Virginia Working Waterfronts Workshop

A Sense of the Symposium

February 26, 2014

Prepared by
Ryck Lydecker, Editor

Thomas J. Murray
Virginia Sea Grant Marine Extension Program
Virginia Institute of Marine Science

Sea Grant Virginia

VIMS | William & Mary
Virginia Institute of Marine Science
Marine Advisory Services

National Oceanic and Atmospheric Administration
NOAA
U.S. Department of Commerce

Virginia Coastal Zone
Management Program

Table of Contents

Preface 3

Introduction 4

A Topic Whose Time Is Now 4
Workshop Setting 4
Workshop Goals 5

Themes That Emerged 6

Other Important Themes 9

Next Steps 10

Appendix A 11

Virginia 2014 Working Waterfronts Workshop Planning Team and Sponsors 11
Virginia CZM Program participating agencies and organizations 11

Appendix B 13

Workshop Agenda 13

Appendix C 15

Waypoints to Preserving Commonwealth's Working Waterfronts — a Virginia Coastal Program Timeline 15

Preface

In 2007, the Commonwealth of Virginia hosted the first-ever national Working Waterfronts and Waterways Symposium. This three-day forum brought land use planners, local, state and federal government officials, legal experts, extension educators, and a wide variety of small business stakeholders from across the country to the historic port city of Norfolk. There, participants confronted an emerging challenge: How to build public policy frameworks that would serve to retain, enhance, and promote working waterfronts and water-dependent small businesses.

Since then, in what has become an important and expanding field of inquiry and action for coastal communities, the challenges and opportunities vetted in Norfolk brought about two follow-up national symposia, in Maine in 2010 and in Washington State in 2012. As a key participant in the first symposium and an active participant in both successive events, the Virginia Coastal Zone Management Program[1] and its partners decided the time had come to bring home the national-scale lessons learned by convening a Virginia Working Waterfronts Workshop in 2014.

The goals of this one-day forum were to: feature issues faced by rural working waterfront communities in Virginia; provide the opportunity for stakeholders to become directly involved in clarifying the issues and challenges facing Virginia's working waterfronts; and, capture ideas for strategic steps that could be applied where needed in the Commonwealth's Coastal Zone.

What follows is a brief synopsis of the issues raised, challenges debated, and solutions discussed. This *Sense of the Symposium* is intended to assist Virginia's varied coastal constituencies to collaborate while focusing locally on developing tools and tactics to achieve the shared goal of protecting Virginia's working waterfronts. These unique places, after all, are the gateway for access to the water for the benefit of all citizens of the Commonwealth.

---

[1] The Virginia Coastal Zone Management (CZM) Program is a network of Virginia state agencies and local governments. See Appendix A for a full list of participating agencies and organizations as well as additional organizations that joined CZM in planning and producing the 2014 Working Waterfronts Workshop.

Introduction

A Topic Whose Time Is Now

Attendance at the Virginia Working Waterfronts Workshop exceeded all expectations. Registrations totaled 154 between the two venues, Virginia Institute of Marine Science (VIMS) and Eastern Shore Community College. Although several registrants did not make it to the workshop, likely due to weather-related complications in Northern Virginia, final attendance reached 150 (124 at VIMS location and 26 at the Eastern Shore site) due to an influx of unregistered participants. Such turnout is a solid indication of the importance Virginians place on the topic, organizers note. Indeed, written evaluations taken at both sites upon the workshop's conclusion confirm this assessment.[2] In fact, all but one participant reported the workshop either "timely" or "long overdue." Moreover, roughly 60% of attendees identified themselves as affiliated with local, regional or state government (elected officials, planning board members, government employees) and academicians, while 30% of participants came from the waterfront business community, including watermen, seafood producers, aquaculturists, marina operators, for-hire fishing enterprises, and eco-tourism and recreational boating businesses.

Workshop Setting

Appropriately enough, this workshop emanated from Watermen's Hall at the VIMS in Gloucester Point and incorporated audio and video links to engage in real time a separate audience at the Eastern Shore Community College, Melfa, VA. Both locations attracted members of coastal Virginia's water-dependent commercial and recreational businesses. Lawyers, planners, zoning administrators, and public agency representatives, all shared concern about the decline in access to the water and the steady loss of infrastructure for water-dependent businesses that Virginia has experienced in recent years.

In general, the audience discussed factors as varied as obsolete local ordinances, confusing jurisdictional lines, taxation disincentives that strain seafood and recreational operations that depend on the water, and the increasing costs these factors impose on

---

[2] The workshop was facilitated by the University of Virginia's Institute for Environmental Negotiation (IEN). IEN also designed written evaluations completed by attendees which provide much of the support of this assessment.

business. This complicated web of challenges makes it difficult for traditional businesses and start-up entrepreneurs to identify where to begin in dealing with such constraints. That status provided a common backdrop for this workshop.

