SAMP no date) (NOAA 2009). *Contributes to criteria 1, 2, 6, 10-12, 14*	County Comprehensive Plans and Estuary Management Plans in Oregon are developed at the regional level and address a variety of uses but are not specific to ports or port management. The Yaquina Bay Estuary Management Plan, developed in 1982, and the Lincoln County Comprehensive Plan address the Newport area. *Contributes to criteria 4, 6, 8, 10 and 11*
Individual port planning	Harbor Revitalization Plan (2003) Humboldt Bay Conservation and Recreation District, resulted in the port acquiring a marine terminal to resolve the issue of exclusive ownership of the terminals by private entities. To move forward strategically, the port deemed it necessary to have at lease one terminal in the bay under public ownership (Port staff 1, pers. intv. 2009). *Contributes to criteria 1-3, 6,10, and 11*	Strategic Business Plans for all ports are required by the State of Oregon under recently developed legislation (ORS 777.660) (Harlan pers. comm. 2008). The Port of Newport has a Strategic Business Plan (2007) and a five-year Maintenance Plan, both of which are in the process of being updated (Port staff 2, pers. intv. 2009). *Contributes to criteria 3-5, 6, 8, 12, 14*
Policy		
Working waterfronts policy/Policies specific to ports	Working waterfront legislation has been introduced into the US Congress (H.R. 2548 § (2) 2009). Similar legislation has been passed in several states, including Maine and Florida and has been introduced as of May 2009 for consideration in Rhode Island (Providence Working Waterfront Alliance 2007). *In Maine, contributes to criteria 1-8, 10-12, 14*	The state of Oregon does not have policy that specifically addresses working waterfronts, although there are policies specific to ports and shorelands. The Oregon Revised Statutes Chapter 777 (Ports Generally) addresses port powers regarding finances, development, management, and other activities (ORS 777). *Contributes to criteria 2-4, 6, 8, 10, 11, 13,*

Tool	Good practices	Oregon/Newport
Policy (con't)		
Policies identifying water-dependent uses	The Washington State Shoreline Management Act (1972) encourages water-dependent uses. Conversion of waterfront land to non-water dependent use (e.g. from industrial to solely commercial) is restricted in major industrial waterways of the state (Springuel and Schmitt 2007) *In Washington, contributes to criteria 3,4, 6, 10, 11*	The state has several policies identifying water-dependent uses, couched in Oregon Senate Bill 100, which established the statewide land use planning framework. Goals 16 and 17 of this framework address estuaries and shorelands. Goal 17 (Coastal Shorelands) prioritizes water-dependent uses over water-related uses. *Contributes to criteria 2, 4,6, 10, 11*
Zoning	Good practices regarding the application of the zoning tool include the creation of flexible zoning schemes, as well as mixed use zones, industry specific zones, and overlay zones. Portland, Maine revised their restrictive zoning scheme that prohibited non-water-dependent uses when the policy resulted in high vacancy rates on the waterfront because of a lack of demand for space by traditional maritime industries (Davis 2001). *In Maine, contributes to criteria 3, 10-12, 14*	Oregon Senate Bill 100, which established a land use planning framework in 1973 mandated zoning by all local entities throughout the state. The City of Newport's Zoning Ordinance designates several zones that support water-dependent, water-related, industrial, and public uses on the Bayfront: a Water-dependent (W-1) zone, a Water-related (W-2) zone, an Industrial zone (I-3), and a Public Structures zone (P-1) (City of Newport 1999). *Contributes to criteria 2, 3, 4,6, 10- 12, 14*
Port specific zoning or designation	Massachusetts has 11 Designated Port Areas (DPAs) created by their Office of Coastal Zone Management to protect working port areas from encroachment by other types of development. The DPAs are implemented as overlay districts. Recent studies have shown that the program introduced in 1978, has had notable impacts on retaining working waterfront uses in New Bedford, Massachusetts (Portman et al 2009) (Rafferty 1996). *In Massachusetts contributes to criteria: 3, 6, 10, 11*	Oregon does not have a Designated Port Areas Program. Newport had an urban renewal district designated in the mid-1980s and it was active for approximately 20 years (Port staff 2, pers. intv. 2009). The management of the properties owned by the Newport Urban Renewal Agency has since been transferred to the City Council (City staff 2, pers. comm. 2009). *Criteria: See "Zoning" above*
Landholding		
Retention/ Land banking	*Criteria: n/d*	The port leases property from a private entity ideally situated for water-dependent/industrial uses. The port retains first right of refusal, the right to renew the lease, and the option to purchase. The port also uses leases, for which a basic criteria has been developed, to manage some port owned lands/properties (Port of Newport 2007). *Contributes to criteria 3, 4, 6, 14*

