

state enhancement grant assessments and strategies



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Overview

This report describes the changes to state, territory and commonwealth coastal zone management (CZM) programs to improve public access that were completed or initiated during the timeframe of Federal fiscal years 1992-1996. These changes were characterized by the States in the last round of Assessments, which were submitted to OCRM in February of 1997. If Strategies were developed for public access, the planned activities are also summarized.

Improving public access to coastal areas has been a fundamental goal of the Coastal Zone Management Act (CZMA) since its passage in 1972. Ensuring that public beaches, docks, piers, boat ramps, coastal-bordering parks, rights-of-way, and scenic vistas are created, maintained, and protected are all primary objectives for state, territorial and commonwealth CZM programs. Public access uses compete for limited coastal lands with extensive residential and commercial development, with each other, and with sensitive environments on which many are located. As a result, management of access resources also must take into account compatibility issues with the site and surrounding uses; the potential for user conflicts is inherent to the process.

The National Coastal Zone Management Program (CZMP) is a voluntary partnership between the Federal government and the 35 U.S. coastal states, territories, and commonwealths authorized by the CZMA to:

- Preserve, protect, develop, and where possible, restore and enhance the resources of the Nation's coastal zone for this and succeeding generations;*
- Encourage and assist the States to exercise effectively their responsibilities in the coastal zone to achieve wise use of land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development;*
- Encourage the preparation of special area management plans to provide increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas and improved predictability in governmental decision-making; and*
- Encourage the participation, cooperation, and coordination of the public, Federal, State, local, interstate and regional agencies, and governments affecting the coastal zone.*

In the 1990 reauthorization of the CZMA, Section 309 was amended to create the Coastal Zone Enhancement Program. Its intent was to provide incentives to States to make improvements to their coastal programs in any of eight areas of national significance (a ninth was added in 1996), including public access. As a part of the Section 309 grant process, periodically all the coastal programs must develop Assessments — a critical examination of each of the nine enhancement areas. The Assessments provide a comprehensive review of activities previously performed by the CZM program (with particular emphasis on 309-funded efforts), identify specific impediments or needs, and present a general characterization of the adequacy of the State's management framework for that area. The Assessments conclude with a ranking of the area as high, medium, or low, based on its importance in the State; the need to improve the State's ability to manage the area; and the suitability of using the Section 309 program as the means to address it. For those issues ranked as a high

priority for Section 309 purposes, States develop multi-year Strategies, laying out a framework for activity and funding levels which, at the project's conclusion, should lead the State to specific "program changes" that also are defined.

Improvements to state coastal programs are generally intended to encompass new or strengthened laws, regulations, or other enforceable policies at the state (and local) level. However, in the case of public access, program changes could also include the development and adoption of new or revised coastal land acquisition, management, and restoration programs that can meet one or more of the coastal zone management objectives for public access. Examples of allowable activities included: developing or revising state or local statutes, regulations, and ordinances related to access; developing or improving state processes related to access such as funding sources and acquisition and maintenance programs; improving coordination among agencies and other entities that provide access; performing planning activities (e.g., inventories, guides, needs/demands studies, design guidelines); and minimizing the impacts of access on environmentally sensitive resources and private property owners.

The report is broken down into four parts. The first section contains state-specific summaries, organized by Region. The summaries generally describe the environment for public access; briefly outline the activities undertaken/initiated between 1992 and 1996 (highlighting those that were 309-funded); identify obstacles to addressing access and the need for specific refinements to improve the environment for access; and if applicable, detail the State's strategy for achieving those improvements (or other planned activities). A State contact is included for the purposes of obtaining additional information.

The second section compiles the public access activities for all the states, and if applicable, their Strategies, and reorganizes them into four general areas of management: (1) regulatory, statutory, and legal systems; (2) acquisition, improvement, and maintenance initiatives; (3) comprehensive planning activities; and (4) education and outreach efforts. These categories are further broken down as appropriate, and similar activities are grouped accordingly.

The third section pertains to obstacles and needs. Brief descriptions of impediments to, or areas for improvement in, achieving improved public access were compiled from the Assessments and broadly grouped by issue, which are also characterized.

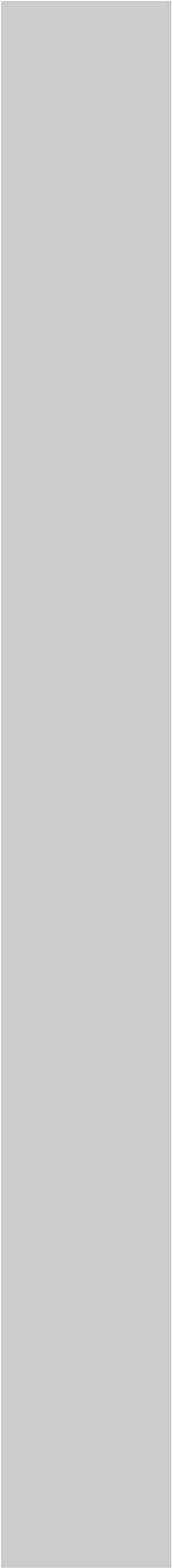
The report concludes with several tables. One provides a snapshot of the overall distribution of public access projects by State and type, including distinguishing between Section 309-funded and non-309 funded. The rest of the tables are similar in format, but are further broken down by management type to visually depict the information contained in the second section of the report.

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*state
summaries*



northeast

Connecticut

309 Public Access Enhancement Grant Summary

1992 Assessment: High

1997 Assessment: High

Issue Characterization

Connecticut is hampered by a relatively small amount of available and suitable area for public access. In terms of geological constraints, only 14% of the shoreline extent is sandy beach. The state's coastal area contains 40% of the population, although 80% of the land area is privately owned. These factors lead to intense competition among industrial, commercial, and residential activities; the state tries to give priority to water-dependent uses. Public demand in the areas of swimming, boating, and fishing is thought to exceed available capacity — many sites operate at full capacity or have to turn people away. However, many residents are under the impression that the current amount of access sites is adequate. Funding for acquisition and maintenance of open space and recreation facilities is declining, particularly from federal and state sources, and has adversely affected Connecticut's ability to provide and operate/maintain access sites. Connecticut's Coastal Management Program does not fund Section 306A projects. Some work has been done to create or take advantage of new funding sources, such as new open space programs, the license plate fund, and the Intermodal and Surface Transportation Efficiency Act (ISTEA); but more funding is needed. The CMP has a fairly comprehensive understanding of the current access inventory, based on a recent study of state-owned coastal property and through the development of a coastal access guide and map.

State Activities 1992-1996

License Plate Program: A Long Island Sound license plate program fund was developed and implemented; the funds generated by the program are being used to finance access improvement projects such as installing interpretive signs and public viewing platforms at state-owned access sites. (Section 309)

Redevelopment Plan: A redevelopment plan for Silver Sands State Park (an underutilized coastal park) was completed and will hopefully lead to increased use of the sandy beach at this site as well as new recreation opportunities.

Site Inventory and Evaluation/GIS: In 1996, a comprehensive inventory and evaluation of all state-owned properties bordering coastal and tidal waters (including existing public access sites) was performed to identify and prioritize lands capable of providing new or enhanced public recreational uses. Numerous sites were identified as having some degree of

potential. A GIS-linked database was created to describe each property's most significant attributes as well as the site's public access potential. The database is being expanded to include federal, municipal, and private property. (Section 309)

Access Sign: A coastal public access sign was developed, to be used by state agencies and municipalities to identify and promote existing access sites. (Section 309 and funds generated from license plate program)

Access Guide and Map: A comprehensive coastal public access guide and map are in development. (Section 309 and funds generated from license plate program)

Maine

309 Public Access Enhancement Grant Summary

1992 Assessment: Medium

1997 Assessment: Medium

Issue Characterization

Most coastal area in Maine is privately owned, although there is a tradition of "free and easy" passage over private land to access tidal waters. The Maine State Planning Office (SPO) estimates that there are over 1,000 access sites, public and private. The last comprehensive inventory was performed in 1988, although there is some current information for certain types of access such as boat ramps and piers. Generally, the available access is considered adequate, although there are some localized problems, particularly for recreational access and boating access (launching and mooring). Several access-related management plans have been developed, but they are issue-specific (e.g., boat access) and not coordinated with other efforts. The Maine Coastal Program (MCP) does not fund Section 306A projects, however, other state initiatives have led to access site acquisition and enhancement. Since 1992, four boat ramps have been built and land for three others has been acquired through funds generated by a gasoline tax. Also, some significant land area has been acquired for access through the Land for Maine's Future program (4,900 acres since 1988).

