PRESERVING WATERFRONTS FOR WATER DEPENDENT USES

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Competing demands for use of the shoreline and the increasing value of waterfront property have displaced many traditional waterfront activities. State and local governments have responded with innovative policies and techniques to preserve water-dependent uses and traditional working waterfronts. Today, state and local policies that give preference to water-dependent uses cover 97% of the U.S. shoreline.

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INTRODUCTION

Historically, coastal communities relied upon water-dependent uses of their shorelines, such as commercial fishing and shipping, for their livelihood. Today, in coastal communities throughout the United States, water-dependent uses are threatened with displacement or have given way to more profitable non-water-dependent uses, such as residential development, hotels, offices, restaurants and retail shops. State and local governments have responded by developing policies and techniques for preserving and encouraging water-dependent uses of coastal waterfronts, usually as part of states' coastal management programs. Today, programs that give preference to water-dependent uses at appropriate locations cover 97% of the Nation's 95,000-mi shoreline.

Photo 1. More profitable uses, such as hotels, offices and shops, threaten water-dependent uses, such as ports, shipyards and fishing facilities.

Water-dependent uses have a clearly significant economic value. Maritime commerce accounts for 95% of imports to and exports from the United States. In 1995, approximately 2 billion tons of cargo were shipped from approximately 196 ports on coastal waters, rivers and Great Lakes, with a value of approximately $620 billion. The U.S. port industry contributes 15.9 million jobs, $1.6 trillion in business sales, $515 billion in personal income, and more than $200 million in tax revenue. (Maritime Administration, 1997). Commercial fish landings totaling 9.9 billion pounds were valued at $3.8 billion in 1995, while an estimated 339 million finfish were taken on approximately 65.5 million recreational fishing trips (NOAA, 1996).

Photo 2. Commercial fishing is a primary water-dependent use that can conflict with other commercial uses, as well as residential areas.

The demand for water-dependent recreational use of the coast has increased significantly over the last 25 years. In 1989, over $6 billion was spent on purchasing new and used boats, and an additional $11 billion was spent on boat equipment, maintenance and storage. In 1991, there were over 5,000 marinas nationwide, providing more than 450,000 slips, 100,000 dry storage bays and 46,000 moorings. In 1990, there were over 9 million boats registered in the coastal states and territories (COPR, 1992).

Photo 3. Maritime commerce accounts for 95% of imports to and exports from the United States.

Changes in technology, consolidation of port facilities and declines in fishing stocks have all taken their toll on local waterfronts. Economic trends, such as the transition from an economy based on manufacturing and distribution of goods to a more diversified, service-oriented economy oriented toward services, have also affected coastal communities. Due to foreign competition, the number of mariners employed on U.S. ships declined from more than 90,000 in 1970 to 20,000 in 1993 (Adams and Babcock, 1997). Declines in some fish stocks have also contributed to the loss of water- dependent uses. For example, commercial oyster landings declined from 45 million pounds in 1985 to 30 million pounds in 1989 (COPR, 1996).

Photo 4. Recreational use of waterfronts has increased over the last two decades. As of 1990, there were over 9 million recreational boats registered in the coastal states and territories.

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NATIONAL PICTURE

The Coastal Zone Management Act (CZMA) requires participating states and territories to give priority consideration to water-dependent uses when planning major facilities in the coastal zone. It encourages states and territories to develop policies to balance the competing demands on finite coastal resources, such as sites suitable for water-dependent uses, and to implement these policies by: (1) preserving existing water-dependent uses; (2) reserving appropriate vacant lands for water-dependent uses; and (3) designating lands for redevelopment with water-dependent uses. Thirty-one states and territories participate in this program; only four do not.

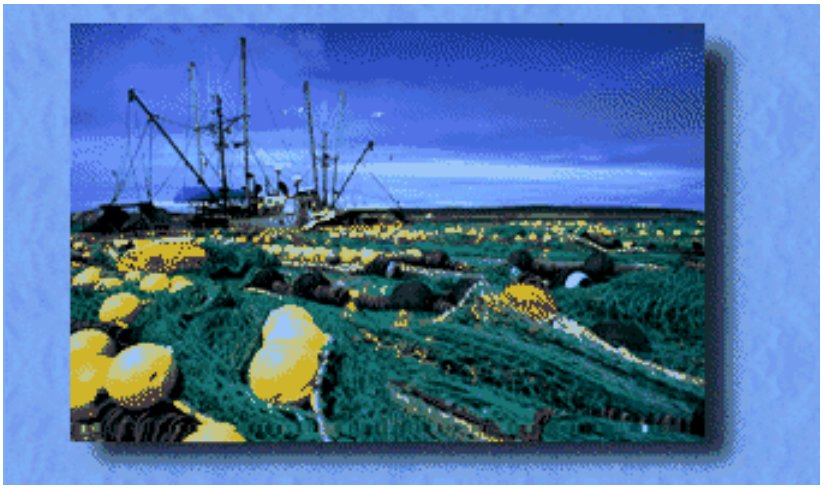

Photo 5. Coastal management legislation (e.g., the CZMA) encourages states to develop programs that balance competing uses of shoreline areas, including commercial fishing.