*n/d signifies that no data was available from the research conducted for this paper

Tool	Good practices	Oregon/Newport
Landholding (con't)		
Conservation easements	The York Land Trust (ME), in conjunction with the local community and couched within statewide efforts to preserve working waterfronts, purchased a conservation easement on waterfront property in York to maintain it for working uses by local lobstermen (Ronzio 2004) *Contributes to criteria 1-3, 5-7, and 10 and 11.*	It does not appear conservation easements have been used in Oregon to protect working waterfronts (Lev pers. comm. 2009). Easements have been used by the Lincoln Land Legacy Program (LLLP) to protect one area along the Yaquina River, but the focus is on scenic viewsheds and estuaries, not working waterfronts (LLLP 2009). The Wetlands Conservancy (TWC) is a related state-wide program works to preserve natural wetland environments (Belmont pers. comm. 2009). The Central Coast Land Conservancy is another Land Trust organization, but their role in sustaining working waterfronts is not clear (Oregon Public Broadcasting, no date). *Contributes to criteria 3,10, and 11*
Supportive		
Technical assistance	Maine Sea Grant has created an information portal on coastal access for use by multiple stakeholders including interest groups, governments, and the general public. The site presents legal tools to address the specific needs of these various stakeholder groups on the coast (Accessing the Maine Coast 2009). While based on Maine laws, much of the legal content on the site could be adapted for application in other areas, creating a new type of "legal technical assistance" for use by coastal communities nationwide. *Contributes to criteria 1, 3, 4, 6, 7, 10, and 11.*	Reports at the state level in the 1970s and 1980s conducted by the government as well as contractors, and current reports by the OCZMA have provided information to Oregon ports that could be classified as technical assistance. The Port of Newport may contract out for technical assistance and may receive some state funding towards that purpose (Port staff 2, pers. intv. 2009) *Contributes to criteria 5,6,7,10, and 11*
Financial assistance	The Land for Maine's Future Program and the Public Access to Maine Waters Fund allocate financial assistance towards the protection of working waterfronts. The funding helps both municipal and private efforts for acquisition of waterfronts while retaining covenants to keep the land "working" in perpetuity. The program has funded several properties since it was instated (Springuel and Schmitt 2007) (Goss 2006) (Connors 2008). *Contributes to criteria 1, 3-7, 10 and 11*	Several grants, loans, and funds that are available statewide for supporting port operations are being utilized in Newport. The port has also used its bonding authority under state legislation. It does not appear that the city has financial assistance programs for the waterfront. (Port staff 2, pers. intv. 2009; City staff 2, pers. comm. 2009). *Contributes to criteria 4, 6, 10, 11, 14*

Tool	Good practices	Oregon/Newport
Supportive (con't)		
Incentives	To ensure that owners will not take advantage of tax break incentives and then convert or sell their waterfront property for non-water dependent uses, incentive tools in Maine employ deterrents. If a property owner decides to convert land that has been classified as tax-exempt to non-exempt uses, the penalty for conversion is the taxes that would have been due over the previous five years had the land been taxed for its "highest and best use" (Davis 2001). *Contributes to criteria 6, 10, 11, 14*	It does not appear that Oregon and the Port and City of Newport offer tax breaks or preferential lease rates for water-dependent businesses or marine industry (Kroft pers. comm. 2009) (City staff pers. comm. 2009) (Port of Newport 2007). *Contributes to criteria n/a***
Outreach	The Narragansett Metro Bay Area SAMP was developed by engaging the public in the process with outreach and education materials (Metro Bay SAMP no date) and the plan also includes a web-based tool and interactive map for public access. *Contributes to criteria 1, 3, 6, 10-12*	The Port and the City of Newport hold regular meetings that are open to the public and host various waterfront festivals that may classify as outreach and education about the working waterfront. *Contributes to criteria 1, 6, 10, and 11*
Reactive		
Review	Maine conducts review and revision of waterfront policy, programs, and projects. The Working Waterfront Coalition, in collaboration with the Maine Revenue Service and Maine Sea Grant, hosted a series of workshops to refine the state's recently passed waterfront legislation and find solutions to newly identified problem areas in the law (Springuel and Schmitt 2007). *Contributes to criteria 1-4, 6, 7, 10, 11, 14*	Data on review tools in Oregon and Newport was focused primarily on environmental review. Various state and federal agencies are required to review projects that occur on, in, or near the waterfront or waterway for environmental impacts. It does not appear that the state expedites permits for waterfront or port projects during its review process (Harlan pers. comm. 2009). The Port Strategic Plan template developed at the state level is undergoing internal review (Harlan pers. comm. 2009). *Contributes to criteria 4, 6, 10, 11*