At the time of this workshop, Virginia was about half-way through a five-year process to develop a plan that will help preserve working waterfronts, enhance their economic viability and ensure their continued contributions to fabric of life in the Commonwealth's coastal zone. While the first years focused on defining what working waterfronts are, developing consistent inventories and framing the issues and opportunities, the effort now is moving into the implementation stages, with this workshop providing the most current waypoint.

Workshop Goals

- Bring stakeholders together to present information and gather feedback on issues confronting water-dependent businesses and their communities.
- Collect ideas for addressing working waterfront issues.
- Identify Virginia localities as potential pioneers to pilot-test concepts or strategies generated as a result of the workshop or any other forum addressing working waterfront retention.

Themes That Emerged

The following section attempts to summarize major concepts that emerged during the workshop, largely from discussions between presenters and the audience. The quotations that follow each theme discussion are taken verbatim from evaluation forms submitted by participants at the workshop's conclusion. They are included here in the hope of conveying, in an informal way, a sense of the common interests that emerged during the workshop.

Working waterfront business owners and local governments need to collaborate and seek mutually beneficial land use policies and economic development strategies that will ensure that water-dependent businesses and the communities they support can remain economically viable.

> *"Focus on solutions, not [on] airing complaints"*

Comprehensive Plans are critical guiding documents that set the tone for land use policy. As such, they should be utilized as necessary to promulgate effective zoning laws that reflect the importance of water-dependent businesses throughout the Commonwealth coastal zone. But comprehensive plans can include flexibility that allows counties to adapt policy to economic drivers at the local level. In that way, such plans become the basis by which zoning law can be adapted to the varied needs and changing market demands of a given working waterfront locale or community.

> *"How do we get working waterfronts (and preservation) into comprehensive plans?"*

Planning and zoning may be extremely constructive tools that can be used to clarify ambiguities or misperceptions—often of long-standing cultural tradition—related to shoreline access for commercial endeavors. Thus, these become key policy pieces that can provide assurance to businesses, investors and lenders.

> *"[It's important] how Virginia law looks at or defines working waterfronts."*

Real estate taxation policy can stifle or enhance working waterfronts. The General Assembly and local governments should develop assessment formulas that provide

incentives for local jurisdictions to retain traditional water-dependent businesses as well as encourage emerging business models for water-dependent investments and job creation.

> *"We need better tools to enhance our working waterfronts."*

Clear distinctions should be made between water-dependent enterprises and their activities and needs ashore as contrasted with engaging in economic pursuits in public waters. Such distinctions should be made when discussing and promoting working waterfronts at any level—state, county, planning district, or municipality. Those businesses that rely on access to the water but also depend upon effective natural resources policy (e.g. fisheries management as distinct from land use management) should have the benefit of support from both public policy sectors to avoid counter-productive policies. Each policy sector is the extension of the other in coastal culture and while complementary business models may function in overlapping management regimes, each should be considered separately.

> *"I learned that there is a fragmented group of parties that needs to come together to effect change."*

Legal and policy tools must be in place that anticipate emerging business models, as exemplified by the recent growth of shellfish aquaculture, while allowing the flexibility that will retain traditional enterprises (e.g. wild finfish harvest) that tend to ebb and flow with economic and/or environmental changes over time.

> *"[We] need more informed engagement by local Boards of Supervisors and Planning Commissions when changes in zoning & comp plans are made."*

Man-made infrastructure beyond the shoreline must be considered in working waterfront planning and policy. Dredged channels, jetty-protected inlets, designated anchorage areas, aids-to-navigation and public landings all provide essential access for water-dependent enterprises. However, the management, funding, maintenance, and even jurisdiction over such infrastructure vary from local control to federal responsibility. To the extent that the working waterfront community, where appropriate, can incorporate the preservation of in-water infrastructure in its vision and advocacy plans, the broader

coastal culture will derive benefit. Conversely, when such infrastructure is allowed to deteriorate and become an impediment to water-dependent business, instead of an asset, the Commonwealth at large is the loser.

> *"Waterfront is only good if you can get to it (by boat) from the water."*

The Working Waterfront culture must be recognized as an important asset to the Commonwealth beyond the confines of the coastal counties, much as agriculture, forestry or tourism generally are acknowledged as desirable enterprises statewide.

> *"I love the idea of marketing the working Bay similar to the way we market other tourism."*

The working waterfront community must coalesce around a shared vision. While striving to accommodate varied interests and business models, this community must work toward shared goals in order to achieve that overriding goal of retaining access that will allow water-dependent businesses to continue traditions, expand opportunities and even flourish to the benefit of the Commonwealth at large.