State and Territory Governments

Policies for water-dependent vary according to the state or territory in which they apply. Each reflects its own political climate and legal authorities, the amount of available coastline and natural resources, and the competing interests and demands for use of the shoreline. Twenty-four states and territories specifically define water-dependent uses; eleven, water-related uses; two, water-enhanced uses; and three, coastal-dependent uses (NOAA/OCRM, 1997) (Appendix A).

Twenty-nine states and territories have guidelines, and nineteen have regulations (some have both) for implementing water-dependent use policies (Appendix B). These specify either what types of development are suitable along the coast or what areas of the coast are suitable for development. In most cases, water-dependent uses are given a higher priority than non-water dependent uses in the coastal zone.

Photo 6. Recreational uses also receive special consideration.

Many states do not allow shoreline development unless it is water dependent or there are no feasible alternatives for non-water-dependent development. States such as South Carolina and New Jersey protect their pristine areas and wetlands from all types of non-water dependent development. Island states and territories such as Hawaii, Puerto Rico, the Virgin Islands, Guam and American Samoa allow a broader range of commercial, residential and industrial development along their shorelines, however, due to their reliance on tourism (Appendix C). North Carolina and California have strict guidelines to determine permissible locations for water-dependent uses. Because they have little shoreline available for development, states such as New Hampshire and New Jersey limit development in "available" areas to those uses that are water dependent or water related.
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Local Governments

With authority delegated by the state to enact laws and ordinances to protect public health, safety and welfare, local governments play a key role in local land-use decisions. They have used a variety of tools and techniques to preserve and encourage water-dependent uses of their shorelines. These include zoning, harbor management plans, tax policies and direct public funding.

Photo 7. Waterfront space is limited; local policy-makers must balance uses within a finite area.

Zoning is the most widely used regulatory tool to guide, control and assure water-dependent uses of the waterfront. Some communities have enacted zoning laws to to reserve land for water-dependent uses, while others have allowed a mix of compatible water dependent and non-water dependent uses. Some communities emphasize certain types of water dependent uses, such as commercial fishing, recreational boating, specific industries or traditional working waterfront activities that enhance historic preservation efforts. In some cases, setback provisions require that facilities for non-water-dependent uses be located at a distance from the water to ensure the shoreline's availability for water-dependent uses.

Traditionally, the mean high water (average high tide) mark has been the limit of local jurisdiction for planning and zoning; harbor management planning extends land use planning and zoning to the water's surface. The New England states originally developed harbor management plans to deal with the functional requirements of harbors, such as delineation of mooring space, rules for operating vessels and allocation of use for public facilities. More recently, harbor management plans have focused on the preservation and promotion of water-dependent uses. These plans influence land-use

Photo 8. The preservation of historical waterfront activities is the emphasis of some communities.

permit decisions and may result in amendments to zoning ordinances or adoption of other ordinances for implementing the plan. Outside the North Atlantic region, harbor management planning has not been used extensively for protecting water-dependent uses.

Photo 9. Most states give priority to water-dependent uses when planning shoreline development.

Local tax policies can also influence land use-decisions. Waterfront land values have escalated, and the traditional basis for property taxes is a parcel's market value for its highest and best use. Use value taxation allows assessment based on the income-producing capacity of the existing use, however, not the market value of the property for a more profitable use. The use of preferential taxation in Stamford, Connecticut helped preserve a marina that otherwise would have been converted to condominiums and offices because of increases in property taxes (Marine Law Institute, 1988b).

Public funding has financed capital improvements for infrastructure required by water dependent uses. New England cities such as Boston, Portland and Provincetown have used public funds to revitalize fishing piers to retain or attract fishing fleets. Portland also established a municipally owned fish auction facility. Communities have also paid to construct bulkheads, boardwalks and public fishing platforms. Although the cost is high, some communities have acquired waterfront property to ensure space for future public water-dependent uses.

With limited areas available for expanding or relocating facilities for existing water-dependent uses, local policy-makers are searching for creative approaches to balance competing interests on the waterfront. Segregation, an article of faith in traditional zoning, is giving way to a mix of waterfront uses in many local land use plans. A mix of uses is not without consequence, however. Individuals may find that the initial "charm" of working waterfronts pales in the realities of operating industry. Some waterfront industries worry that neighborhood and commercial pressures can jeopardize their ability to function in a market environment. Finally, some policy analysts see granting priority to water-dependent uses as a free market interference that is compromising the ability of waterfront communities to change with the industries that have traditionally occupied their waterfronts.

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REGIONAL CONTRASTS

Two regions of the United States are contrasted in the following: the North Atlantic (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York) and the Pacific Northwest (Washington and Oregon).