State Activities 1992-1996

Harbor Planning and Management: The SPO updated a list of needed harbor improvements, and also inspected the condition and use of public access sites funded in the past by the State to determine needs for improvement at those sites. This effort led to a state bond issue in 1995 that provided funds to municipalities for small harbor improvement projects that provide access.

Acquisition Strategy: Governor Angus King created a Land Acquisition Priorities Advisory Committee to develop, through a public process, criteria to identify the types of land or interest in land that should be prioritized for acquisition by public and private conservation agencies. Recreation will be a key issue.

Raise Funds from Taxes and Fees: Some innovative mechanisms were initiated by the State to raise money for acquisition: funds from a gasoline tax help to build boat ramps; lottery tickets provide revenues for Maine's Outdoor Heritage Fund, used for acquiring and improving sites; and the affinity credit card, Land for Maine's Future, deposits a percentage of purchases into a fund.

Technical Assistance for Right-of-Way Projects: MCP provided funds for local technical assistance to 16 coastal towns to inventory and clear title to public rights-of-way to the coast. (Section 309)

Strategic Planning: The SPO, in collaboration with the Departments of Conservation and Inland Fisheries & Wildlife, prepared the **Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing** in 1995. This plan identified places that need additional or improved boating and fishing access. (Section 309)

Access Map: The SPO produced a map of all publicly-owned (federal, state, and local) lands, which is included as a data layer in the State GIS.

Obstacles/Needs

Funding: Reduced funding for acquisition and maintenance is an issue; public access is not necessarily a priority for available funds (e.g., Natural Heritage).

Institutional Framework: The lack of an inventory or comprehensive documentation of needs inhibits access efforts.

Institutional Framework: There is no current comprehensive state plan to improve coastal access.

Institutional Framework/Land Constraints: The high degree of private ownership is an obstacle, particularly when coupled with the absence of state requirements to provide access as a development permit condition and the lack of access guidelines or criteria at the local level for development approvals.

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Summary of Strategy

Acquisition Strategy: The SPO is developing a public land acquisition strategy to coordinate the various land acquisition programs in Maine. As a part of this effort, Maine CMP will fund the development of a list of priority coastal access sites based on an inventory and needs assessment. Beyond this, Maine CMP believes that access needs are being adequately addressed through programs in other agencies, although there are opportunities to collaborate and enhance those efforts.

Massachusetts

309 Public Access Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: High

Issue Characterization

Demand for recreational access is quite high in Massachusetts. A 1995 study found that coastal beaches/shoreline were the most popular recreational resources in the state (61% of state residents visit these areas). A 1992 survey found that 1/3 of the population believed that existing public access opportunities were not sufficient; the 1995 study ranked the need for additional shoreline resources as 5th out of 12 categories. Approximately three-quarters of the total state shoreline is privately owned and generally off-limits to the public; of beachfront shoreline, 80% is in private ownership with the remaining 20% belonging to government entities or conservation organizations. A comprehensive inventory of access resources is being developed; current information is incomplete or dated for certain categories. Massachusetts Coastal Zone Management Program (MCZM) does not fund Section 306A projects.

State Activities 1992-1996

Waterfront Development Licensing: MCZM collaborated with the Department of Environmental Protection (licensing authority) to develop standard license conditions for waterfront development, and then carried out an outreach/training program for local governments to increase municipal participation in this process. They also developed a model ordinance for municipalities that would facilitate the coordination of review during the licensing process. As a related demonstration project, they worked with a local government to develop a municipal inventory of requested access benefits as a key component of a harbor management plan, to be used as a guide for the licensing activity in that harbor.

Technical Assistance for Right-of-Way Program: A technical assistance program was established to encourage and support municipal efforts to legally reclaim historic rights of way (e.g., landings, foot-paths) to the sea. This included preparing a practitioner's handbook that explains the process as well as a case study video; holding workshops to promote campaigns for access right preservation and provide training; and establishing a Public Access Legal Service, a voluntary network of lawyers willing to assist communities in protecting historic access rights. (Section 309/Project of Special Merit)

Technical Assistance for Local Projects: In 1995, the Department of Environmental Management (DEM) initiated a Coastal Access Small Grants Program (maximum award is \$3,000) to support local and regional projects that improve access by funding activities such as developing local shoreline access plans, establishing new access, reclaiming historic rights-of-way, enhancing existing sites, and developing education initiatives.

GIS Inventory: MCZM completed the first phase of an effort to establish a formal State Register of Protected Coastal Accessways. The database management and mapping system will keep track of all shoreline access entitlements that have been secured for the public through municipal initiatives and state-level regulatory and acquisition programs. Data entry is on-going; ultimately the system should facilitate planning for access as well as assist in access-related enforcement and dispute resolution. (Section 309/Project of Special Merit)

Access Guide and Map: In 1995, MCZM published Volume 1 of the Massachusetts Coast Guide: Access to Public Open Spaces Along the Shoreline of Greater Boston Harbor and the North Shore. The guide includes site descriptions, maps, and services for almost 400 sites.

New Hampshire

309 Public Access Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

Issue Characterization

Demand for public access is high, both from residents and tourists. About 78% of the State's Atlantic coastline is state or local government-owned. The Great Bay contains more privately-owned land, although demand for access is not as high, however, what sites are there are not well-publicized and in some cases are for residents only. Development of new access sites is being discouraged. There is a comprehensive understanding of the current inventory of access resources. In terms of acquisitions, the New Hampshire Coastal Program (NHCP) has funded several 306A projects along the Atlantic Coast, the Great Bay, and its tributaries that were designed to improve access. One notable project was the design and construction of a beach patio and track for providing handicapped access to the beach in Hampton. The purchase of five "sand buggies" completed this effort. In addition, more than 1,000 acres of land on the eastern shore of the Great Bay were converted from Pease Air Force Base to form the Great Bay National Wildlife Refuge.

State Activities 1992-1996

Public Trust Lands/Guidance: In 1995, a law regarding the public use of shorelands was passed, recognizing and confirming that the state holds in public trust rights in all shorelands subject to the ebb and flow of the tide, up to the furthest landward limit reached by the highest tidal flow. NHCP developed a bulletin, **The High Tide Line in New Hampshire**, which provided clarification concerning the statutory definition of high water mark and its implications for the seacoast. [Note: this law was challenged and is in litigation at the state supreme court level.]

Raise Funds from Taxes and Fees: A new State funding source is a \$5 surcharge on boat registration fees, which goes into a non-lapsing dedicated fund that is appropriated for boat access projects.

Preserve Scenic Vistas: The State received a Scenic Byway designation for State Route 1A/B, funds for which are intended to improve access, interpretation, and preservation.

Inventory: Staff have been participating in the development of a state-wide inventory of access

points to determine their status. To support this effort NHCP cooperated with NH Fish and Game to conduct a boat access survey for all tidal areas.

Access Guide and Map: NHCP Staff are developing a public access guide to the seacoast. A committee is participating in the design of this guide, which will include GIS-based maps showing the different recreational opportunities on the Great Bay and Atlantic coasts and include information about facilities along with educational information.

New Jersey

309 Public Access Enhancement Grant Summary

1992 Assessment: Medium

1997 Assessment: Medium

Issue Characterization

Although much of New Jersey's ocean frontage is open to the public, a very incomplete understanding of available access resources exists. A state-funded inventory effort is currently underway. A policy of pursuing additional access is supported in New Jersey, although the State is short of meeting its goal of one million acres in public ownership (as of 1997 it is at approximately 750,000). New Jersey has several acquisition initiatives being implemented; the Coastal Program does not fund Section 306A projects. Programs and policies in place prior to 1992 continue to support acquisition goals. For example, the Green Acres Program, established in 1989 by bond issue, continues to provide funding to local governments and non-profits for land acquisition for public conservation/recreation purposes, as well as for facilities (marinas, docks, piers, swimming areas). More recently, the Blue Acres Program established in 1994 (part of the Section 309 strategy for Hazards) provides funding for acquisition of flood-prone lands for the purposes of storm protection, although access might be a secondary goal. Demand for new and improved access is characterized as high, and increased population and tourism are having an impact. There has been some reduction in access area due to loss of beach or active beach replenishment projects.