***n/a signifies "Not applicable"*

Chapter 7
Discussion

7.1 Tool use in Newport

In assessing applications of the toolbox in Newport, Oregon, findings indicate that the community may be underutilizing some of the tools identified for sustaining working waterfronts as compared to other communities and the criteria for a MWWP (*See Chapter 6 Applications of the toolbox in Newport and Table 5*). Examples in Oregon and Newport often contributed to fewer of the good practices criteria than the "best examples" (*presented in Chapter 5 Good practices*) in applications of tools to sustain the working waterfront.

Why is Newport contributing to fewer of criteria of a MWWP than other communities in applying tools to sustain the working waterfront? Despite the potential challenges to the working waterfront, applications of the toolbox may be achieving key goals for the Bayfront to the satisfaction of the community (*See Chapter 2 Study site, "Waterfront goals"*). There may be no perceived threat to the current balance of uses. The commercial fishing elements of the Bayfront have fluctuated over time. In the early 1950s, there were at least four fish plants or packers operating on the waterfront (Sanborn Fire Insurance Maps 1951) and approximately twelve processors and buyers serve the area today (Port staff 2, pers. intv. 2009). The city has always had a mix of fishing and tourism activities on the Bayfront and in most areas this balance appears to be intact based on analyses of waterfront zoning and inventories of and land use *(See Table 1. Parcels in each land use category [by sub-area]).* However, further study is necessary to make a determination on the waterfront's carrying capacity for non-marine uses and whether or not these uses may be contributing to a "tipping point" when the waterfront is no longer a "working" landscape (*See Chapter 2 and Figure 3 Parcels in Commercial Use and Land Use Zoning*). It is not clear that working waterfronts have a tipping point

or "carrying capacity" for cumulative impacts[14] of non-marine uses, but additional research might help make that determination.

7.2 Improving good practices in Newport

If deemed necessary to sustain the working waterfront, applications of the toolbox on the Bayfront could be improved based on the good practices criteria of a MWWP. Comparing Newport's use of tools to other communities nationwide, it appears that Oregon and Newport could enhance both the development and the application of available tools. The following succinct analysis is offered, followed by a more robust discussion of improving the use and application of particular tools and approaches.

a) Better funding of financial assistance tools in the State of Oregon, for ports and waterfronts, would most likely assist Newport in sustaining elements of the working waterfront that are deemed essential by users and operators (Improving contributions to Criteria 5 for the suite of tools applied, as well Criteria 1 and 2).

b) The improved *sequencing* of tools, including early engagement, review, and partnerships regarding waterfront projects in addition to consultation with environmental and other experts might alleviate some problems with implementing projects on the waterfront (Improving contributions to Criteria 1, 3, 5, 7, and 12 for available tools).

c) The *integrated application* of tools, such as funding, technical assistance, and review could also improve efforts at sustaining the working waterfront. Additional funding for projects might result from some planning, reports, or feasibility studies achieved with technical assistance, which also might aid in a preliminary review process (Improving contributions to Criteria 3 for all tools).

[14] This work references the definitions of cumulative impact and carrying capacity used by Witten (2000), wherein cumulative impacts are "impacts on a built or natural system which result from the incremental impacts of past, present, and future actions" and carrying capacity is "the ability of a system to absorb population growth or physical development without significant degradation."

d) Maintaining use of the appropriate landholding tools, in conjunction with engagement strategies directed at private owners on the waterfront, could continue to support working uses on the Bayfront (Improving contributions to Criteria 1 and sustaining contributions to Criteria 3).

e) Providing a more robust management framework for ports that explicitly links support for working waterfronts and port operations to other initiatives might assist in the long-term sustainability of these landscapes. In tern, supplying specialized funding, staff, or other resources might assist these entities in meeting additional opportunities moving forward (Improving applications of tools as concerns Criteria 5, 6, and 7).

