

## Federal Working Waterfront Initiative

Water dependent commercial activities are critical to the economies of many coastal communities. Changing demographics and increasing tax burdens on waterfront properties are driving a re-development of former working waterfront properties to alternative uses for residential or recreational purposes. As their access to the waterfront is severed, fishermen and commercial boaters have fewer options to successfully make a living from the sea. As a result, of the shift away from water dependent employment to residential use, resulting economic and cultural shifts can devastate communities.

Maine 1<sup>st</sup> District Congresswoman Chellie Pingree has pursued an effort that arose during former Maine Congressman Tom Allen's tenure to create special legislation that would direct the federal National Oceanic and Atmospheric Administration (NOAA) to oversee the preservation or expansion of Working Waterfronts within qualifying coastal states. The most recent version of the bill, HR 2548, **Keeping America's Waterfronts Working Act of 2009**, would amend the Coastal Zone Management Act of 1972 to establish a working waterfront grant program. Under the proposed language, states, local governments or non-profit entities could apply on a competitive basis for funds that would acquire an interest in or improvements of existing working waterfront properties. To qualify, states would have to develop a working waterfront plan and update the plan every 5 years.

Additional requirements of the grant program include:

- a 30 day turn-around from the date of proposal receipt to a decision on acceptance;
- attachment of a covenant on the property restricting its future use for working waterfront purposes;
- provision for expansion or improvement of public access to nearby coastal waters;
- limiting purchases of working waterfront to willing sellers at fair market value, and prohibiting seizure by eminent domain;
- a required cash or in-kind match of at least 25% of the grant total;
- a limit of 5% of the requested award for administrative costs.

The bill authorizes appropriations of \$25 million in the first year, while doubling, and tripling that amount in successive years. In October of 2009, the Natural Resource Committee held a hearing on the bill which resulted in improvements that enhanced its chances. Although NOAA initially testified against the bill, recent changes to the wording that take into account the agency's objections have encouraged more support from the administration. Favorable testimony drew the support of national organizations like BoatUS, the National Marine Manufacturers Association, the Conservation Law Foundation, and specific projects scattered throughout the country including Maine's Working Waterfront Access Pilot Program (WWAPP). About half dozen additional Congressional sponsors emerged to sign on. According to Congresswoman Pingree's office, it is hoped that the bill will be marked up and considered in 2010 by the full Congress. On the Senate side, Senator Collin's and Senator Snow's Offices have been tracking the bill and have sponsored similar legislation in the Senate, **S.533 Working Waterfront Preservation Act of 2009**.

Having already established a first of its kind WWAPP in 2005, Maine is well positioned to take advantage of federal grant monies aimed at preserving coastal working properties. CEI staffers who help administer the WWAPP will be tracking the progress of the legislation and assisting Maine's Congressional delegations in their support for the bills.