State Activities 1992-1996

Access Design Standards: Two new sections were added to New Jersey's coastal zone management rules addressing public access to the waterfront. The rules pertained to standards for ensuring adequacy of parking, particularly when spaces are lost due to construction of new sites, and also clarify access requirements for single-family or duplex residential development.

Technical Assistance for Local Projects: Technical assistance has been provided to local governments and nonprofits to develop public access plans and improve existing sites (e.g., educational materials, displays, plans for piers, walkways, disabled access, visual access points, and observation points).

Standards for Development of Access Sites:

New Jersey is in the process of developing a guidance document that includes standards for public access to waterfront areas (site selection and design criteria). (Section 309)

Access Funding Resource Guide: A resource listing of all state agencies that provide funding for coastal access-related projects is being developed. (Section 309)

New York

309 Public Access Enhancement Grant Summary

1992 Assessment: High

1997 Assessment: High

Issue Characterization

New York has a diverse coastline: Lakes Erie and Ontario; the St. Lawrence, Niagra, and Hudson Rivers; New York City Harbor; and the Long Island shores. Access opportunities tend to vary by region. For example, the Great Lakes area has an abundance of state parks and public boat ramps, but only a few local public parks. The Long Island shores have numerous local public parks, but very few boat ramps or state parks. Similarly, the types of use of the coastal areas are very diverse, vary by region, and can conflict. Most of the planning for access is incorporated into work conducted at the regional and local level, such as through the development of local and regional comprehensive plans. New York also has a specialized program oriented to preserving significant scenic vistas. Demand for additional access is high. A comprehensive inventory of access resources does not exist.

State Activities 1992-1996

Harbor Planning Regulations: In 1993, New York developed regulations to implement Chapter 791 of the Laws of 1992, which pertained to the development of local harbor management plans and the laws/ordinances that implement them. The plans give local governments clear authority to manage their own harbors. (Section 309/Project of Special Merit)

Technical Assistance for Local Projects: In 1993, the Environmental Protection Act was passed, which included the creation of a dedicated fund for addressing environmental needs. The fund, which is co-administered by the Department of State, provides annual grants for Local Waterfront Revitalization Programs that could be used as a funding source for establishing and enhancing public access sites in the coastal area. Between 1994 and 1996, 77 of the 140 projects funded focused on increasing or enhancing access (feasibility studies, design, construction). (Section 309) New York has not funded a Section 306A project since prior to 1992.

Local and Regional Access Planning: Comprehensive management planning is occurring at both the local and regional level. Local governments can focus on access through management plans developed under the Local Waterfront Revitalization Program. Similarly, a number of regional coastal management

programs, which contain enforceable policies and mechanisms addressing public access, are in development. (Section 309)

Open Space Planning/State Bond: NY's 1995 Open Space Conservation Plan identified and prioritized coastal sites suitable for acquisition for public access, trail development, and other open space purposes. Funding for implementation will come in part from the Clean Water/Clean Air Bond Act (passed in 1997), which includes \$150 million for access.

Obstacles/Needs

Additional Access: Surveys conducted throughout the state support the need for additional public access to water resources to respond to development pressure and greater demand.

Summary of Strategy

Improve State Agency Coordination for Funding:

Develop mechanisms to allow the most effective use of state funding sources (Environmental Protection Fund, Clean Water/Clean Air Bond Act, and other programs). This will be accomplished by developing memoranda of agreement among relevant state agencies that will coordinate the use of funds and establish funding criteria.

Technical Assistance for Local Projects: Continue to provide grants from the Environmental Protection Fund and Clean Water/Clean Air Bond Act for planning, design, and implementation of local access projects.

Local Access Planning: Continue emphasis on planning through the local waterfront revitalization program.

Planning for Historic Waterfront Areas: Establish a historic maritime communities program to study maritime areas and prepare plans to maintain waterfront character.

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Rhode Island

309 Public Access Enhancement Grant Summary

1992 Assessment: High
1997 Assessment: Medium

Issue Characterization

Demand for access along Rhode Island's 420 miles of shoreline remains high, with some pressure still felt as a result of the development boom during the 1980's, which threatened traditional access. The state has used both regulatory processes and programs along with acquisition to address this issue. Rhode Island has gained much of its access through a right-of-way (ROW) designation program, which includes a posting program to guarantee municipal maintenance of posted ROWs and legislation to limit liability for Coastal Resource Management Council- (CRMC) designated ROWs. Acquisition is being utilized to a greater extent by all levels of government, but also private conservation groups and land trusts; the CRMC does not fund Section 306A projects. A 1993 guide of selected public access sites provides much of the basis for the current understanding of the state's access resource inventory.

State Activities 1992-1996

Limits on Liability: In 1993, the Council drafted and supported successful legislation that limits liability on CRMC-designated ROWs.

Access Permit Conditions: The CRMC drafted regulatory language that will expand public access requirements pertaining to a variety of development and redevelopment activities, as well as beach renourishment projects. The new public access section of the Rhode Island Coastal Resource Management Plan (RICRMP) should be codified and adopted by the Council during 1997. Supporting guidance materials were developed. (Section 309)

Unified State Process: A memorandum of agreement between the CRMC and the Department of Environmental Management (DEM) was developed to improve coordination on access issues. The result was that DEM gave up its access program and handed over responsibility to the CRMC, leading them to significantly broaden the scope of their current efforts into a comprehensive public access program. The CRMC will maintain the ROW designation program, as well as coordinate it with harbor management and local comprehensive planning efforts. (Section 309)

Right-of-Way Posting: As a part of developing a more comprehensive access program, the CRMC adopted a posting program for ROWs, which guarantees municipal maintenance of posted ROWs.

Technical Assistance for Right-of-Way Programs: As a part of the ROW program, the state provides technical assistance to local governments for ROW designation.

Planning for Harbors: The Harbor Management Planning (HMP) program was expanded and improved by: the development of supporting legislation, new regulations for the development and implementation of municipal HMPs, a comprehensive plan, revised harbor planning guidelines, and providing technical support to municipalities. (Section 309)

Access Site Design: The CRMC developed a Public Access Site Development Guidebook.

Access Sign for Right-of-Ways: A public access sign was developed for CRMC-posted ROWs.

Access Guide and Map: In 1993, supported the Rhode Island Sea Grant Program in the development of Public Access to the Rhode Island Coast, a resource guide for a selective listing of access opportunities.

Guidance on Right-of-Ways: The CRMC developed a Citizen's Guide to Assisting in the CRMC Right-of-Way Designation Process.

Annual Report: The CRMC produces an annual report on ROWs for the Governor and legislature. The development of the annual report, as well as the 1993 access resource guide, led to new inventories and characterizations of many of the state's designated ROWs.

Obstacles/Needs

Funding: There is not a dedicated funding source for acquisition, although a recent bond referendum will add some support.

Private Property Rights: Recent court decisions have left the issue of public/private property rights unclear, leading to hesitation to implement policies such as requiring access as a development condition.

Summary of Strategy

A Strategy was not developed.

RICMP will continue to work on implementing the many new programs and regulations that have been put in place as a result of the high priority placed on this issue for the last five years.

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Virginia

309 Public Access Enhancement Grant Summary

1992 Assessment: High

1997 Assessment: High

Issue Characterization

The vast majority of Virginia's 5,300 miles of tidal shoreline is privately held, with less than 1% in the public estate. Therefore, suitable sites for access are difficult to find and competition is high. Water-dependent forms of recreation are among the ten most popular activities for Virginia's residents. Growth in boat-related activities has been particularly high, highlighting the lack of opportunities and creating conflicts with other types of users. A comprehensive inventory of access resources is not available, however, a limited estimate can be derived from the selective listing found in the Bay access guide.

State Activities 1992-1996

Coastal Access Acquisition Program: Virginia Coastal Program's emphasis with respect to access has mainly been on acquisition. In 1992, a Land Acquisition Program was established to protect sensitive habitat and provide passive access; it is administered with Section 306 funds and grants are funded under Section 306A.

State Bond: In 1992, a parks and recreation facilities bond referendum was passed for acquisition and public access development (new and existing sites).