7.3 Improving applications of tools in Newport

Applications of specific tools could also be enhanced based on the criteria of a MWWP and the discussion above on improvements in Newport and the State of Oregon *(see Table 6 Improving applications in Oregon and Newport)*. The following table identifies three categories for tool improvement 1) Great improvement potential 2) Some improvement potential and 3) Slight improvement potential. “Great improvement potential” signifies that Oregon and/or Newport could enhance the use of this tool and achieve potential benefits based on comparisons to other coastal communities and/or ideal applications of a MWWP *(See comparisons between Newport and other communities in Table 5 Good practices and tool utilization in Oregon/Newport*). “Some improvement potential” signifies that Oregon and/or Newport could somewhat enhance the use of this tool in comparison to other communities and receive some potential benefits and “Slight improvement potential” indicates that the tool appears to be used well by Oregon and/or Newport at this time and that improving its use might not bring many additional benefits.

Table 6. Improving applications in Oregon and Newport

Tool category	Improved application
Great improvement potential	
Leadership	Develop a statewide Working Waterfront Coalition to provide more robust assistance to ports and working waterfronts.
Partnerships	Pursue private funding and continue development of public-private/governmental partnerships to streamline efforts and assist in providing access to additional tools.
Review	Conduct periodic reviews of coastal, port, and waterfront plans and policies to assess the achievement of goals.
Incentives	Explore the potential costs and benefits of preferential taxes or lease rates for specific activities on the working waterfront.
Some improvement potential	
Technical assistance	Inventory the working waterfront to identify lands, properties, facilities, and essential infrastructure for working uses.
Financial assistance	Pursue private funding and adapt state funding of financial tools. Modify existing restrictions to allow some funds to be used for ongoing maintenance.
Policy	Define the working waterfront in Oregon and allow for more specific definitions to be developed by local communities.
Outreach	Educate officials and community members about the various roles of the working waterfront to improve the institutional infrastructure for ports and working waterfronts and enhance the suite of tools that is applied.
Slight improvement potential	
Planning	Consider the role of SAMPs or Regional Port Planning to sustain working waterfronts.
Landholding	Utilize conservation easements to sustain specific lands in working uses.

7.3.1 Potential tool improvements

The following sub-section identifies how the enhanced application of several tools and combinations of tools might contribute to supporting working waterfronts in Oregon and Newport. Linking and integrating tools and strategies is an underlying theme throughout this section, as well as the previous one on improving achievement of good practices *(See 8.2 Improving good practices in Newport).*

a) Planning and technical assistance

To enhance planning for the Bayfront, the city, port, and other stakeholders might benefit from a better understanding of the abundance (or the lack of) waterfront property and where the greatest challenges to working lands on the bay may lie. Using technical assistance to conduct an inventory of water-dependent, water-related, and non-water-dependent lands (Lucas and Pitts 2007, Sairinen and Kumpulainen 2006, Robinson 2007) would give local decision-makers a breakdown by percentage of various uses on the waterfront, including industrial, residential, retail, and tourist uses. This might assist in achieving Waterfront Goals 1, 4, and 5, addressing traditional economic activities, economic diversity, and mixed uses on the waterfront (*See Chapter 2 Study site, "Waterfront Goals").* The second step in the inventory process might identify land and facilities that are essential for the functioning of the commercial fleet and could be converted to other uses in the next decade. The third step of the inventory process might establish a methodology to prioritize retention or acquisition of property that is essential to the fishing fleet and these strategies could be incorporated into local policy and planning. Steps two and three might assist in addressing all Waterfront Goals and sustainable development and local employment in particular (Waterfront Goals 2 and 3).

