

Cumulative and Secondary Impacts: Working Waterfronts Plan Implementation

I. Issue Area(s)

The proposed strategy or implementation activities will support the following high-priority enhancement areas (*check all that apply*):

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| <input type="checkbox"/> Aquaculture | <input checked="" type="checkbox"/> Cumulative and Secondary Impacts |
| <input type="checkbox"/> Energy & Government Facility Siting | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Coastal Hazards | <input type="checkbox"/> Marine Debris |
| <input type="checkbox"/> Ocean/Great Lakes Resources | <input type="checkbox"/> Public Access |
| <input type="checkbox"/> Special Area Management Planning | |

II. Strategy Description

A. The proposed strategy will lead to, or implement, the following types of program changes (*check all that apply*):

- A change to coastal zone boundaries;
- New or revised authorities, including statutes, regulations, enforceable policies, administrative decisions, executive orders, and memoranda of agreement/understanding;
- New or revised local coastal programs and implementing ordinances;
- New or revised coastal land acquisition, management, and restoration programs;
- New or revised special area management plans (SAMP) or plans for areas of particular concern (APC) including enforceable policies and other necessary implementation mechanisms or criteria and procedures for designating and managing APCs; and,
- New or revised guidelines, procedures, and policy documents which are formally adopted by a state or territory and provide specific interpretations of enforceable CZM program policies to applicants, local government, and other agencies that will result in meaningful improvements in coastal resource management.

B. Strategy Goal:

This strategy will implement action items and goals identified in the Virginia Working Waterfronts Plan developed in the CSI-Working Waterfronts Strategy during the 2011-2015 Section 309 grant cycle. Since the plan is still being completed, with finalization scheduled during the FY 2015 grant cycle, development of memoranda of understanding, new policies to be proposed and action items to be implemented is now underway. The overall goal of the Virginia Working Waterfronts Plan is to protect and restore working waterfronts infrastructure because of its historical, cultural and economic value to the Commonwealth.

As the WWP will offer a selection of policy tools for localities to consider when safeguarding and/or improving working waterfronts, this proposed strategy will be able to implement

these tools locally. The policy changes will be dependent on individual locality needs as well as their interest in implementing policies.

III. Needs and Gaps Addressed

The Virginia Working Waterfronts Plan is the first of its kind in the Commonwealth as well as in the nation. It is addressing a previous information gap in Virginia through assessments in four coastal regions; specifically, Accomack-Northampton, Hampton Roads, Middle Peninsula and Northern Neck by developing an inventory of existing and critical working waterfront infrastructure. The plan also provides economic information demonstrating the significance of the working waterfront industry in four local economies. The plan aims to implement specific policy tailored to each region that will protect working waterfront businesses and preserve the significant contribution this industry makes to the overall economy of the Commonwealth.

IV. Benefits to Coastal Management

Benefits to coastal management include coordinated planning efforts between federal, state and local levels of government, as well as private sector stakeholders. Improved management of growth and development, ensuring protection of the working waterfront industry, will result from implementation of this strategy. Because Virginia's working waterfronts industry, as demonstrated through targeted economic analyses included in the state working waterfronts plan, contributes significantly to Virginia's economy, this strategy provides socio-economic benefits by serving to protect a major component of Virginia's coastal economy.

V. Likelihood of Success

The likelihood of success of this project is very high considering the fact that Accomack-Northampton, Hampton Roads, Middle Peninsula and Northern Neck, as well as industry stakeholders, have been collaborating with multiple stakeholders and entities to address this issue. Therefore, as these parties have worked together for years focused on working waterfronts, there have been extensive detailed discussions and consensus that working waterfronts are of historical, cultural and economic value to the Commonwealth. Also, since the beginning of the 2011-2015 Section 309 Strategy, the regions mentioned above have already taken actions to make changes, and they are eager to make additional changes and improvements to local policy as it relates to working waterfronts within tidewater Virginia.

VI. Strategy Work Plan

Strategy Goal:

Implement policies and action items of the Virginia Working Waterfronts Plan

Total Years: 3

Total Budget: \$240,000

Year(s): 1

Description of activities:

Working Waterfront Inventory Synthesis and Expansion – The separate inventories of working waterfront infrastructure conducted in Accomack- Northampton, Hampton Roads, Middle Peninsula and Northern Neck Planning Districts will be consolidated. These inventories will also be expanded to include public landings in which watermen currently have access, based on available public data. In addition, a coarse analysis of working waterfronts sites in the remaining planning districts in the coastal zone will be conducted as a starting point for regions that are interested in undertaking more in-depth study of working waterfronts issues.