Access Guide and Map: In 1995, the Chesapeake Bay Program published a revised and updated **Chesapeake Bay, Susquehanna River, and Tidal Tributaries Public Access Guide**. Information was provided for more than 500 access sites in Pennsylvania, Maryland, the District of Columbia, and Virginia.

Summary of Strategy

A Strategy was not developed.

State agencies should work with local entities to provide new access through the local planning process, such as comprehensive planning. Maintain current efforts. Develop new sites and attempt to preserve existing access.

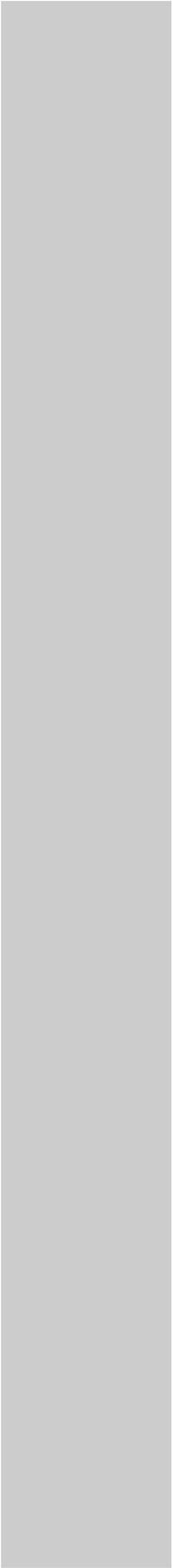
Obstacles/Needs

Funding: Funding is a major obstacle.

Public/Private Conflicts: Conflicts between users, particularly recreational fishing and boating, and private property owners is specifically a problem (e.g., trespassing).

User Conflicts/Additional Access: Additional access for most use types (boat launch sites, swimming, fishing, etc.) is needed to address the growth in the number of users and reduce conflicts among the user types.

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***southern/
caribbean***

Alabama

309 Public Access Enhancement Grant Summary

1992 Assessment: High

1997 Assessment: High

Issue Characterization

Population in the two coastal counties has been increasing: between 1980 and 1990 Baldwin County's population increased by 32% and Mobile County's by 4%. Tourism is an important industry in both counties, of which the quality and quantity of coastal access is an integral component. However, access is being threatened by current growth patterns and development practices. Visual access has been decreasing because of a lack of an appropriate design requirement at the site planning level. Development is also cutting off physical access, and people are not very informed about their rights with respect to coastal access. The last inventory of access sites was performed in 1992. There is a fairly comprehensive understanding of what access resources are available with the exception of right-of-ways and disabled access. Many improvements have occurred since 1995 with Section 306A projects, significant acquisitions at the state and federal levels (new or expanded research reserves and wildlife refuges), and other ongoing efforts to increase public access. New outreach, such as an updated public access guide, is planned.

State Activities 1992-1996

Access Permit Conditions: Alabama's Providing Public Access to Coastal Waters statute was repealed in 1995, eliminating the requirement or even encouragement to consider visual and physical access to the coast in permitting decisions.

Maintenance Requirements: As a condition of using Section 306A funds for improving facilities at access sites, assistance agreements require that local municipalities and county governments receiving funds must maintain the improved sites.

Public/Nonprofit Coordination: The Alabama Coastal Management Program (ACMP) developed a networked relationship with the state chapter of the Nature Conservancy to leverage U.S. Fish & Wildlife Coastal Wetlands Acquisition Funds to purchase property and to negotiate acquisition of parcels.

Access Facilities Planning: In 1992, ACMP prepared a report entitled, Public Access Facilities in the Alabama Coastal Zone. The Coastal Program Office's report included an inventory and

description of existing facilities, along with a discussion of the need to improve agency coordination, increase acquisition, and make greater use of local ordinances to require access as a condition of waterfront development project approval.

Update Access Component of CZM Plan: The Alabama Coastal Area Management Plan is being revised, and the updated version will include a reinforcement of public access as a primary goal and responsibility for the program.

Access Guide and Map: In 1995 the Coastal Alabama Guide to Public Access Areas brochure and map were developed.

Workshop on Takings: ACMP co-sponsored an education workshop on "Takings and the Public Trust Doctrine."

Florida

309 Public Access Enhancement Grant Summary

1992 Assessment: Medium

1997 Assessment: Medium

Issue Characterization

Demand for beach access is very high, both for state residents and visitors (it is estimated that 27.4% of state residents and 41% of visitors engage in saltwater-based recreational activities). The number of beach access sites is considered to be generally adequate statewide, although there are some deficiencies at the local level. Acquisition is a high priority activity in the state, and is coordinated at all levels of government. The Florida Coastal Management Program (FCMP) uses Section 306A funds for access projects. Planning is also important — provision of access must be considered in local comprehensive plans. A 1994 study (which included a comprehensive inventory) determined that there were 1,692 sites comprising 343.4 miles of beach frontage in public ownership. There have been some significant acquisitions since that time, but exact figures are not known.

State Activities 1992-1996

Conditions on Renourishment Projects: The Department of Environmental Protection (DEP) now requires that public access must be provided on any beach where renourishment was performed as a result of coastal erosion. All renourished beaches must also have parking. When assessing sites for priority in funding for renourishment, public beaches with access are given more weight. (Section 309)

Facilitate Acquisition Efforts: Water management district regulations were streamlined in 1994 by the legislature to facilitate use of state acquisition procedures and funds for access.

Access as Acquisition Priority: As a result of a legislative change, greater emphasis is now given to beach access in the Conservation and Recreation Lands Program's evaluation and prioritization process for acquisition, by considering the value of acquiring beachfront parcels to provide public access and recreational opportunities in highly developed urban areas.

State Agency Coordination: DEP has improved coordination among acquisition entities via an annual meeting to discuss and coordinate state land acquisition activities.

Needs Study/Inventory: In 1994, the DEP and the University of Florida conducted a comprehensive inventory of beachfront property under public ownership and identification of beach access needs in the state. The study concluded that there is a need for better parking, more restroom facilities, and beach access signage. (Section 309)

Access Sign: As a result of recommendations from the beach study, DEP developed a beach access symbol and is in the process of coordinating the placement of signs on highways and roads to direct the public to beach sites on state lands and locally owned sites (the state is handling major highways and state-owned lands and the FCMP is dealing with local government access sites).

Obstacles/Needs

Funding/Inadequate Facilities: The existing inventory of access sites has problems associated with beach erosion, insufficient or no parking, and a lack of restroom facilities. Efforts to address the latter two problems are particularly hindered by inadequate funding. Funding for maintenance is also needed.

Public/Private Conflicts: There are some conflicts between recreational users and homeowners with respect to parking.

Sensitive Resources: There are potential conflicts in trying to balance the public's use of coastal areas with protection of sensitive resources.

Public Knowledge: The public's knowledge regarding the availability and location of access sites is limited.

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Summary of Strategy

A Strategy was not developed.

The CMP will attempt to address the problem of a lack of funds for improving and managing access facilities and sites, however, this will not be handled through Section 309 funds.

Louisiana

309 Public Access Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

Issue Characterization

Demand for public access is fairly high and increasing. During the recent development of an outdoor recreation comprehensive plan, 58% of users surveyed felt that public access was not sufficient; they also had maintenance concerns about existing boat launch and access sites. Parking is inadequate at fishing and crabbing sites, boat launches, and passive viewing sites. Existing parks are overcrowded and must turn people away. In addition, the existing inventory of access sites is not evenly distributed throughout the coastal area. A poor economy has kept this issue in the background until recently; increasing disposable income is leading to increased demand. Louisiana Coastal Management Division (LCMD) has funded four Section 306A projects that have moderately improved public access in terms of boat ramp/launch sites. Governor Foster has made improving outdoor recreational opportunities a priority and will ensure more funding for acquisition, operation, and maintenance. There is a fairly comprehensive understanding of the current inventory of access resources.

State Activities 1992-1996

LCMD did not identify any CZM program management changes or perform any access-related projects other than Section 306A.

Summary of Strategy

A Strategy was not developed.

LCMD feels that public access is the responsibility of DFW and DCRT, however, it will continue to provide 306A support to local governments.

Obstacles/Needs

Funding: Unlike the Departments of Culture, Recreation, and Tourism (DCRT) or Fish and Wildlife (DFW), the Department of Natural Resources does not receive funding for acquisition. Most CZM funding, particularly Section 309, is going to its greatest priority — wetlands loss.