The planning efforts of local entities and the evaluation of long-term port and city goals could also benefit from the enhancement of information availability and data sharing. Both the Port and the City of Newport, in conjunction with Lincoln County and the State of Oregon, are likely in need of the same types of

information to be able to adequately monitor progress towards key goals, and not just on the waterfront. Information that could be digitized to improve comprehensive or collaborative efforts includes policy and planning documents, such as zoning maps, parcel data, conditional use permits, strategic plans, and/or reports on city and port finances, vacancy/land use, and feasibility studies for proposed developments.

b) Outreach, planning, and incentives

Education of officials and community members about the working waterfront and the economic, social, and historical roles it plays in the community may improve the institutional infrastructure for working waterfronts and subsequently enhance the suite of tools that is applied to achieve Waterfront Goals 1-5 (*See Chapter 2 Study site, "Waterfront Goals"*). As directed in other communities, local leaders might evaluate community interest, support, and engagement potential for the preservation of working waterfront lands. Community goals for the waterfront district in Newport might be revisited to address any changes in the area since the implementation of the Bayfront Plan ten years prior. Waterfront Goals 1-5 identified in local planning documents might be reviewed and modified accordingly. The existing statutory framework of Oregon's Land Use Planning Goals (1-19) especially Goal 17 concerning the use and development of shorelands, in addition to other policies on working waterfronts developed nationwide, might assist as policy and planning guide. Furthermore, Lincoln County tax assessment methodologies and Oregon DSL lease rate formulas might be explored to address potential economic disincentives for industrial operations on the waterfront (specifically addressing Waterfront Goals 1, 4, and 5).

c. Leadership, partnership, and policy

If local leadership groups in Newport remain active in regional partnerships such as the Cascade Council of Governments and The Pacific Coast Congress of Harbormasters and Port Managers, among others, they may sustain or perhaps increase their position to support the working waterfront. As numerous authors

have noted (Curry 2001, Ghose 2004, Lucas and Pitts 2007, Oakley 2007) local entities can benefit from regional or state frameworks that support specific planning strategies for limited resources. Effective, regional collaboration and a national framework may be just a few years away for working waterfronts. The initiation of the Working Waterfronts Grant Program nationwide and the West Coast Governor's Agreement may provide the political structure and financial support that Newport could use, if necessary, to sustain traditional marine activities on its working waterfront into the future (HR 3223 § (2) 2007) (West Coast Governors' Agreement on Ocean Health Action Plan 2008).[15] Action 7 of the West Coast Governors' Plan relates to sustainable coastal development. The Action specifically addresses planning for working waterfronts and the prioritization of coastal dependent businesses and facilities through funding provisions and federal assistance, providing political support at a regional scale for Waterfront Goals 1-4.

7.4 Limitations of the study

The following section discusses some of the limitations of the study followed by suggestions for future research.

7.4.1 Scale

The research presented in this paper is focused on applications of the toolbox in Newport and does not attempt to critique applications at the state level. This limitation may affect the findings presented here for Newport. The work recognizes that the availability and application of tools at the state level may have a direct impact on challenges and opportunities for Newport. If a tool is not available at the state level, it may hinder Newport's ability to apply the tool locally, if it can be utilized at all.

[15] The West Coast has a Waterfront Coalition, but the group is focused on supporting large scale cargo and freight ports, such as the Port of Los Angeles and the Port of Oakland, in California (TWC 2009).

7.4.2 Sources

Institutional and staff capacity presented another limitation for the study. The City of Newport has experienced recent staff turnover and even long-term planning staff was unable at times to provide in-depth information on the review process for waterfront projects. Additional in-depth questioning and research on this topic are necessary to provide a fuller analysis of tools. Interviewing past leaders with experience in port and waterfront management at the state, county, city, and port might contribute more data on tools and strategies previously employed to sustain ports and working waterfronts. This data might provide the means for a historical analysis of tool applications as relate to the working waterfront toolbox.

7.4.3 Methods

Research conducted as part of the PSRWW project incorporated into this paper was focused on a series of thematic areas, including "History and establishment of the port," "Economics and financial resources," and "Long-term and strategic planning" among others (*See Appendix A for the port data collection template*). The semi-structured nature of the interviews around these thematic headings influenced the process of data collection and data reporting. Researchers did not give equal weight to all information provided in the interviews, which at times was considered off-topic, but remained focused on the data provided that addressed the specific thematic areas of interest to the project (Kirby et al. unpublished manuscript). This focus may at times have limited the type of data collected. Interviewees were aware of the PSRWW project and its goals regarding sustaining working waterfronts and commercial fishing components in particular. This knowledge may have influenced the answers provided to the thematic questions in the focus group interviews as well as in the individual interviews that were conducted.