> *"The discussion from the audience contained many of the most important things."*

Succession planning is essential for individual or privately owned water-dependent enterprises to ensure that such businesses continue or adapt in the future. However, such pre-emptive effort on the part of any business is the province of individual planning and decision-making just as in any small business. Considering the real estate, specialized equipment, operating permits and licenses, and essential infrastructure so unique to working waterfront businesses, such planning can help ensure that these enterprises may continue. While falling outside the working waterfronts planning process, *per se*, business succession planning can be of great benefit to coastal Virginia.

> *"A unique, economically valuable culture is disappearing and must be saved."*

All sectors of the working waterfront community should be represented in future forums as well as in focused work groups, advocacy actions (grassroots policy) and policy-setting at every level going forward. That includes water-dependent recreational boating

businesses (marinas, boatyards, yacht charters, on-water service providers), sport fishing enterprises (for-hire guides, charter fishing boats, head boats) and developing business sectors like paddle sport liveries, eco- tourism and heritage tourism providers and tour boat operators. That, of course, is in addition to the traditional seafood industry as well as emerging businesses like shellfish aquaculture.

> *"Include all sectors—commercial, charter, eco, support groups—bait, tackle, lodging, fuel, restaurants, etc."*

Other Important Themes

While not directly addressed in formal presentations, the workshop setting provided opportunity for discussion of several issues related to the future of working waterfronts in Virginia. At least two worth noting for the record:

Any future energy extraction from ocean waters could create a distinct category of working waterfront and new policy demands. The promise of clean ocean energy, i.e. electrical generation from offshore wind, wave and tidal resources, as well as the potential for offshore oil production from under mid-Atlantic ocean waters, are very much part of ocean policy discussions. Such new or emerging uses could be considered "industrial waterfront," thus falling outside the accepted definition of working waterfronts. However, if and when these industries develop in coastal Virginia, they will need access to the water and to waterfront lands for staging areas during construction, permanent locations for equipment installations as well as moorings for service vessels. Thus, ocean energy presents potential demands on the Commonwealth's traditional working waterfronts.

> *"Offshore wind energy [production] is coming; we should get ready for it on shore."*

The Commonwealth has abandoned or under-utilized waterfront areas now encumbered by environmental legacies, e.g. Brownfield properties. Depending on location, some of these industrial or light commercial parcels could be utilized for water-dependent purposes, particularly for emerging businesses like aquaculture or resurging industry such as oyster harvesting and processing. However site contamination remains a formidable obstacle to any kind of redevelopment. Remediation costs can be prohibitive for most

water-dependent businesses (ocean energy, which generally requires large capital investment, is a possible exception) and unless policy prescriptions and more importantly, financial incentives, can be developed, this otherwise desirable waterfront will remain encumbered and lie fallow.

> *"Many historically used areas are in decay and are used as dump sites and hang-outs"*

Next Steps

As a further indication of the importance placed on the working waterfronts issue in Virginia, fully two-thirds of attendees reported on their evaluation forms that they would like to see a follow-up workshop in about two years time. In addition, 83% also said they would be willing to participate in "smaller working groups formed at the local level" to support their own working waterfront interests.

> *"I am ready to roll up my sleeves."*

Appendix A

Virginia 2014 Working Waterfronts Workshop Planning Team and Sponsors

- Virginia Coastal Zone Management (CZM) Program
- National Oceanic and Atmospheric Administration (NOAA)
- Virginia Institute of Marine Science (VIMS)
- Eastern Shore Community College
- Virginia Tourism Corporation
- Virginia Institute of Marine Science (College of William and Mary)
- Virginia Sea Grant
- Shellfish Growers of Virginia
- Virginia Waterman's Association
- Virginia Marine Trades Association
- Virginia Seafood Council
- Accomack Northampton Planning District Commission
- Middle Peninsula Planning District Commission
- Middle Peninsula Chesapeake Bay Public Access Authority
- Northern Neck Planning District Commission
- Northern Neck Public Access Authority
- Hampton Roads Planning District Commission

Virginia CZM Program participating agencies and organizations

- Virginia Department of Environmental Quality - Lead Agency
- Virginia Department of Agriculture and Consumer Services
- Virginia Department of Conservation and Recreation
- Virginia Department of Forestry
- Virginia Department of Game and Inland Fisheries
- Virginia Department of Health
- Virginia Department of Historic Resources
- Virginia Department of Mines, Minerals and Energy
- Virginia Department of Transportation
- Virginia Marine Resources Commission
- Accomack-Northampton Planning District Commission

- Crater Planning District Commission
- George Washington Regional Commission
- Hampton Roads Planning District Commission
- Middle Peninsula Planning District Commission
- Northern Neck Planning District Commission
- Northern Virginia Regional Commission
- Richmond Regional Planning District Commission

Appendix B

Workshop Agenda

Working Waterfronts Workshop
Virginia Institute of Marine Science and Eastern Shore Community College
February 26, 2014