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Mississippi

309 Public Access Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: High

Issue Characterization

Population growth in the three coastal counties exceeds that of inland counties. Tourism has become an important industry in the state; the creation to date of more than 26 miles of man-made beaches in all three counties was both a cause and outcome. Some natural beaches exist as well, particularly on adjacent barrier islands. Public access to coastal resources has always been available. Recreational boating and sportfishing are also very popular, leading to a growing need for new or expanded marina facilities. The burgeoning casino industry, a new and significant tourism contributor, and related development has led to a potential resource conflict (they must be located "dockside") causing concerns about preserving existing access as historically available access sites are lost. Visual access along the shoreline of the three coastal counties is considered important. The Mississippi Coastal Program (MCP) has pursued a number of 306A projects for boat ramps, piers, boardwalks, and waterfronts. There is an incomplete understanding of what access resources are available, however, an inventory effort is planned.

State Activities 1992-1996

State Trust/Raise Funds from Taxes and Fees: In early 1994, the Public Trust Tidelands Fund was established by the state legislature to offset the losses of coastal wetlands as a result of leasing tidelands and submerged lands for the purposes of establishing dockside casinos. Funds are derived from the lease rentals, and since the initial year (FY94) revenues have climbed to over \$4M. The funds will be allocated in accordance with the 1995 **Fifteen-Year Tidelands Fund Strategic Plan** and will go to management activities such as tidelands conservation, reclamation, preservation, acquisition, and education; as well as public access enhancement activities such as acquisition and construction. The strategic plan was prepared by Department of Marine Resources (DMR) to provide a framework to address the needs of coastal counties and communities, with the objective of evenly dividing funds between tidelands management activities and public access enhancement activities. Over \$1.5M a year should be available, which will be allocated to the coastal cities and counties. An MOU was developed between the Secretary of State, the Commission on Marine Resources and the DMR to provide management support for administering the Fund and joint responsi-

bility for managing the Coastal Preserves Program. With the availability of extensive tidelands funds for access projects, the MCP will no longer fund Section 306A projects.

Planning for Urban Waterfronts and Beach Areas: MCP has sponsored or co-sponsored a number of projects for the development of urban waterfront and sandbeach management plans.

Obstacles/Needs

Development Pressure: Development is threatening available access resources and is leading to some conflicts between desired uses, as well as driving up property values. Marinas for commercial vessels in particular are becoming vulnerable to casino development.

Water Quality: Development is also leading to water quality problems, which are impacting access sites. Regular monitoring and public notification of health hazards does not exist, although such activity is planned.

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Summary of Strategy

Comprehensive Access Plan:

A Comprehensive Coastal Public Access Management Plan and Implementation Strategy will be developed to complement the Tidelands Trust Fund Strategic Plan. The Plan and Strategy address the long-term impact of the gaming industry and associated growth and development on coastal waterfront areas and the availability of sites for suitable for access. The planning effort will include establishing a task force, developing a GIS-based inventory and map, identifying potential access sites, assessing needs, setting up a procedure for updates, and possibly creating design and performance standards for development to provide access.

Puerto Rico

309 Public Access Enhancement Grant Summary

1992 Assessment: High

1997 Assessment: High

Issue Characterization

Most of Puerto Rico's beaches are publicly owned. Commonwealth policy requires that all new development must provide access to adjacent coastal areas (Planning Board Regulation number 17); artesanal fishermen are granted rights-of-way for historic access points that have remained in use. It is likely that the available capacity for recreational access, particularly for water-based activities, is exceeded by demand from the resident and tourist populations. Puerto Rico does not fund Section 306A projects. The development and completion of a Comprehensive Outdoor Recreation Plan for 1994-1999 is helping to provide direction for many access activities of the Puerto Rico Coastal Management Program (PRCMP). It also provides a basis for a fairly comprehensive understanding of the current inventory of access resources.

State Activities 1992-1996

Comprehensive Access Plan: A master plan for public access was prepared, including an evaluation/inventory of existing facilities and services, and a proposal for types and locations of access sites that are needed. The effort was supported by an inter-agency committee made up of representatives of federal and local programs related to access. Funding mechanisms were investigated, and a four-year investment program was developed. Water-based recreation and urban waterfronts were particular areas of focus. The committee also established criteria and standards for specific kinds of access facilities and services. (Section 309)

Summary of Strategy

Promote Planning for Access, Including Urban Waterfronts: Develop a more detailed program to provide access to the coast. Facilitate access efforts at the municipal level through the master planning process, including ensuring that the PRCMP comprehensive access plan is reflected, thereby allowing for access planning at the local level. Focus on and promote waterfront development and access, particularly for urban areas.

Use Design to Minimize Impacts: Develop and implement design standards for access that protect sensitive resources and private property rights.

Obstacles/Needs

Funding: There is insufficient funding for land acquisition and facility development.

Institutional Framework: There is a lack of a directed or centralized program addressing access.

Institutional Framework: Local governments have not yet been given the necessary municipal authority to participate in access development efforts, nor is there much awareness of the process.

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South Carolina

309 Public Access Enhancement Grant Summary

1992 Assessment: High

1997 Assessment: High

Issue Characterization

South Carolina has spent time over the past few years addressing this issue at both the state and local level, mostly in terms of acquisition and improvements to sites (physical improvements, signage, staffing, maintenance), although not through the Section 306A program. Population growth in the coastal area suggests a concurrent growth of demand. Lack of parking and other recreational facilities have been a focus of previous efforts. Pedestrian access to waterfronts and boating access are viewed as areas also needing attention. Conflicts over use, particularly in the contexts of heavy use of limited space and balancing human uses with resource protection, are occurring. Encroachment of development onto access areas is also a growing problem; it is predominantly being addressed at the local level. There is a fairly comprehensive understanding of the available inventory of access resources.

State Activities 1992-1996

Technical Assistance for Local Projects/Raise Funds from Taxes and Fees: As a result of the comprehensive planning process, the Office of Ocean and Coastal Resource Management (OCRM) successfully lobbied for legislative approval of the Coastal Access Improvement Program, a state-funded grant program that provides awards to local governments for public access improvement projects, including acquisition and enhancement/upgrading of existing sites. The fund source is fees generated by critical area permit applications.

Planning for State and Local Beach Access/Update Access Component of CZM Plan: The 1993 report, **An Assessment of Beach Access in South Carolina and Enactment of a Beach Access Development Fund** led to revisions to the public access section of the State Beachfront Management Plan. In addition, 13 local beachfront management plans were developed and approved; their implementation is overseen through a five-year review and monitoring process. The initial planning process included conducting inventories state-wide on a regional and local basis to identify needs and areas for improvement. (Section 309)

U.S. Virgin Islands

309 Public Access Enhancement Grant Summary

1992 Assessment: High
1997 Assessment: Medium

Issue Characterization

U.S. V.I. owns and operates approximately 13 public beaches. There are no designated parklands, although St. John includes a National Park that currently manages about 54% of the island land area. The current inventory of access is somewhat limited, with some variation among the three islands. In particular, marinas and docks are still being replaced from two major hurricanes; the availability of sites for launching and mooring are also lacking. There is not a comprehensive understanding of what access resources exist. The U.S. V.I. has seen increases in its resident population over the last few decades. Tourism is the leading industry, with more than 2 million visitors annually. U.S. V.I.'s beaches represent one of the most utilized forms of recreation. The public has a legislated right to lateral passage along the shoreline. Developments in beach areas and hotels are required to provide and deed a 20-foot perpendicular access way open to the public, although in general, such access is lacking. Ecotourism is a growing industry, as is a return to subsistence fishing.

State Activities 1992-1996

U.S. V.I. Coastal Management Program did not identify any CZM program management changes or perform any access-related projects.

Summary of Strategy

A Strategy was not developed.

Public access continues to be a crucial issue because of the shoreline's importance to the socioeconomic vitality of the territory. There are laws and programs already in place that provide access to users; U.S. V.I. will ensure that implementation efforts are being carried out so that existing levels of access are maintained.

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Obstacles/Needs

Funding: There is inadequate funding for acquisition of sites or easements.

Institutional Framework: An access management plan would greatly assist the Government by providing guidelines that take into account provision of public access to all users.