Following the port data template in sequence and ensuring all topics were covered was a challenge in larger focus group interviews. During both the individual and focus group interviews, obtaining information for some topics was at times a challenge. More information was available and obtained for analyzing applications of certain sections of the toolbox. Underreporting of tool use may have occurred in some areas where staff or

planning documents did not mention the use of a tool. Or, in some cases, staff may have been reluctant to share information that might reflect poorly on individual or institutional performance. This work recognizes that a failure to report the use of strategy does not necessarily mean that it was not in use, or has never been used in Oregon or in Newport, only that it was not reported as being used in the data collected for this study.

7.4.4 Analysis of policy and planning documents

It was only possible to conduct these analyses on documents that were obtained by the researcher. Some limitations on the availability of recent guidance documents and research and reports limited the ability of the study to analyze their influence on sustaining the working waterfront. At the time this study was completed, Newport did not have certain sections of their comprehensive plan, including their zoning ordinance or zoning maps, available to the public online. These documents, in addition to conditional use permit data, were obtained in hard copy from the city planning offices. Nor did Newport have information available for GIS applications, or a staff person available to address this issue. The Newport City Council has included in their 2009 goals a new project to "complete a GIS mapping/document indexing system linked to Lincoln County data." Entering city data into to the countywide GIS system would greatly enhance efforts to inventory the working waterfront and compare current uses to historical uses for an understanding of any changes on the Bayfront that may have occurred over time. Currently, the State of Oregon and Lincoln County have some data available for GIS analysis, but the data is not always in the same projection, which can cause problems in conducting an analysis by using multiple datasets obtained from different sources.

Given the limitations of the study, the assessment provided for Newport's application of the toolbox could be partially incomplete.

7.5 Future research

Further research might consider a temporal component, the influence of land use policy, and the role of various types of taxation on waterfront change. A historical analysis of the evolution of land use on the Bayfront could be very informative to local policy makers

and land use planners. Individual tax parcels on the Bayfront could be digitized and tracked over time to analyze changes in use. Existing Sanborn Insurance maps could provide some of the data necessary for this effort, which might explore whether waterfront changes fit Hoyle's model for "cityport evolution" observed internationally (1988). Additional work might explore whether changes on the waterfront have been consistent with local and state policy and planning. A more robust analysis of changes in land use planning and policy at the county and state levels including amendments to the Lincoln County Comprehensive Plan, the Estuary Management Plan, and the State of Oregon's Land Use Planning Goals 1-19 might better address these questions. The role of tax policy in creating specific land use patterns on the Bayfront could be an important question for further investigation. Attempts at preserving water-dependent uses may benefit from an understanding of economic incentives or disincentives for certain types of uses. Research on the rate of land use change could help local decision-makers develop an understanding of how broader structural forces, such as economic and demographic shifts, may influence changes on small city waterfronts (Lucas and Pitts 2007). A deeper study of the types of change and the involvement of local actors would be helpful, in addition to determining whether or not a "tipping point" exists on the waterfront for working uses when commercial uses become more prevalent.

Moving forward, this study provides a starting point for further research concerning efforts to sustain the working waterfront in Newport. In order to continue meeting community goals to protect the historic mix of uses on the Bayfront it may be useful for local and state entities to have access to information on a MWWP and a toolbox for working waterfronts, including its current and potential applications for Newport.

Chapter 8
Summary

8.1 Main objectives

Working waterfronts across the United States are under pressure, due to a combination of factors involving declines in traditional economic sectors, demographic changes, and shifts in social values and local politics (Breen and Rigby 1985, Sairinen and Kumpulainen 2006). Many communities are in the process of developing strategies to sustain their working waterfronts (Springuel and Schmitt 2007). The goal of this research was to address the development and application of a "21st century toolbox" for sustaining small city working waterfronts. Prior research on waterfront tools has focused more broadly on urban waterfront revitalization and seaport development (Hershman 1999, Goodwin 1999) and the toolbox framework developed in those works was adapted here to better address sustaining working waterfronts. Situated within the broader PSRWW project, the primary objective was to strengthen the ability of coastal communities to make strategic decisions in planning the future of their waterfronts. The research aimed to contribute to a national body of research, develop a more robust toolbox framework by documenting tool utilization and application, and advance local strategies aimed at sustaining the working waterfront in Newport. For the purposes of this study the components of a working waterfront included businesses, cargo, and shipping interests as well as some compatible recreation and tourism, but the primary focus was on commercial fishing elements.

