ENVISIONING THE FUTURE OF COASTAL MANAGEMENT

STAKEHOLDER DISCUSSION SUMMARY BY TOPIC:
LAND USE

TOPIC SUMMARY

The topic of land use and growth management was discussed at all five stakeholder meetings, with at least one breakout group on that topic at each meeting. From these breakout groups the following themes emerged:

Simplify the message, be an advocate – The CZMA should better advocate for protection of coastal and ocean resources. It should set clear goals and steps to achieve them. The Act has tried to achieve balance between economic development and protection of resources, but economic development does not need the same degree of help that protection does. The dynamic needs to be shifted away from the "develop versus preserve" debate to achieving sustainability.

More connections are needed– Throughout the meetings, people talked about the need to build connections: among agencies, people, goals and tools; eliminate cracks between state and local authority, between communities and policies, etc. "With our current situation everyone is squeezed, focused more on narrow missions and mission goals. Less time and energy in coordination, cooperation, consensus building that largely makes success" … "Some of us have programs that we're in control of that we manage from start to end – most of us don't. Particularly with land use, it's important to make the connections."

More conflict resolution efforts are needed- There is a lack of dialogue among competing interests. "We should be operating at a higher level – without winners and losers."

Smart Growth and LID are key tools that should be used. Throughout the discussions, smart growth and Low Impact Development were cited as important tools or models for moving forward.

Reframe the discussion about "management" - "There is no holistic control that deserves the name 'management'… using this term gives false confidence that something is happening that is not." What's needed is a "national coastal land use policy".

Best Practices should be identified and dissemintated– NOAA should be more proactive about identifying and encouraging methods and tools that work, and discourage states from implementing poor decisions.

A vision for the coast is needed- The vision is not only about how the coast should look in the future; it's also a vision of how coastal management should work – regional partnerships, national goals and standards, local flexibility, etc.

Summary Principles:

- Incorporate contingency valuation or full valuation of natural and social resources.
- Promote planning on a watershed basis.
- Employ a multi-faceted land use approach which integrates incentives, disincentives, acquisition, technical assistance and management with appropriate federal/state/local roles.
- Establish national goals and standards.
- Evaluate state programs to ensure they are consistent with national goals and standards.
- Foster community involvement.
- Think both in the short and long term.

OBSTACLES

Political issues:

- Lack of political will to do the right thing
- Lack of state leadership
- Lack of long term policy consistency, due to changing priorities at local, state and federal levels, particularly due to changing elected officials
- Changing nature of regulations creates confusion amongst public
- Local politicians may need to be able to point to the federal or state governments as the bad guys sometimes

Local communities:

- Lack of standards for sitting on planning boards
- Difficulty of getting community involvement, need for community education, lack of understanding of the severity of the problem(s), inequity in access to resources, information and power
- Lack of technical capacity
- Inability to address cumulative impacts
- Challenge of balancing local impacts with need for public infrastructure

Regional Issues:

- Current state and federal funding methods work against regional cooperation
- Pressures and trends occur at scales greater than individual states

Economics:

- Lack of good methods to compare development values with other land values (contingent valuations), inability to account for external costs
- Incentives (tax breaks, etc.) are ineffective when coastal land development values are so high
- Disincentives, such as development fees, may actually increase pace of development as local governments see these as revenue sources

Interagency:

- Conflicting mandates among and even within agencies (FEMA, DOC, EPA…), for example FEMA Mitigation and Public Assistance programs are in conflict with each other

- Coastal programs in some states are spread out among multiple agencies, unclear and uncoordinated systems

Public perspectives:

- Lack of stewardship ethic
- Disconnect between people's values and reality: want to live by coast with large yard and no neighbors… we need to re-think the feasibility of this, need to move towards higher-density housing

Planning:

- Disconnect between land use planning and planning for other public needs, such as water resources, transportation, housing, etc.
- Lack of large-scale comprehensive planning

CZMA:

- Inadequate oversight of state programs – no program evaluations
- NOAA not strict enough with states, so states don't change or update

Other:

- Climate change – emerging factors and issues that we're not ready for
- Land use decisions can't be reversed, and land is a limited resource
- Lack of vision about alternatives

PARTICIPANT GENERATED SOLUTIONS

Mapping and Data Collection

- Create real-time data system.

Regional/watershed approaches

- Create regional planning commissions that coastal funds would have to flow through (similar to transportation metropolitan planning organizations). Could be multi-city or multi-county (for state funds), or multi-state (for federal funds).
- Create overlay districts that supercede all other permitting/zoning regulations (such as the Cape Cod Commission).
- Block grants for self-organized cross-jurisdictional entities.
- Regional councils to coordinate efforts.
- Coordinated planning and development of infrastructure, housing, and transportation taking into account environmental impact, habitat and hazards.
- Create coastal watershed plans that would guide federal funding across multiple agencies.

Financial:

Disincentives:

- Withhold federal transportation funding if no attention paid to growth management.
- Impervious surface tax with cap and trade system.