Inadequate Facilities: The provision and maintenance of adequate and appropriate facilities (parking, picnic tables) is a growing concern.

User Conflicts: User conflicts are increasing, particularly with respect to overcrowding, noise, and safety.

Public/Private Conflicts: Private property owners are becoming increasingly reluctant to allow informal access to beaches.

Sensitive Resources: There are concerns about balancing resource protection with access.

Development Pressure: Increased development, particularly tourism-based, along the shorefront has reduced the number of sites that could be used for traversing, as well as created the perception of decreased availability of access.



pacific

American Samoa

309 Public Access Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

Issue Characterization

Private property rights, expressed as tribal/village rights in American Samoa are becoming an issue with some increased efforts by landowners to restrict or deny access to land. This may be a result of some population growth and increased development. However, the perception of threats to traditional decision-making and leadership systems from the centralized government may also be the cause. Access is generally perceived either as not an issue or as being managed adequately. The current system of needing to ask permission of land owners for access to the shore may be providing problems for tourists. The Department of Parks and Recreation is the lead agency for developing recreation resources. Public access objectives are generally addressed through the Project Notification and Review System, overseen by the Department of Public Works and the Zoning Board. There is no current inventory of access resources, so there is an incomplete understanding of what is available.

State Activities 1992-1996

American Samoa CMP did not identify any CZM program management changes or perform any access-related projects. However, a Territory park system was established that will protect scenic and unique areas, and provide access to the public.

Summary of Strategy

A Strategy was not developed.

The American Samoa Department of Commerce and ASCMP may try to expand its master planning efforts for access beyond the park system.

Obstacles/Needs

Funding/Land Constraints: Funding and private land ownership restrict access and limit the number and size of public parks.

Institutional Framework: A lack of comprehensive planning for access may be contributing to the problem.

Public/Private Conflicts: American Samoa's land is largely controlled under the traditional Samoan system of communal ownership. There appears to be increasing attempts to restrict access, which may be a direct response to the perception that the centralized government is attempting to restrict traditional land and resource ownership rights. Attempts to address the issue may be perceived as further challenging the values of Samoan society.

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California

309 Public Access Enhancement Grant Summary

1992 Assessment: High

1997 Assessment: High

Issue Characterization

Population projections predict the state population to grow from 30 million to 50 million by 2020, and 85% of this growth is expected within a two hour drive of the coast. This growth is expected to stress the already over utilized California public park system. Over the last seven years, state park acquisitions decreased approximately 60%, while local park acquisitions declined by 97%. California does not use Section 306A funds for access projects, mainly because there is a State Coastal Conservancy that is responsible for pursuing coastal acquisition and enhancement projects. California has an offer-to-dedicate (OTD) program (mitigation required from developers as a result of impacts to access due to project approval), however, insufficient funding combined with a time-consuming acceptance process means that there is a backlog of 1,014 OTDs recorded but not available to the public. The end result of these factors is that the development of new public access is not keeping pace with the demand from an increasing population. Nonetheless, since 1992, one new access area, eight easements, and one new boardwalk were added to the California access system. There is a fairly comprehensive understanding of the current access resources inventory; the on-going effort to build a data management system of access sites will further improve this understanding.

State Activities 1992-1996

Financial Assistance for Legal Fees: Staff initiated and the California Coastal Commission (CCC) endorsed a Bill that was introduced and signed into law that would help pay the legal costs of lawsuits arising from personal injury claims from incidents occurring on public access sites.

State Agency Coordination: The CCC signed a memorandum of understanding with the State Coastal Conservancy in 1996 establishing an annual review and acceptance procedure for OTDs; and arranging for long-term maintenance and operation of the easements. The CCC also worked with agencies such as the State Lands Commission, nonprofit organizations, and local governments to develop similar programs.

Raise Funds from Taxes and Fees: The CCC is exploring ways to expand funding mechanism options to help address the backlog of unaccepted OTDs. For example, state legislation is being pursued that would allow permit fees to be placed in a special account and used to fund public accessways. An action plan for implementing the OTD program was prepared in 1995. (Section 309/Project of Special Merit)

Cumulative Impacts of Development on Access: The CCC developed an assessment methodology to evaluate the cumulative impacts of development on access. Recommended mechanisms to address this issue were developed through case studies: a guidance document for developing and implementing beach management plans and a regional access strategy. (Section 309/Project of Special Merit)

Cumulative Impact of Seawalls on Access: The CCC has also studied the issue of the cumulative impact of seawalls on beach access (San Diego Sand Mitigation Project of Special Merit).

Access Database: The CCC also improved tracking of the OTDs by developing an access inventory database to ensure compliance with permit conditions and ensure that easement offers are accepted. The database contains information on the 1,264 OTDs, 249 deed restrictions, and 150 other legal documents required by the CCC to enhance access. This database will facilitate the prioritizing and processing of the unaccepted OTDs, as well as improve the state's capability to conduct access-related outreach and education. (Section 309)

Hawaii

309 Public Access Enhancement Grant Summary

1992 Assessment: High

1997 Assessment: High

Issue Characterization

Hawaii's resident and tourist populations place high demands on access to public resources. A growing ecotourism industry is also increasing resource demands. The State's policy is to guarantee the right of public access to the sea, shoreline, inland recreational areas, and the right of transit along the shoreline below the private property line (Chapter 115, HRS). Conflicts between competing needs (resource protection versus commercial and recreational uses) and the desire to support commercial activity that will generate user fees (revenue) are all on the rise. Erosion is leading to increased incidence of landowners wishing to install hard structures, exacerbating beach loss and loss of lateral access. Native Hawaiian access rights have become significant political and social issues. There is a fairly comprehensive understanding of available access resources except for traditional and customary right-of-ways and trails, based on a 1994 inventory.

State Activities 1992-1996

Limits on Liability: In 1992 and 1996 the state legislature enacted or amended three statutes to address private landowner liability (to provide statutory protection or indemnification) where private lands are used for access or trails, and for state and county governments for recreational beaches and shorelines.

Disabled Access: Na Ala Hele, composed of state agency regulations drafted regulations to address the issue of providing access for the disabled on nature trails, which were to be adopted in 1997.

Access Requirements for Subdivisions: In 1995, the County of Hawaii adopted the Public Shoreline and Mountain Access ordinance, which established access requirements as a condition of subdivision approval.

Traditional Access Rights: In 1995 the Hawaii Supreme Court issued its decision in favor of the plaintiffs in Public Access Shoreline Hawaii (P.A.S.H.) v. County of Hawaii Planning Commission. The case addressed whether native Hawaiians have standing to present evidence with respect to their rights to exercise traditional and customary practices (yes). The decision also commented on many aspects of the scope and nature of constitutional and statutory access and gathering rights for native Hawaiians.

Public/Nonprofit Coordination: The Hawaii Coastal Zone Management Program partially sponsored a conference that brought together local (state-based) and national land trusts to discuss the role of private land conservation and public-private partnerships in acquisition. (Section 309)

Strategic Planning: Methods and Strategies for Acquiring Public Lands was developed in FY 1993-94. While originally intended to promote the establishment of an acquisition program, fiscal constraints in the state at the time and the prohibitively high cost of land led instead to a report that focused on innovative ways to acquire public interest in lands and resources besides direct purchase. Some of the recommendations of the report, such as holding a conference on non-regulatory conservation and stewardship tools, and developing a report on planning and design for historic trails, have already been carried out.

Inventory: In 1994, Na Ala Hele completed an inventory of trails and accessways for all islands except Hawaii.

Washington

309 Public Access Enhancement Grant Summary

1992 Assessment: Medium

1997 Assessment: Medium

Issue Characterization

As of 1985 (the date of the most recent comprehensive inventory), about 19% (425 miles of a total 2,200) of inland marine shoreline was open to the public. However, about half of that area is restricted due to a lack of access from the upland area (i.e., perpendicular access). Demand for access remains fairly high, however, the perception seems to be that available access is adequate, although the quality of the access available varies by type. Boating access/launch sites for the lower 190 miles of the Columbia River are particularly seen as inadequate, and there are some conflicts between users of human-powered craft and motorboats. The Washington Coastal Management Program (WACMP) does not have a comprehensive access plan.

State Activities 1992-1996

WACMP provided local technical assistance via Section 306 and 306A funds to perform access-related projects; however, no CZM program management changes were identified.