The study proposed two research questions:

1. Which tools are being utilized to sustain water-dependent uses on the Bayfront in Newport, Oregon?
2. Based on good practices criteria for a MWWP and the application of tools in other working waterfront communities, can Newport improve its utilization of the toolbox?

This research addressed three tasks:

1. Outlined key components of the toolbox for sustaining working waterfronts
2. Identified criteria and good practices for a Model Working Waterfront Program
3. Assessed applications of the toolbox to the Bayfront in Newport, Oregon, specifically which tools were being applied and how they were being applied, as determined by good practices criteria for a MWWP and comparisons to other working waterfront communities. This task further explored how tools that may not be utilized currently in line with the Criteria could be used based on "ideal" applications or applications in other communities.

8.2 The toolbox for working waterfronts

Research for this paper revealed that the toolbox for sustaining working waterfronts is still in development at the local, state, and federal levels. Numerous tools have been created and employed to achieve distinct goals for waterfronts across the United States. This paper attempted to present most tool categories that are available in the working waterfront toolbox, including non-traditional and new tools, while recognizing that not every strategy used in every waterfront distinct is represented in this report. The toolbox constructed for working waterfronts contained tools in three main categories: proactive, supportive, and reactive tools (Goodwin 1999). Twelve main tools were identified. Leadership, partnership, planning, policy, and landholding are proactive tools. Incentives, capital, outreach, and technical assistance are supportive tools. Reactive tools include local coastal program review/plan review, waterfront project review, and environmental review and permitting (Goodwin 1999, Hershman 1999).

8.3 Good practices and A Model Working Waterfront Program

A review of the literature and contemporary research identified fourteen key principles as a foundation for a good practices framework to sustain working waterfronts. The "Model Working Waterfront Program" (MWWP), outlined in this paper, builds on "Model Programs," in prior work (Goodwin 1999) by including good practices criteria in addition to identifying applicable tools and strategies. Ideally, a program would use an

appropriate suite of tools and contribute to many of the good practices criteria in applying the tools, including integrated and sequenced applications. The criteria for a model program include the following: supportive legislation, (Hershman 1999), adequate funding and resources (Goodwin 1999), incorporation into a broader planning framework (Portman et. al 2009), links to other initiatives (Goodwin 1999), and clear goals and objectives (Goodwin 1999). A MWWP includes critical success criteria (Connors 2008) against which progress is monitored and evaluated (Goodwin 1999). Approaches are spatially explicit (Dawkins and Colebatch 2006) while amenable to widespread utilization (Hershman 1999). Use of the MWWP, as well as its component tools, is subject to periodic reviews (Hershman 1999), evaluation in comparison to approaches in other areas (MWWC 2008), and the program and its tools remain flexible and adaptable (Davis 2001).

The MWWP proposed is a model, and not purported to be in existence at this time anywhere in the United States. However, findings for this paper illustrate that in many cases, specifically in Maine, good practices in the application of tools to sustain the working waterfront have contributed to many of the Criteria of a MWWP. These results demonstrated that achievement of "ideal" applications of tools in the working waterfront toolbox may not be so far out of reach for other coastal communities.

8.4 Findings in Newport

8.4.1 Conclusions

In assessing applications of the toolbox in Newport, Oregon, it appears that the community may be underutilizing some of the tools identified for sustaining working waterfronts as compared to other waterfront communities and the criteria for a MWWP. If deemed necessary to sustain the working waterfront, applications of the toolbox on the Bayfront could be improved based on the criteria. Improving contributions to Criteria 1, 3, 5, and 7 in particular, that is, engagement, tool selection, funding/resources, and linkages to other initiatives, might enhance collaborative and comprehensive efforts at sustaining working waterfronts in Oregon as well as Newport.

Comparing Newport's use of tools to other communities nationwide, it appears that Oregon and Newport could enhance both the development and the application of available tools. The state appears to be underperforming in the use of leadership, partnership, incentives, and review tools to support the working waterfront *(See Table 6. Improving applications in Oregon and Newport)*. Focusing efforts in these areas may provide the most benefits to Oregon's working waterfronts. In addition, the integration of planning and technical assistance as well as enhanced applications of outreach tools and the exploration of incentives for water-dependent industry all might assist in the achievement of Waterfront Goals 1-5 for Newport and contribute to a more robust effort to sustain a "working" Bayfront. Continued involvement in leadership and partnership initiatives, as well as contributions to revisions in the policy process might best position Newport as it looks to the future. The State of Oregon might explore potential inconsistencies in state policy concerning the prioritization of water-dependent uses in State Planning Goal 17 and lease rates by the Department of State Lands that do not appear to prioritize water-dependent uses.