North Atlantic

In the past, the working waterfronts of the North Atlantic were closely tied to the important New England fisheries. Today, however, the value of coastal tourism is more than 40 times the value of the seafood caught in the region (Coast Alliance, 1995). Even recreational boaters spend more than three times the value of the seafood. The collapse of the George's Bank fisheries and the growth of coastal tourism have pressured many New England communities to convert traditional working waterfronts to non-water-dependent facilities, such as restaurants, hotels, conference centers, and condominiums. Other factors, such as the consolidation of port activities in New York and Montreal, and regional economic trends, such as the transition from an economy based on heavy manufacturing and distribution of goods to a more diversified, service-oriented economy have accelerated this trend.

New England's rich history and maritime heritage have been catalysts in the preservation of land for water-dependent uses. Traditional working waterfront activities, such as dockage for day-sail schooners and whale-watching vessels, and public fish markets, enhance historic preservation efforts in coastal communities dependent on tourism dollars. Coastal tourism is valued at approximately $8 billion in the New England states (Coast Alliance, 1995).

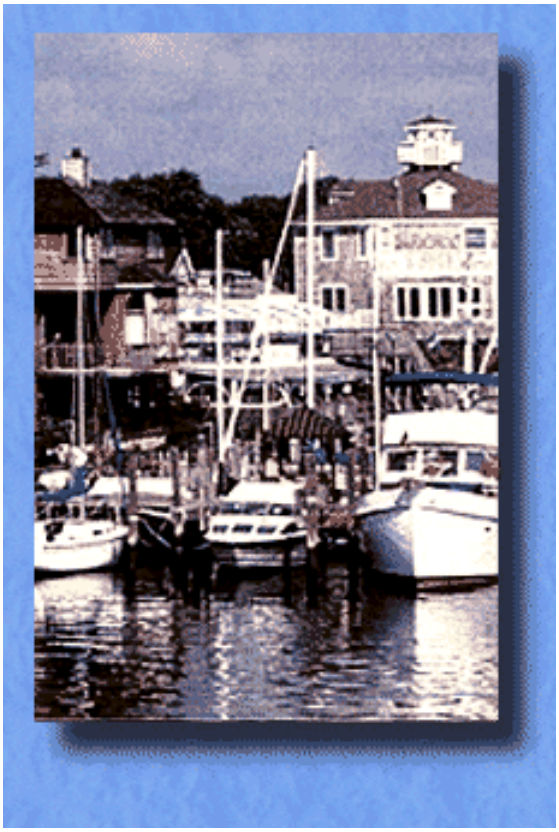

Photo 10. Coastal tourism is valued at eight billion dollars in New England, a strong incentive for preserving historic waterfronts.

New England states have a long history of protecting the public interest in the shoreline and its uses through the public trust doctrine. Derived from English common-law principles, the public trust doctrine recognizes that waters and the shoreline are common resources vital to commerce, navigation and fishing. According to the public trust doctrine, states own shorelands and submerged lands in "trust" for the public. North Atlantic states have used regulatory approaches vested in the public trust doctrine to give priority to uses that are water dependent and that provide public access to the shore.

Several North Atlantic states require local governments to give highest priority to water-dependent uses of their shoreline, and many local governments have used zoning laws to protect these types of uses. For example, Maine law requires state agencies and local governments to "support shoreline management that gives preference to water-dependent uses over other uses" (Marine Law Institute, 1988b). Maine also prepared an inventory and map of existing waterfront sites suitable for water-dependent uses to document that they are limited in number and, thus, to encourage municipalities to protect these sites.

Photo 11. The Northeast was the first area to apply the concept of land use planning to its harbors.

Local governments have used harbor management planning to deal with the competing uses in many small New England harbors. The North Atlantic region was the first to apply the concept of land-use planning to the water's surface. Some of these plans resulted from local initiatives; others, from state initiatives. For example, Connecticut requires local governments to develop harbor management plans, while Maine developed a model local plan to assist local governments in developing their own harbor management plans.

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Pacific Northwest

Transformations in their natural resource industries are affecting Pacific Northwest waterfronts. Water-dependent uses of Northwest communities, primarily fishing and timber, are mature industries in which technological developments have raised productivity and reduced labor requirements (Power, 1996).

Photo 12. In the Northwest, recreation competes with fishing and logging for space on the water.

Mill automation, timber supply shortages and high levels of log exports are threatening many smaller bay and riverfront communities that were once secure because of their proximity to raw materials, manufacturers, ports and warehouses (Goodwin, 1994). The Northwest timber industry laid off 36,000 workers during the first half of the 1980s. Logging accelerated during the middle of the decade, but the industry employment contracted again in the late 1980s and early 1990s. As a result, about 25,000 timber jobs were lost between 1988 and 1995 (Power, 1996). Static and declining fisheries have resulted in comparable losses in the Northwest's marine support services industry.

Despite massive natural resource job losses, the Pacific Northwest leads the nation in creating jobs, generating income and attracting new businesses and residents. The growth is due in part to the region's ability to provide a way of life that many people find appealing. The economic result for the Northwest's waterfront communities is that in-migration, accompanied by an increase in local wages, has raised waterfront tax assessments and real estate values. Coastal development is focusing more and more on the second home/resort/service industry. Water-dependent industries are ill equipped to compete in the ballooning market for waterfront properties (Breen and Rigby, 1993).