Boating Access Study: In 1995-96, a study was conducted on boating access and access needs, covering the lower 190 miles of the Columbia river.

Obstacles/Needs

Funding: Inadequate funding is available for acquisition and maintenance of sites, and for staffing.

Institutional Framework: Evidence suggests that the frequency of incidents of local governments abandoning road end rights of way to adjacent private property owners is increasing.

Public/Private Conflicts: There is private property owner resistance to siting adjacent public access facilities.

Land Constraints: There is a lack of large, undeveloped shoreline properties available for access.

Summary of Strategy

A Strategy was not developed.

WACMP will continue to use Section 306 and 306A funding, along with other state funding sources, to provide assistance for public access to local governments.

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great lakes

Michigan

309 Public Access Enhancement Grant Summary

1992 Assessment: Medium

1997 Assessment: Medium

Issue Characterization

Population increases are expected in many of the counties bordering the Great Lakes. Demand for access by residents and tourists is high, particularly for boating (state ranks at or near top in number of registered boats) and other recreational uses. Michigan owns a significant portion of the acreage bordering the Great Lakes. There are ten designated underwater preserves (plus one in development) that protect historic and archeological resources. The Michigan Coastal Management Program (MI CMP) actively pursues acquisition as a primary strategy to improve access, and adds to its access resource inventory every year. Since 1992, approximately 30 Section 306A projects have been funded. However, there is not a comprehensive understanding of what is available, although there are some data for certain types of access.

State Activities 1992-1996

Marina Permitting and Design: The Marina Operating Program was amended to clarify application review procedures, bring marinas operating without a permit into compliance, and establish design standards for new facilities.

Disabled Access: MI CMP has taken steps to facilitate barrier-free coastal access for the disabled. Staff participated on a state-level Recreation Access Advisory Committee to give input in the development of Recommendations for Accessibility Guidelines: Recreational Facilities and Outdoor Recreation Areas. In addition, an Accessibility Exemption Procedure was adopted that outlines specific steps a division must take to qualify for an exemption to build an inaccessible project, to ensure that alternatives are considered prior to approval.

Section 306A Project Sign: A standard sign has been developed, to be placed at Section 306A-funded project sites.

Obstacles/Needs

Funding: Additional resources are needed to provide assistance to local municipalities for acquisition and facilities construction, and competition is high for available grant money.

User Conflicts: Boat traffic is exceeding carrying capacity on some lakes and rivers, causing safety concerns, and in some cases causing conflicts with adjacent residential uses.

Public/Private Conflicts: There are conflicts where public use sites are adjacent to residential areas (congestion, noise, litter, and trespassing), leading private property owners to be concerned when new sites are proposed.

Sensitive Resources: It is important to understand the impact to the coastal resources as a result of access development, and work to protect sensitive coastal resources. Disabled access in particular can have detrimental effects; these facilities need to be constructed so as to minimize their impact.

Development Pressure: Populations are expected to increase considerably in many counties, including those that are already highly developed, increasing the demand for access.

Summary of Strategy

A Strategy was not developed.

The current programmatic approach is considered to be adequate; continue with existing acquisition and management programs.

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***public access
activities***

regulatory, statutory, and legal systems

liability

state activities 1992-1996

CA Staff initiated and the Coastal Commission endorsed a Bill that was introduced and signed into law that would help pay for legal costs for lawsuits arising from personal injury claims from incidents occurring on public sites.

HI In 1992 and 1996 the state legislature enacted or amended three statutes to address private landowner liability (to provide statutory protection or indemnification) where private lands are used for access or trails, and for state and county governments for recreational beaches and shorelines.

RI In 1993, the Coastal Resources Management Council drafted and supported successful legislation that limits liability designated rights-of-way.

309 strategy

HI *Liability Technical Assistance:* The Land Owner Liability for Public Recreational Use Project will create an interagency panel and provide technical assistance to address or clarify public recreational use liability issues for private property owners via new or revised authorities, guidelines, procedures, or policy documents.

permit conditions

state activities 1992-1996

AL Alabama's Providing Public Access to Coastal Waters statute was repealed in 1995. This regulation had required that public projects in the coastal area had to, to the maximum extent practicable, provide visual and physical public access to the coast; non-public development was encouraged to consider it.

FL The Department of Environmental Protection now requires that public access must be provided on any beach where renourishment was performed as a result of coastal erosion. All renourished beaches must also have parking. When assessing sites for priority in funding for renourishment, public lands with access are given more weight. (Section 309)

RI The Coastal Resource Management Council (CRMC) drafted regulatory language that will expand public access requirements pertaining to a variety of development and redevelopment activities, as well as beach renourishment projects. The new public access section of the RI Coastal Resource Management Plan should be codified and adopted by the CRMC during 1997. Supporting guidance materials were developed. (Section 309)

309 strategies

CT *Waive Permit Fees:* Pursue a statutory waiver of all or part of development permit application fees required by the Structures and Dredging statutes for projects that propose to provide or include public access (e.g., boardwalks, piers, boat ramps).

CT *Access Mitigation:* Look at other innovative ways to get beneficial projects out of the development process, such as amending the Supplemental Environmental Project Policy to promote public access enhancement projects as a mitigation option, and develop a list of potential sites.

development and design standards

state activities 1992-1996

HI Na Ala Hele, comprised of state agency representatives, drafted regulations to address the issue of providing access for the disabled on nature trails, which were to be adopted in 1997.

MI The Marina Operating Program was amended to clarify application review procedures, bring marinas operating without a permit into compliance, and establish design standards for new facilities.

MI The Coastal Management Program has taken steps to facilitate barrier-free coastal access for the disabled. Staff participated on a state-level Recreation Access Advisory Committee to give input in the development of Recommendations for Accessibility Guidelines: Recreational Facilities and Outdoor Recreation Areas. In addition, an Accessibility Exemption Procedure was adopted that outlines specific steps a division must take to qualify for an exemption to build an inaccessible project, to ensure that alternatives are considered prior to approval.

NJ Two new sections were added to New Jersey's coastal zone management act rules addressing public access to the waterfront. The rules pertain to standards for ensuring adequacy of parking, particularly when spaces are lost due to construction of new sites, and also clarify access requirements for single-family or duplex residential development.

NY In 1993, New York developed regulations to implement Chapter 791 of the Laws of 1992, which pertained to the development of local harbor management plans and the laws/ordinances that implement them. The plans give local governments clear authority to manage their own harbors. (Section 309/ Project of Special Merit)

licensing and local ordinances

state activities 1992-1996

HI In 1995, the County of Hawaii adopted the Public Shoreline and Mountain Access ordinance, which established access requirements as a condition of subdivision approval.

MA Massachusetts Coastal Zone Management worked with the Department of Environmental Protection (licensing authority) to develop standard license conditions for waterfront development, and then carried out an outreach/training program for local governments to increase municipal participation in this process. They also developed a model ordinance for municipalities that would facilitate the coordination of review during the licensing process. As a related demonstration project, they worked with a local government to develop a municipal inventory of requested access benefits as a key component of a harbor management plan, to be used as a guide for the licensing activity in that harbor.

*public interest/
public trust doctrine*

state activities 1992-1996

HI In 1995 the Hawaii Supreme Court issued its decision in favor of the plaintiffs in Public Access Shoreline Hawaii v. County of Hawaii Planning Commission. The case addressed whether native Hawaiians have standing to present evidence with respect to their rights to exercise traditional and customary practices (yes). The decision also commented on many aspects of the scope and nature of constitutional and statutory access and gathering rights for native Hawaiians.

NH In 1995, a law regarding the public use of shorelands was passed, recognizing and confirming that the state holds in public trust rights in all shorelands subject to the ebb and flow of the tide, up to the furthest landward limit reached by the highest tidal flow.

309 strategy

HI In response to the Public Access Shoreline Hawaii decision, the Native Hawaiian Access Rights Project will form a working group that will participate in a process leading to new or clarified procedures and protocols addressing traditional and customary rights and practices of access.

acquisition, improvement, and/or maintenance

develop and/or enhance a state process for acquisition, improvement, and/or maintenance of coastal public access sites

state activities 1992-1996

AL As a condition of using Section 306A funds for improving facilities at access sites, assistance agreements require local municipalities and county governments receiving funds to maintain the improved sites.

FL Water management district regulations were streamlined in 1994 by the legislature to facilitate use of state acquisition procedures and funds for access.

