

26th Annual International Submerged Lands Management Conference

Submerged Lands Banking? Rationalizing the Management of Public Trust Resources

Speaker: Martin (Marty) Laven

Abstract: The presenter proposes a public/private solution to address diminishing working waterfront and limited public access, by monetizing submerged lands in a scheme similar to wetlands mitigation banking. This cap and trade mechanism would be managed by the public sector for the benefit of all stakeholders. It would be designed with specific economic and public policy objectives.

The presenter will review the progressive and regressive methods and tools available to public trust resource managers, as well as those from the private property rights arena, citing specific examples from across the marine industries and state sponsored initiatives, identifying successes to emulate and problematic efforts to avoid. The challenge of maintaining the inherent stewardship obligations that the public trust doctrine requires with the increasing market forces of private development interests will be addressed. Examples of successful efforts from other natural resources arenas will be enumerated. Some of the "tools" to be discussed and assessed will include: Land use and zoning restrictions, concurrency, development moratoria, incentive strategies, no net loss, tax deferrals, design standards, visual access case studies, land acquisition by land trusts, liability and fee waivers, expedited approvals, conservation easements, transfers of leasehold rights, transfers of development rights, transfers of slip rights, transfers of density rights, rights of way, riparian rights, dedicated access privileges and individual fishing quotas. The presenter will describe how a submerged lands bank would work, explaining by example the wetlands mitigation banking scheme. A current example of rural lands stewardship will also be cited to demonstrate how the management of "green" natural resources is highly applicable to "blue" natural resources. The genesis of the proposed rationalizing system will also be referenced by the presenter and there will be a question and answer period allotted at the end of the remarks.

Speaker Information: Marty Laven is Owner/Broker of *the dockominium group*, a licensed real estate broker with offices in Ft. Lauderdale and Ft. Pierce, Florida. The group specializes in the purchase and sale of fee simple and equity ownership boat slips. Marty's tenure in real estate was preceded by careers in the public, non-profit and private sectors. He has held the positions of Economic Development Specialist for the city of Denver, Colorado, Public Relations Director for United Way of Broward County, Florida and Associate Publisher of the leading trade journal in the cable television business, also when in Denver. Marty is a member of the Realtors Association of Greater Fort Lauderdale, the Marine Industries Associations of South Florida, Palm Beach County and Treasure Coast; the last, on whose board he serves as co-chair of the legislative committee.