For Pacific Northwest communities, there is a new urgency in planning and protecting the shoreline for water-dependent uses. Many view the preservation of land for water-dependent uses, in part, as the preservation of the historical and cultural resources that contribute to the charm of coastal communities. Northwest policy-makers have used restrictive zoning, tax abatement, public acquisition of critical parcels through fee-simple or less-than-fee purchases, and transfer of development rights to surrounding lands to conserve those lands best suited for water dependent uses (Goodwin, 1994).

Because water-dependent uses are not generating the income that they once did, state and local governments are under pressure to open up land reserved for these uses to more economically viable, non-water-dependent land uses. For example, many of Oregon's shorelands set aside for water-dependent uses have been vacant since the early 1980s when the State Land Conservation and Development Commission approved local comprehensive plans controlling their use and zoning designation (Oswalt and Hout, pers. comm., 1997). The sentiment for opening those lands to development is increasing in the Pacific Northwest, as policy-makers conclude that "across the board" retention of shorelands for water-dependent use is not

Photo 13. The changing economy in the Northwest has swayed sentiment away from preserving water-dependent uses and toward the development of residences and resorts.

economically viable.
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CASE STUDIES

The issues surrounding the preservation of land for water-dependent uses in Portland, Maine and Warrenton, Oregon are characteristic of those being debated in many of the waterfront communities of the North Atlantic and the Pacific Northwest.

Portland, Maine

Historically, Portland served as the center for shipping, shipbuilding, fishing and marine supply activities for northern New England. By the 1950s, however, Portland had experienced a massive decline in shipping due to the rapid growth of overland and air transportation, as well as to Canadian import policies that favored Canadian over U.S. ports. In the early 1980s, Portland's historic downtown was redeveloped for residential, retail and office use, especially the Old Port area. Over the course of the 1980s, the city promoted marine industries. A new fish auction and landing facility was created with public funds to establish a fish processing and distribution center in southern Maine and attract additional commercial fishing. The city has also supported a dry dock for Bath Iron Works, a containerized cargo facility, and successfully marketed itself to the tour boat industry.

Photo 14. Portland's mixed-use waterfront zoning preserves historical uses such as fishing and boatbuilding in proximity to tour boats, residences and office buildings.

In 1983, the city adopted a strategic plan for the waterfront that preserved marine uses along a majority of the piers and wharves, but allowed mixed uses on four piers adjacent to the Old Port district. In 1985-1987, redevelopment transformed one of these piers from a marine industry facility to waterfront condominiums. Proposals for additional office, retail and residential use of the adjacent piers provoked a citizen's initiative, which passed by a large margin in the spring of 1987, restricting the entire waterfront exclusively to marine uses. In 1992, the City Council passed a new plan and created three specialized waterfront zoning districts that reserve most of the waterfront for water-dependent uses and protect existing water-dependent uses from competing, but incompatible, uses. Amendments to the zoning code protect commercial vessel berthing facilities from displacement by new development and preclude recreational marinas from locating in areas traditionally reserved for commercial vessels (Marine Law Institute, 1988a). Any new development in the waterfront zone must retain the capacity for commercial vessel berthing.

Since 1992, the balance of marine industry protection with limited mixed uses has proved to be workable. The marine economy is prospering, and other compatible nonmarine uses, limited in number and carefully located, are good neighbors.
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Warrenton, Oregon

Oregon's most northwestern city, Warrenton is bordered on three sides by major water bodies: the Pacific Ocean to the west, the Columbia River on the north, and the Lewis and Clark River on the east. Like that of many of its Northwest neighbors, Warrenton's economy has been highly dependent on its natural resource base (Good et al., 1994). Warrenton experienced substantial growth in the 1970s, but was hit hard by employment losses in the early 1980s. Some relief came in the mid-1980s to the early 1990s as a result of the area's economic transformation to primarily retail trade and services. This transition is largely attributable to increases in tourism and retiree in-migration, accompanied by the loss of jobs resulting from the modernization of mills (Good and Goodwin, 1994).

Photo 15. Warrenton, Oregon responded to changes in the local economy by encouraging diverse uses of its waterfront area.

With job growth slowing and economic focus shifting more and more toward tourism, service and retail industries, Warrenton and the nearby Port of Astoria decided to reexamine its waterfront economy. Local citizens

and organizations with a stake in the future of Warrenton, assisted by experts from the University of Washington and Oregon State University, began work on the Warrenton Waterfront Revitalization Plan in 1992.

The planning process consisted of local meetings, two public workshops and other public events, such as an open house held in conjunction with a community fish fry. Through the process, the 34-member waterfront planning team balanced elements for public access and trails; tourism activities, facilities and management; circulation and parking; and urban design, beauty and attractiveness with commercial and industrial development priorities. The plan, completed in 1994, focuses on local values and aspirations, allows diversification of the local economy toward tourism-related industries, and ultimately finds a compatibility between those activities and community needs. In addition, the planning exercise gave the town needed information for influencing its future.