State Legislation - Year 1 of this project will also focus on the creation of a state sponsored uninsured motorist program, but for workboats. This is needed because a majority of local watermen are not in a financial position to secure insurance coverage for their work vessels. To develop such a program and legislation, research will focus on how the uninsured motorist program (§ 46.2-710) works and how to modify it for the use of watermen. In addition to new legislation, there will be discussions, review and refinement of past bills from Delegate Harvey Morgan that included tools for protection of working waterfronts. In order to gain support for these bills there will be a concerted effort to coordinate with Legislative Services as well as Delegates. In particular, Delegates will be educated with the intent that they will support the bill as co-sponsor.

Major Milestone(s):

- Develop drafts (new and refined) of legislation to review with Legislative Services.
- Have final drafts of legislation ready for introduction to the General Assembly.
- Schedule meetings with Delegates to review legislation and inform them of purpose and importance of the legislation.

Budget: \$50,000

Year(s): 2

Description of activities: Work with Interested Localities and Introduce bills– During the 2011-2015 CSI Working Waterfronts Strategy, there were localities that expressed interest in considering and/or implementing new working waterfront tools/policies. Thus, during this project year, model local zoning language and coastal living policies will be prepared and presented to localities (i.e. Board of Supervisors and Town Councils) for consideration. While much of the work will take place locally during this project year, the legislation that was developed in year 1 of this project will be introduced to the general assembly. In conjunction with the new legislation, the General Assembly will be asked to restore the marine fuel tax (§58.1-2289 D. Disposition of tax revenue generally) to fund the repair of public working waterfront infrastructure as the tax was originally intended to do. The bill would need to review the process for the flow of funds generated from this tax revenue. Additionally, the General Assembly will be asked to adopt a state Working Waterfront Plan.

Also, reintroduce and modify HB 2263 for Working Waterfronts and Commercial fisheries. This could provide for a state and local option for local tax, regulatory relief, and preservation thereof. The bill could define working waterfronts businesses with specified NAICS codes that align with the working waterfronts definitions set forth in the Virginia Working Waterfronts Plan to specify which businesses would be eligible to receive funds [The North American Industry Classification System (NAICS) is used by businesses and governments to classify and measure economic activity in the United States, Canada, and Mexico. NAICS is a 6-digit code system that is currently the standard used by federal statistical agencies in classifying business establishments. NAICS organizes establishments into industries according to the similarity in the processes used to produce goods or services. (See: [What is a SIC Code?](#))].

Major Milestone(s):

- Research and draft model local zoning language and coastal living policies.
- Present to interested localities and encourage implementation.
- Introduce legislation to the General Assembly. Work with the General Assembly to understand the need for legislative change and impacts to coastal Virginia.
- Seek support for and education about reintroducing HB2263: State and local tax and regulatory relief for, and preservation of, working waterfronts including commercial fisheries. Provides for tax and regulatory relief for and preservation of working waterfronts by (i) including waterfront land used for commercial fisheries in property eligible for land preservation income tax credits; (ii) permitting localities to extend incentives to eligible working waterfront businesses so that they may receive relief from local license taxes, fees, and regulations; (iii) creating as a separate class of property for personal property tax rate purposes, property primarily designed for and used by working waterfronts; and (iv) establishing procedures for creating a covenant to preserve the permanent availability and affordability of real property for working waterfronts businesses.
- Seek adoption by General Assembly of the state wide Virginia Working Waterfronts Plan.

Budget: \$47,500

Year(s): 3

Description of activities: Local adoption of the state approved Working Waterfront Plan will be sought. The plan will be presented to localities in order to have Board of Supervisors and Town Councils consider the document for adoption. Adoption of the plan would assist in the continuity of policy across Tidewater Virginia.

Major Milestone(s):

1. Present plan to locality Board of Supervisors or Town Councils and encourage adoption of the Plan.
2. If needed, work with localities to understand the plan in detail.
3. Draft resolutions of support for localities that are interested in adopting the plan and develop ordinances or land use planning tools that could be adopted locally into comprehensive plans.

Budget: \$47,500

VII. Fiscal and Technical Needs

A. Fiscal Needs: NA

B. Technical Needs: NA