Incentives:

- Provide funding for land use planning that is consistent with clearly established coastal sustainability goals.
- Establish "Clean Coastal Community" challenge program where local governments can get direct grant funds (substantial enough to be an incentive) for implementing a menu of growth management and land use controls/best practices. Put signs at city/town boundaries (similar to "Tree City USA" signs).

- Tax incentives for development outside coastal zone or in upland non-critical areas.
- Tax credits, incentives for LID new and retrofits. Example: tax credits for energy efficiency technologies.

Funding mechanisms:

- Decrease amount of match required from small municipalities.
- Allow NGO funds to count as match.
- Revolving fund for upgrading/repairing septic systems.
- Create a Clean Water Management Trust Fund – state funding sources for acquisition of land benefiting coastal water quality. Example: North Carolina has successful fund.
- Tax tourism and give back to the states.
- Tax resource extractors; example: California Energy Commission charges money from ratepayers' energy bills and uses funds to help solve energy-related problems.
- Develop funding mechanisms for public purchase of lands for public use, protection or infrastructure, such as a conveyance land tax. Example: in Hawaii County, 2% of property tax is going for open space.
- Impact fees - could be one-time or could be ongoing; base fee on a "coastal impact" measurement or indicators. Structure in way that removes incentive for communities to encourage development in order to increase funds. Example: Linkage program in Boston, development projects assessed annual fees for certain number of years to support affordable housing.

Standards:

- Need nationwide standards that also can account for regional differences; let states individualize implementation.
- Improve building standards.
- Appoint a commission to look at standards and develop some for the CZM Program. Need sufficient time to do it right. Could include creating a BLM equivalent – Bureau of Federal Waters Management.
- Promulgate consistent integrated program standards for delineation of resources, public participation, dues process/equal treatment.

Organizational:

- Intra-agency coordination within DOC.
- Within NOAA mandate active coordination of strategic planning between CZMA programs and Sea Grant – both have investments in strategic planning.
- FEMA problems (Stafford Act, NFIP, Public Assistance)
- Redefine and coordinate federal and state roles related to NPS, including NOAA and EPA roles. Better integration of CZMA and CWA. Need to address agriculture also, but in Washington, DC it is best to take incremental steps – EPA and NOAA first. Address shortcomings in section 6217. Tie in with or support implementation of TMDL's.
- Need a national planning agency. In lieu of this, the CZMA may be the next best.

CZMA:

- Develop specific Smart Growth program in CZMA.
- Develop programs similar to Agriculture's CREP and Wetland Reserve Program.
- Require state CZ programs to partner with local governments.

- Re-think the boundaries of CZ programs – are they big enough?
- Support overall watershed planning – set federal goals and objectives for watersheds, allow state and local levels to identify uniqueness.
- Allow citizen suits, similar to Clean Water Act.
- Require states to revisit plans to consider climate change and sea/lake level changes.
- Strengthen CZMA Section 312 evaluation of state programs to ensure they are meeting the goals and intent.
- Strengthen federal consistency.
- OCRM should force states to be consistent in their programs, which would make them less vulnerable to state political whims.

Management:

- Support and expand ecosystem-based programs that connect local communities and stakeholders and citizens to decision-making. Good examples of move towards ecosystem-based management are CA Ocean Protection Act which aims to "integrate and coordinate the states laws and institutes charged with carrying out ocean and coastal mgmt" and San Francisco Bay area Joint Policy Committee.
- Support contingent valuation efforts.
- Develop regional green infrastructure system with overlay zone.
- Develop "sustainability" indicators.
- Support use of conservation easements.
- Make insurance market-based with no state or federal back-up.
- Reverse consistency – local government has to be consistent with state.
- Give greater protection to local governments from developer lawsuits if local governments followed proper procedures and their land use master plans, also from lawsuits regarding municipal decisions not to increase utility carrying capacities.

Technical Assistance/Education:

- Create a new national model land use ordinance.
- Need to consider the range of possible technical assistance – data, mapping, land use planning, assistance to bring stakeholders together, etc. - some might be more productive than others, or may be delivered in different ways.
- Tie technical assistance to specific goals of reducing impacts of climate change, tie into a larger effort and larger scope at federal level.
- Use public/private partnerships.
- Technical assistance could help overcome claim of "no data available"

Other:

- Give greater protection to local governments from developer lawsuits if local governments followed proper procedures and their land use master plans, also from lawsuits regarding municipal decisions not to increase utility carrying capacities.

Questions:

There are a wide variety of tools and/or "best practices" that can be employed at the local level for good land use management. The question is what role should the CZMA/NOAA play regarding these tools? Education, research, incentivize the state's promotion or requirement of these tools, etc.? It was suggested that NOAA develop an inventory of best

practices, determine which truly are best, and mandate/encourage their use through the CZMA.

Land trusts and other NGO's have become larger forces in coastal regions. In what ways should the CZMA account for and coordinate with these entities?

How can the CZMA and NOAA enhance the flow of information within the complex and changing systems of people, organizations, and multiple agencies and layers of government?