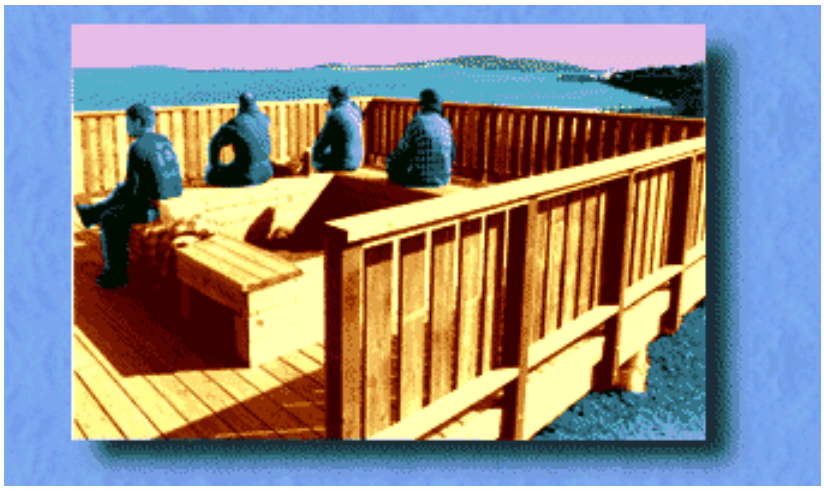

Photo 16. Warrenton residents participated in planning the future of their waterfront.

Difficult decisions are part of the ongoing planning process. The city is now considering rezoning an approximately 200-acre industrial site for non-water-dependent tourist, commercial and residential uses. This site is one of only a few vacant, large acreage sites on the West Coast that have been reserved for water-dependent uses (Oswalt and Hout, pers. comm., 1997).
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EXPERT INTERPRETATION

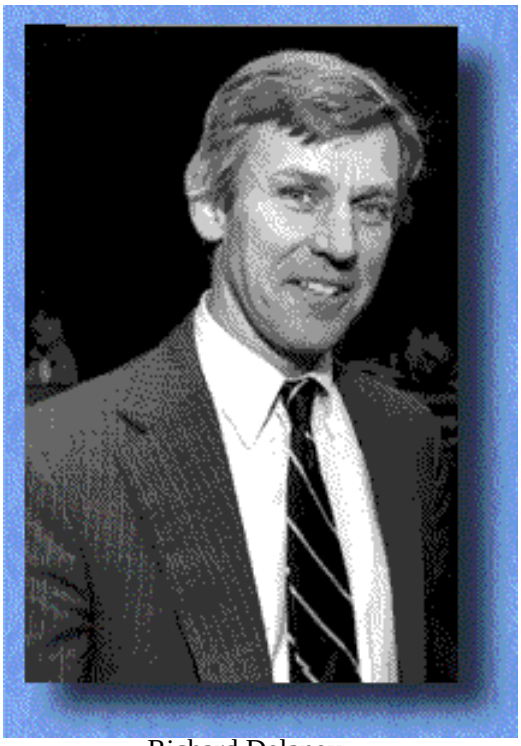
The four individuals below are experts in the topic of Preserving Waterfronts for Water Dependent Uses. Here they voice their opinions on two questions relevant to that topic.

Question 1 – A variety of tools and techniques are available to waterfront communities for maintaining and preserving water dependent uses. What are the most important local conditions for communities to consider when developing a program to preserve water dependent uses?

Question 2 – Is there a sound economic argument to protect water dependent uses from the forces of the unregulated market? Should policy makers balance other non-economic factors in planning for water dependent uses?

Experts

			
Richard Delaney	Robert Goodwin	Eldon Hout	Dick Rigby and Ann Breen



Richard Delaney

Director, Urban Harbors Institute,
University of Massachusetts Boston

Mr. Delaney has been director of the Urban Harbors Institute (UHI) since its inception in 1989. Prior to his tenure at UHI, he was director of the Massachusetts Coastal Management Program for nine years. Mr. Delaney has served on advisory boards for a wide range of government, academic and economic development organizations, most recently on the Massachusetts Seaport Economic Development Commission.

Response to Question 1

Response to Question 2

Question 1. A variety of tools and techniques are available to waterfront communities for maintaining and preserving water dependent uses. What are the most important local conditions for communities to consider when developing a program to preserve water dependent uses?

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There are five key conditions that a local community should consider:

(1) The use or uses to be preserved. In other words, what mix of water-dependent uses best fits the "community vision" for its waterfront.

(2) The geographic area to be planned and regulated. Communities must decide whether to address water dependent uses comprehensively across the waterfront or alternatively, to select discrete sites within the harbor where water dependent uses will have priority protection.

(3) The timing of waterfront development. Waterfronts tend to experience cyclical changes in their economies and resulting development interests; therefore, waterfront strategies must provide a means for balancing reasonable current uses while preserving sufficient options for future waterfront uses.