A Lifetime Working on and Managing Virginia's Working Waterfronts
Bill Pruitt, Commissioner (retired), Virginia Marine Resources Commission

National Working Waterfront Network/Website Video Tour of Tools and Case Studies
Tom Murray, Virginia Institute of Marine Science
tjm@vims.edu

Law and Working Waterfronts
U.S. Legal Rulings Impacting Working Waterfronts
Terra Bowling, Research Counsel, National Sea Grant Law Center
tmharget@olemiss.edu

Virginia Legal Rulings Impacting Working Waterfronts
Mary-Carson Saunders Stiff, Coastal Policy Clinic, William and Mary Law Center
(Including Bavuso, Garrett and Jennings Ruling, and Virginia Supreme Court rulings)
mbsaunders@wm.edu

Economic Importance of Working Waterfront
Coastal and Ocean Snap Shots of Your County (Incomes, Jobs, Taxes)
Danielle Molnar, NOAA Coastal Service Center
danielle.bamford@noaa.gov

Virginia Planning: Understanding How Zoning, Comprehensive Planning, and Ordinances Influence Your Business
Anne Ducey Ortiz, Director of Planning and Zoning, Gloucester County
aducey@gloucesterva.info

Legacy Planning
Building a Business for the Next Generation
Ken Smith, President, Virginia Waterman's Association
Ken@ksmithre.com

Preparing for Business Transition
Alison Lennarz, Attorney with Kaufman & Canoles
avlennarz@kaufcan.com
Will Holt, Attorney with Kaufman & Canoles
wlholt@kaufcan.com

Emerging Markets and Access to New Markets

Training Waterman to Lead Eco tours (Video and Discussion)
Paula Jasinski, President, Chesapeake Environmental Communications
paula@chesapeakedata.com

Economic Development (CEDS), Local Planning and Workforce Readiness
Donald McCann, Representative, Virginia Marine Trade Association
tranqwlw@crosslink.net

Developing Virginia's Plan for Working Waterfronts
Beth Polak, Coastal Planner, Virginia Coastal zone Management Program
Beth.Polak@deq.virginia.gov

Tom Murray, Associate Director, Department of Advisory Services,
Virginia Institute of Marine Science
tjm@vims.edu

Tanya Denckla Cobb, Associate Director, Institute for Environmental
Negotiation, University of Virginia
Td6n@virginia.edu

Note: The entire workshop was video recorded and is posted at the web site of the National Working Waterfront Network: wateraccessus.com.

Appendix C

Waypoints to Preserving Commonwealth's Working Waterfronts — a Virginia Coastal Program Timeline

- May 2007 — The Commonwealth hosts the first national Working Waterfronts Symposium, in Norfolk, Virginia.
- 2009 National Working Waterfront Network formally established.
- 2009 —Middle Peninsula Planning District Commission develops public policy to support and sustain aquaculture/working waterfront infrastructure.
- 2010 — Middle Peninsula Planning District Commission reports findings of its Floating Homes policy study.
- September 2010 — Second National Working Waterfronts Symposium convenes in Portland, Maine with planning assistance and sponsorship support from Virginia CZM Program, VIMS Marine Advisory Services and other Virginia partners.
- 2011 — Middle Peninsula and Northern Neck Chesapeake Bay Public Access Authorities review shallow water dredging policy and financing options.
- 2011 — NOAA and U.S. Economic Development Administration begin initiative to develop federal policy focused on creating community and economic tools for preserving working waterfronts.
- 2011 — VIMS Marine Advisory Services partners with Maine's Island Institute to develop national tool to assist.
- 2011 — VIMS Marine Advisory Services funds Perrin River Commercial Seafood Harbor Master Plan.
- 2011 — The Commonwealth's four coastal planning district commissions receive Virginia CZM Program funding to develop a working waterfronts preservation strategies.
- 2011 — VIMS Marine Advisory Services begins statewide inventory of working waterfront infrastructure with funding from Virginia CZM Program.
- March 2013 — Third National Working Waterfronts Symposium convenes in Tacoma, Washington, again with planning assistance and sponsorship support from Virginia CZM Program, VIMS Marine Advisory Services and other Virginia partners.

This work is a result of research sponsored in part by NOAA Office of Sea Grant, U.S. Department of Commerce, under Grant No. NA10OAR4170085 to the Virginia Sea Grant Program. The views expressed herein do not necessarily reflect the views of any of those organizations.

VSG-14-05

VIMS Marine Resource Report No. 2014-8

Additional copies of this publication are available from:

Virginia Sea Grant Communications
Virginia Institute of Marine Science
P.O. Box 1346
Gloucester Point, VA 23062

804/684-7167

vsgpubs@vims.edu

www.vims.edu/adv

Photos: Cover ©JoyStaley/VASG