8.4.2 Recommended actions

- Develop a statewide *Working Waterfront Coalition* to provide more robust assistance to ports and working waterfronts.
- *Define the working waterfront* in Oregon and allow for more specific definitions to be developed by local communities.
- Pursue private funding and continue development of *public-private/governmental partnerships* to streamline efforts and assist in providing access to additional tools.
- Explore the potential costs and benefits of *incentives* such as preferential taxes or lease rates for specific activities on the working waterfront.
- Conduct periodic *reviews* of coastal, port, and waterfront plans and policies to assess the achievement of goals and objectives.

8.5 Future efforts for working waterfronts

Looking forward, regional collaboration and a national framework might provide a foundation for future efforts to sustain working waterfronts at the local level. A federal Working Waterfronts Grant Program and support from the West Coast Governor's Agreement may provide the political structure and financial assistance that Newport could use, if necessary, to continue supporting its working waterfront (HR 3223 § (2) 2007) (West Coast Governors' Agreement on Ocean Health Action Plan 2008). This paper constituted an initial analysis of strategies presently employed in Newport, Oregon to sustain the working waterfront. The limitations of this research may have inhibited a complete analysis of Newport's applications of the toolbox and future work might address these limitations and further contribute to developing locally-specific strategies. Additional research that might assist in these efforts could consider the influence of local or state policy and taxation on waterfront change as well as temporal trends and the rate of change to better develop tools, strategies, and applications to sustain working waterfronts.

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Appendices

Appendix A.
Port Data Template

Appendix B.
Newport Water Zones.

Appendix A: Port data template

Port Name, City, State

Geographic

- Location
- Waterway
- Type of port (i.e. deep draft, international)
- Ocean access points
- Transportation

Demographics

- Total population
- Race
- Median Age
- Education
- Median Household Income

Major industries

- Natural resource dependant
- Other

Marine-related

- Home-ported vessels
- Federal/state permit breakdown
- Seafood processors / buyers
- Marine services and suppliers
- Other marine support businesses (fuel, shipyards, etc.)
- Landed seafood
- Landings (2008-2004)

Community

- Marine-related festivals or events
- Other community organizations, etc. that support marine-related activities

Port Specific Information

History & Establishment of the Port

- When was the port district established?
- Why was it established?
- History of the port district

Geography

- Geographic spread of port district

Organizational Structure

- Port commission history and make-up
- Port staff structure and tenure

Landholdings and Zoning

- Property ownership
- Lease arrangements
- Zoning & ordinances

Key Activities

- Key activities over past 20 years that have shaped the District
- What tools has the port used to preserve its waterfront?

Economics and Financial Resources

- What is the port's annual operating budget?
- How much surplus is there?
- What other financial resources is the port utilizing?

Long-term and Strategic Planning

- Does the port have a strategic plan for the future, or a long-term maintenance plan?

Cooperation

- Does the port have any established partnerships with entities that support the fishing/seafood industry? Has the port been involved in cooperative efforts or projects with members of the fishing industry?

Port Characteristics

- Is the port geared more toward recreational or commercial fishing?
- What services and infrastructure are available at the port to the support fishing fleets

Appendix B: Newport water zones and conditional uses

Water Zones and Conditional Uses

Water-dependent/W-1	Water-related/W-2	Tourist/Commercial/C-2
Permitted Uses	**Permitted Uses**	**Permitted Uses**
Boat services	Boat services	Food stores
Docks, wharves, and piers	Docks, wharves, and piers	Apparel and accessory stores
Aquaculture	Aquaculture	Eating and drinking places
Marinas and port facilities	Marinas and port facilities	Personal services
	Parking lots	
Conditional Uses	Warehouses	Business services
Marine equipment manufacture	Marine equipment manufacture	Amusement and recreation services
Parking lots	Boat building	Motion picture theatres
Warehouses		Residences
Boat building	**W-2 specific permitted uses**	Health services
	Bait, tackle, and sporting goods stores specializing in water-related merchandise	Museums, art galleries, and botanical and zoological gardens
	Seafood Markets	
	Conditional Uses	
	All uses permitted in C-2	

Source: (City of Newport 1999)