(4) The impact on existing water dependent uses. Communities should examine current waterfront uses and carefully determine how new policies will impact these uses. Some communities may adopt a "non-displacement" policy protecting all water dependent uses, while others may place higher values on one or two particular types of waterfront use.

(5) The public benefits to be protected or required. The unique characteristics of waterfronts provide a wide array of public benefits involving the economy and jobs, the culture of the community, the physical environment and access to the waterfront and many other dimensions. These public benefits provide local communities with both the rationale and the goals for developing programs to preserve and maintain water dependent uses.
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Question 2. Is there a sound economic argument to protect water dependent uses from the forces of the unregulated market? Should policy makers balance other non-economic factors in planning for water dependent uses?

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Coastal communities are increasingly faced with intense and competing demands for use of their waterfronts. Too often, using only the economic theory of "highest and best use" of the waterfront as defined by private real

estate markets does not provide the most effective means for maintaining and preserving waterfront uses. In many cases, a combination of public pressure and progressive policies by government agencies rather than traditional economic analysis, has been the catalyst for preserving water dependent uses.

Ideally, a community's waterfront policies and planning process should incorporate pertinent business information about market trends and profits and costs into a system that also accounts for the wider community's costs and benefits from individual projects, both separately and cumulatively.

Some communities are moving beyond the traditional "highest and best use" theory in their waterfront planning and are utilizing economic concepts and techniques such as more comprehensive cost-benefit analyses, option demand, and contingent valuation to augment efforts to preserve water-dependent uses. By being able to credibly consider the value of intangibles like "quality of life" and "community values" in assessing the benefit of a proposed waterfront use, local communities will be better able to preserve and maintain water-dependent uses.
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Robert F. Goodwin

Affiliate Associate Professor of Marine Affairs, University of Washington and Coastal Resource Specialist, University of Washington Sea Grant Program

Professor Goodwin's primary interest is in the management of urban shorelines, in particular the shorelines of smaller, nonmetropolitan communities in the Pacific Northwest. He has written several books and articles on this subject, his most recent work being *Waterfront Revitalization for Small Cities* . Professor Goodwin has a professional degree in architecture (1969) and a master's degree in urban geography (1971), both from the University of Washington.

Response to Question 1

Response to Question 2

Question 1. A variety of tools and techniques are available to waterfront communities for maintaining and preserving water dependent uses. What are the most important local conditions for communities to consider when developing a program to preserve water dependent uses?

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A community can approach the problem of deciding how much shoreline space to reserve for water dependent uses in two ways: (1) simply *react* to market-driven demands for new waterfront industrial sites, or (2) actively *promote* the waterfront for targeted water dependent uses. The presence of a local port or industrial development to implement a marketing plan might affect the choice to be made between these two alternatives. Both approaches start with an inventory of existing water dependent uses and extensive interviews with representative industry leaders to gather as much information as possible about the trends affecting their industries' futures; and, each must proceed from an understanding of the physical characteristics of the shoreline that affect its suitability for accommodating marine uses–such as nearshore water depth, size and shape of waterfront land parcels, road and rail connections, critical habitats and limiting topographic conditions.

Where there is no likelihood that new waterfront industry could be attracted to a community, sites once occupied by seafood docks, shipyards or defense

establishments become available for waterfront revitalization. Achieving other coastal management goals–enhancing public access, restoring degraded environments and conserving historic structures–can take precedence over the goal of protecting water dependent uses on these sites.
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Question 2. Is there a sound economic argument to protect water dependent uses from the forces of the unregulated market? Should policy makers balance other non-economic factors in planning for water dependent uses?

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Some water dependent uses such as recreational marinas grow along with the local population, and their need for waterfront sites on which to expand can be predicted. Heavier industries such as cargo ports and shipbuilding are driven by global trends, or, like commercial fishing, depend on living resources that fluctuate and sometimes "crash," making their demand for waterfront land difficult to predict. Because these industries export their products beyond the local area, they contribute more to the community's economic base than marinas or boatyards serving a local population.

Heavier water dependent industries need large shoreline sites served by rail and highway connections. Unlike the hotels, office buildings and condominiums against which they compete for space, these industries cannot expand vertically to compensate for escalating land values. Nor can they easily migrate to cheaper sites; waterfront land away from urban centers is usually zoned exclusively for residential use, occupied by shoreline parks or preserves, or used for agriculture or forestry-uses incompatible with heavy industry.

Recreational water dependent uses, on the other hand, make good neighbors and can enhance adjacent residential communities. Marinas, boatyards, yacht brokerages and boat dealerships can expand in suburban and small town waterfronts where their customers live.
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Eldon Hout

Manager, Oregon Coastal Management Program, Oregon Department of Land Conservation and Development

Mr. Hout has served as manager of the Oregon Coastal Managment Program since 1989. Prior to this, he served for 25 years in the Oregon Land Use Program in various capacities including deputy director. Mr. Hout has held elected office for eight years as commissioner of Washington County, a rapidly growing jurisdiction immediately west of the city of Portland.

