Working Waterfronts

On History, Conflicts, & Finding a Balance

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What is a Working Waterfront?

Working waterfronts are areas or structures on, over, or adjacent to navigable bodies of water that provide access to the water and are used for water-dependent commercial, industrial, or government activities, including commercial fishing, recreational fishing, tourism, aquaculture, boat and shipbuilding, boat and ship repair, boat and ship services, seafood processing, seafood sales, transportation, shipping, marine construction, military activities and other water dependent uses.

Virginia Working Waterfront Master Plan (July 2016).
The Issues: Development, Aquaculture, and Property Rights

The Lynnhaven:
- Resurgence of aquaculture activities vs. interests of some riparian owners
- Riparian owners feel left out of the regulatory process
- VMRC lacks the authority to resolve the conflict absent changes to the VA Code

The Ware:
- Newer conflict
- Conflicting uses between some residential owners & aquaculture industry
- Residential owners feel left out of the conversation, including the regulatory process
- Residents feel they do not have the same access to the water that they used to have

The Eastern Shore:
- Development pressures and the loss of working waterfronts: development in Cape Charles
- Potential conflict between SAV and clam aquaculture: SAV restoration may limit clam aquaculture expansion
Threats to ~600 Working Waterfronts in Operation in Coastal Virginia

• Changing global economy
• Increasing competition
• Increasing government regulations
• Decline in water quality and fisheries habitat
• An aging workforce
• Vulnerability to increasing natural threats (sea level rise, frequency and magnitude of storm events, land subsidence, shoaling of navigable channels, etc.)
• Land and water conflicts
Key Statutes & Regulations

- Price per acre, duration and renewal (§ 28.2-612; § 28.2-613)
- Notification procedure (§ 28.2-606)
- General Permit #4 For Temporary Protective Enclosures (4 VAC 20-1130-10)
  - Cages exceeding 12 inches from the bottom
  - Notice procedure
- Authorization of Shellfish Aquaculture Structures (4 VAC 20-335-10)
  - Cages less than 12 inches from the bottom
  - No notice procedure
- Regulations on dredging (4 VAC 20-70-10)
- SAV takes priority (4 VAC 20-335-30(F))
Direct Human Impacts on Oysters

Positive

- Oyster Sanctuary
- Careful nutrients management
- Restored wetlands and SAV
- Water quality management
- Aquaculture
- Harvest Limits/Oyster Restoration

Negative

- Overharvest/Poaching
- Introduced diseases
- Shellfish Closure due to bacteria
- Increased runoff
- Pollution
- Buried & degraded reef
- Loss of wetlands and SAV
- Disease
- Increased sedimentation & nutrient input

- Chesapeake EcoCheck
The Lynnhaven River

- **Golden Age of the Lynnhaven Oyster**
  - Ideal conditions
  - Consumed by dignitaries along the East Coast and beyond

- **Water Quality**
  - 1900s
  - 1930 - First shellfish condemnation
  - 1971 - Entire river closed to shellfish
  - 1998 - Listed “impaired” on CWA § 303(d)

- Today, 44% of the Lynnhaven is open for shellfish harvest

- **VA Beach Population**
  - 1900s: 11,000
  - 1980: 262,199
  - Now: 453,000
Recent Developments

Riparian Owners
Property rights

→
Safety, water access, property value, visual pollution, and privacy

Commercial Watermen
Economic

→
Utilizing natural resource to make a living in a manner encouraged by the state
Recent Developments

- Senate Bills 254 and 298
- Taskforce and moratorium on new leases
- Commission votes for status quo
- Upcoming legislation?

Recommendations With Consensus
- Notice procedure for all cages
- Use plan for leases
- Riparian rights for oyster ground leases
- Raise awareness
The Ware River
Aquaculture & the Ware

- History on the Ware
- Algae-rich water
- General Permit 4
  - Notice Requirement
  - Allows for the placement of up to 2500 cages on 18 acres of leased ground
  - Annual payment of $625
  - 2-foot tall cages
- Changing aquaculture methods
The Eastern Shore

Development Pressures: The Oyster Farm at King’s Creek Marina & the Bay Creek Development:

- Prior to Redevelopment
  - Hub for fishermen on the Eastern Shore

- Development & its Consequences
  - Rise of the “Dockominiums”
  - Moratorium on crabbing
  - Displacement of the fishermen to the Town Harbor and loss of commercial watermen
  - Focus switches to tourism
The Eastern Shore

SAV and Clam Bed Aquaculture:

● Benefits of SAV
  ○ Habitat
  ○ Primary Producer
  ○ Settle sediment and reduce wave velocity

● Benefits of Clams
  ○ Natural filter
  ○ Economic impact

● Why these uses may conflict
  ○ Uses compete for space
  ○ Dredging and scarring
  ○ VMRC regulations - SAV takes priority
  ○ Clam aquaculture unable to expand
SAV Suitability Model
Cherrystone Inlet

Clam Aquaculture Model
Cherrystone Inlet

SAV and Clam Conflict
Cherrystone Inlet

Courtesy of Center for Coastal Resources Management at VIMS
Final Observations

• Maintain open communication between landowners, industry, and government
• Increase understanding of aquaculture and working waterfronts among the public
• Preserve historic working waterfronts
• Encourage water-dependent businesses
• Scaling industry to fit the locality