Response to Question 1

Response to Question 2

Question 1. A variety of tools and techniques are available to waterfront communities for maintaining and preserving water dependent uses. What are the most important local conditions for communities to consider when developing a program to preserve water dependent uses?

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Any program to preserve water dependent uses needs to be based on a scientifically sound inventory of sites. Information on the quality, quantity and location of this limited resource needs to be specific enough to identify conflicting uses so that rational policy choices can be made. The program is complete only when zoning or other appropriate measures are in place which assure that the policy choices will be carried out. Accurate determination of resource capabilities within the planning area and a credible analysis of the benefits and adverse impacts of possible uses, both public and private, carefully considered in an open process should lead to results the community can accept.
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Question 2. Is there a sound economic argument to protect water dependent uses from the forces of the unregulated market? Should policy makers balance other non-economic factors in planning for water dependent uses?

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Despite strong market pressures for changes away from traditional water dependent uses, the fact remains that these lands are limited in number. For the foreseeable future, it is highly likely that both the public and private sectors will engage in economically and socially important activities which, to be viable, must have access to coastal waters. Because waterfront and shoreline uses inevitably impact public trust lands, policy makers have an important stewardship responsibility to protect and preserve those lands from market forces. Moreover, responsible public policy not only must take into account local public benefits of water dependent activities, but also must ensure that state, regional and national interests are not compromised and are, in fact, served. Comprehensive planning for the protection of water dependent uses, if it is based on good information and sound analysis, is an excellent tool to engage the community in a democratic determination of how market forces actually play out on the land.
(top)

Dick Rigby and Ann Breen

Co-directors, The Waterfront Center, Washington, D.C.

Dick Rigby and Ann Breen co-founded The Waterfront Center in 1981. The Center helps communities enhance their urban waterfront resources through a variety of educational and advisory services. It espouses the importance of good design, economic feasibility, participatory planning, environmental sensitivity and provision of the maximum amount of public access to and along waterfronts. The Center advocates tailoring waterfront projects to the individuality, history and economic climate of each community.

Response to Question 1 (see note)

Please Note: In lieu of the questions posed by the authors of this essay, Mr. Rigby and Ms. Breen responded to the following question:

Question 1. Does a national policy to reserve coastal waterfront space for water dependent uses make sense for individual cities and towns?

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No, even though it means well. We understand that the policy is directed at the displacement of small marine businesses by higher and better economic uses on waterfronts. Here are some of the problems with it:

(1) The policy is ambiguous. One could ask, Is a seafood restaurant a water dependent use? In one sense, it is because they have traditionally been located on waterfronts. But, they don't have to be.

(2) It is ineffective. Where was the policy when casinos came to Biloxi, Mississippi and displaced the shrimp fleet?

(3) It places decisions about local communities in the hands of those without waterfront planning expertise. At Baltimore's Inner Harbor, strict adherence to it would have precluded the siting of a science museum, Harbor Place, and the World Trade Center.

(4) It doesn't recognize that dislocation of some waterfront uses is appropriate and inevitable. The U.S. fishing fleet is diminishing because there are too many boats chasing too few fish.

(5) The policy overlooks the historic nature of waterfronts where bars and cafes have always been part of the scene.

Successful application of the policy on a local level is found in Annapolis, Maryland. The city established different maritime zones and specified what can and cannot go in them. Generally, the zones have been successful in keeping boat-related businesses in the city where the land values would likely have driven them out in favor of condominiums. Though still controversial, this approach is unambiguous about water dependency and allows the locality the flexibility to respond to changing conditions.

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The Urban Harbors Institute conducts multidisciplinary research and provides technical assistance on urban harbor issues ranging from water quality and coastal resource protection to harbor management. Site contains sections on the Institute's staff, past and present projects, publications, environmental courses and activities, forums, lectures and conferences, and

a history and overview of urban harbors.
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APPENDICES

Appendix A. State Definitions for Coastal and Water-dependent Uses

Appendix B. State Policies on Water-dependent Uses

Appendix C. State Water Dependency Policies Addressing Type or Location of Development

Appendix A

This table summarizes state definitions for water-dependent, water-related, water-enhanced and coastal-dependent uses.

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State Definitions for Coastal and Water-dependent Uses

State/Territory	Water Dependent	Water Related	Water Enhanced	Coastal Dependent
Alabama	X			
Alaska	X	X		
Am. Samoa	X	X		
California		X		X
Connecticut	X			
Delaware				
Florida	X	X		
Guam	X	X	X	
Hawaii				X
Louisiana	X			
Maine	X	X		
Maryland	X			
Massachusetts	X			X
Michigan				
Mississippi	X			
New Hampshire	X			
New Jersey	X	X		
New York	X		X	
North Carolina	X			
N. Marianas				
Ohio	X			
Oregon	X	X		
Pennsylvania	X			
Puerto Rico	X			
Rhode Island	X	X		
South Carolina	X	X		
Texas	X			
Virginia				
Washington	X			
Wisconsin				
*Georgia	X	X		

*Draft program in development

Definitions:

Water-dependent: Water dependent uses are uses that require direct access to the water to accomplish their primary function.

Water-related: Water related uses do not require direct access to the water, but provide goods or services associated with water dependent uses.

Water-enhanced: Water enhanced uses do not require access to the water, but are enhanced by a waterfront location.

Coastal-dependent: Coastal dependent uses must be sited in proximity to coastal resources to be economically viable.

Source: NOAA/OCRM. 1997. Coastal and Water Dependent Uses: Coastal Management Programs Meeting the Needs of Our Nation. OCRM Technical Document 97-1.

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Appendix B

This table summarizes State policies (definitions, guidelines, and regulations) on water dependent uses.

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State Policies on Water Dependent Uses

State/Territory	Definition	Guidelines	Regulations-(Statutes)
Alabama	X	X	X
Alaska	X	X	X
Am. Samoa	X	X	X
California	X	X	X
Connecticut	X	X	(X)
Delaware		X	
Florida	X	X	
Guam	X	X	X
Hawaii	X	X	X
Louisiana	X	X	X
Maine		X	X
Maryland	X	X	X
Massachusetts	X	X	X
Michigan		X	
Mississippi	X	X	
New Hampshire	X	X	
New Jersey	X	X	
New York	X	X	X
North Carolina	X	X	X
N. Marianas		X	
Ohio	X	X	
Oregon	X	X	
Pennsylvania	X		X
Puerto Rico	X	X	X
Rhode Island	X	X	
South Carolina	X	X	
Texas	X		X
Virginia		X	
Washington	X	X	X
Wisconsin	X	X	X
*Georgia	X	X	X

*Draft program in development

Definitions:

Definition: The State uses a working definition for implementing water dependent use policies.

Guidelines: The State relies on guidelines for implementing water dependent use policies.

Regulations/Statutes: The State relies on specific regulations or statutes for implementing water dependent use policies.

Source: NOAA/OCRM. Coastal and Water Dependent Uses: Coastal Management Programs Meeting the Needs of Our Nation, OCRM Technical Document 97-1. 1997.

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Appendix C

This table summarizes state water-dependency policies addressing type or location of development.

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State Water-dependency Policies Addressing Type or Location of Development

State/Territory	Emphasizes type of development	Emphasizes location of development	Discusses both
Alabama	X		
Alaska	X		
Am. Samoa	X	X	X
California	X	X	X
Connecticut	X	X	
Delaware		X	
Florida	X		
Guam		X	
Hawaii	X	X	X
Louisiana		X	
Maine	X	X	X
Maryland	X	X	X
Massachusetts	X	X	X
Michigan		X	
Mississippi	X		
New Hampshire	X	X	X
New Jersey	X	X	X
New York	X	X	X
North Carolina		X	
N. Marianas		X	
Ohio	X		
Oregon	X	X	X
Pennsylvania	X		X
Puerto Rico	X		
Rhode Island		X	
South Carolina	X	X	X
Texas	X		
Virgin Islands		X	
Virginia	X		
Washington	X		
Wisconsin		X	
*Georgia	X		

*Draft program in development

Source: NOAA/OCRM. 1997. Coastal and Water Dependent Uses: Coastal Management Programs Meeting the Needs of Our Nation. OCRM Technical Document 97-1.

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coastal dependent: related to uses that must be located near coastal resources to be economically viable.

mean high water mark: the average position of the high tide in a coastal area.

water dependent: related to uses that require direct access to the water to accomplish their primary function.

water enhanced: related to uses that do not require access to the water, but are enhanced by a waterfront location.

water related: related to uses that do not require direct access to the water, but provide goods or services associated with water dependent uses.

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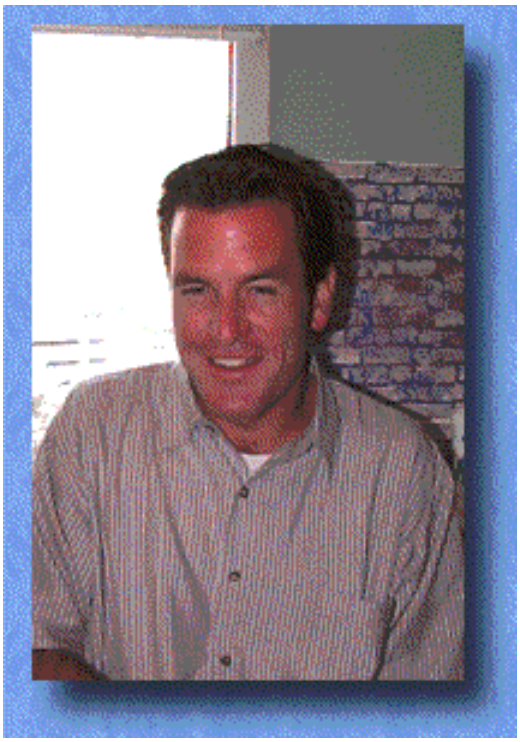

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