FL As a result of a legislative change, greater emphasis is now given to beach access in the Conservation and Recreation Lands Program's evaluation and prioritization process for acquisition, by considering the value of acquiring beach-front parcels to provide public access and recreational opportunities in highly developed urban areas.

ME The State Planning Office updated a list of needed harbor improvements, and also inspected the condition and use of public access sites funded in the past by the State to determine needs for improvement at those sites. This effort led to a state bond issue in 1995 that provided funds to municipalities for small harbor improvement projects that provide access.

ME Governor Angus King created a Land Acquisition Priorities Advisory Committee to develop, through a public process, criteria to identify the types of land or interest in land that should be prioritized for acquisition by public and private conservation agencies.

NC The Coastal Resources Council updated its guidelines for awarding grants to local governments for public access purposes; the acquisition of lots deemed unbuildable due to physical or regulatory constraints remains a high priority.

RI A memorandum of agreement between the Coastal Resources Management Council (CRMC) and the Department of Environmental Management (DEM) was developed to improve coordination on access issues. The result was that DEM gave up its access program and handed over responsibility to the CRMC, leading them to significantly broaden the scope of their current efforts into a comprehensive access program. The CRMC will maintain the right-of-way designation program, as well as coordinate it with harbor management and local comprehensive planning efforts. (Section 309)

RI As a part of developing a more comprehensive access program, the CRMC adopted a posting program for rights-of-way (ROWs), which guarantees municipal maintenance of posted ROWs.

309 strategies

ME *Acquisition Strategy:* The State Planning Office is developing a public land acquisition strategy to coordinate the various land acquisition programs in the State. As a part of this effort, the Maine Coastal Program will fund the development of a list of priority coastal access sites based on an inventory and needs assessment.

MA *Coastal Trail Initiative:* Establish a state Coastal Trails Program. The strategy for this program is to obtain easements and other legal entitlements that will establish new rights of way across private shorefront property, primarily for passive recreational use. Initially, this will entail setting up a permanent coastal trails planning and technical assistance function within the Department of Environmental Management, with staff support and "seed" funds from the Coastal Zone Management program.

improved coordination

state activities 1992-1996

AL The Coastal Management Program developed a networked relationship with the state chapter of The Nature Conservancy to leverage U.S. Fish & Wildlife Coastal Wetlands Acquisition Funds to purchase property and to negotiate acquisition of parcels.

CA The CA Coastal Commission (CCC) signed a memorandum of understanding with the State Coastal Conservancy in 1996 establishing an annual review and acceptance procedure for offers to dedicate; arranging for long-term maintenance and operation of the easements. The CCC also worked with agencies like the State Lands Commission, nonprofit organizations, and local governments to develop similar programs.

FL The Department of Environmental Protection has improved coordination among acquisition entities via an annual meeting to discuss and coordinate state land acquisition activities.

HI The Coastal Zone Management Program partially sponsored a conference that brought together local (state-based) and national land trusts to discuss the role of private land conservation and public-private partnerships in acquisition. (Section 309)

309 strategies

CT *Acquire Surplus Federal Lands:* Develop a memorandum of understanding between the Department of Environmental Protection (DEP) and federal agencies to establish and/or formalize a role for DEP in the process of disposing of surplus federal lands located on waterfronts.

CT *Federal/State Coordination:* Investigate a memorandum of agreement with U.S. Fish & Wildlife Service regarding the provision of public access at coastal refuge sites, where appropriate.

NY *Improve State Agency Coordination for Funding:* Develop mechanisms to allow the most effective use of state funding sources (Environmental Protection Fund, Clean Water/Clean Air Bond Act, and other programs). This will be accomplished by developing memoranda of agreement among relevant state agencies that will coordinate the use of funds and establish funding criteria.

SC *Improve State Agency Coordination:* Make adding pedestrian (e.g., walkways, urban waterfronts) and boating access sites a program priority, through improved interagency coordination (particularly with SC Department of Transportation) and acquisition at the state level.

SC *Improve State/National Estuarine Research Reserve (NERR) Coordination:* Specifically work with the ACE Basin and Waccamaw Bay NERRs to investigate opportunities for improving public access at these sites.

new and/or innovative funding sources for access projects

state activities 1992-1996

CA The California Coastal Commission is exploring ways to expand funding mechanism options to help address the backlog of unaccepted offers-to-dedicate (OTDs). For example, state legislation is being pursued that would allow permit fees to be placed in a special account and used to fund public accessways. An action plan for implementing the OTD program was prepared in 1995. (Section 309/Project of Special Merit).

CT A Long Island Sound license plate program fund was developed and implemented; the funds generated by the program are being used to finance access improvement projects such as installing interpretive signs and public viewing platforms at state-owned access sites. (Section 309)

DE The Delaware Land and Water Conservation Trust was established in 1986 to provide a permanent source of funds for state, county and municipal governments to meet recreational needs. In 1995, \$6 million was added to the fund; half of the interest earned will support greenway projects.

ME Some innovative mechanisms were initiated to raise money for acquisition: funds from a gasoline tax help to build boat ramps; State lottery tickets provide revenues for Maine's Outdoor Heritage Fund, used for acquiring and improving sites; and the affinity credit card, Land for Maine's Future, deposits a percentage of purchases into a fund.

MD In 1997, the Maryland legislature passed Governor Glendeing's Smart Growth Initiative, which includes the Rural Legacy program. This program will provide funding to acquire sensitive lands in specially designated areas, including some in the coastal zone, which may be appropriate for the establishment of public access sites.

MS In early 1994, the Public Trust Tidelands Fund was established by the state legislature to offset the losses of coastal wetlands as a result of leasing tidelands and submerged lands for the purposes of establishing dockside gaming facilities. Funds are derived from the lease rentals, and since the initial year (FY94,) revenues have climbed to over \$4M. The funds will be allocated in accordance with the 1995 Fifteen-Year Tidelands Fund Strategic Plan and will go to management activities such as tidelands conservation, reclamation, preservation, acquisition, and education; as well as public access enhancement activities such as acquisition and construction. The strategic plan was prepared by the Department of Marine Resources (DMR) to provide a framework to address the needs of coastal counties and communities, with the objective of evenly dividing funds between tidelands management activities and public access enhancement activities. Over \$1.5M a year should be available, which will be allocated to the coastal cities and counties. A memorandum of understanding was developed between the Secretary of State, the Commission on Marine Resources and the DMR to provide management support for administering the Fund and joint responsibility for managing the Coastal Preserves Program.

NH A new state funding source is a \$5 surcharge on boat registration fees, which goes into a non-lapsing dedicated fund that is appropriated for boat access projects (established by a 1992 state law).

NH The State received a Scenic Byway designation for State Route 1A/B, funds for which are intended to improve access, interpretation, and preservation.

NY The 1995 Open Space Conservation Plan identified and prioritized coastal sites suitable for acquisition for public access, trail development, and other open space purposes. Funding for implementation will come in part from the Clean Water/Clean Air Bond Act (passed in 1997), which includes \$150 million for access.

NC In 1995, the Coastal Beach Access Program (initiated in 1981 and administered by Division of Coastal Management) was expanded to include inland shorelines — it is now the Public Beach and Coastal Waterfront Access Program. A current priority of the program is acquisition of unbuildable lots. Although traditionally funded with CZM monies (Section 306, and until FY 1996, Section 306A) for both administration and grants, since 1996, the Program has received money from the NC Parks and Recreation Trust Fund, providing a more consistent source of funds. The Trust Fund is supported by a land transfer tax and a personalized license plates; about 5% is dedicated for coastal access.

CNMI A 4.2-mile path/boardwalk is being developed along the Saipan Lagoon shoreline, which will be partially financed with private funds through the sale of sponsorship placards that will be displayed along the walk. The boardwalk will be engineered to break away in certain sections in response to storm wave action or tidal surge.

SC As a result of a comprehensive planning process, the Office of Ocean and Coastal Resource Management successfully lobbied for legislative approval of the Coastal Access Improvement Program, a state-funded grant program that provides awards to local governments for public access improvement projects, including acquisition and enhancement/upgrading of existing sites. The fund source is fees generated by critical area permit applications.

VA The Coastal Program's emphasis with respect to access has mainly been on acquisition. In 1992, a Land Acquisition Program was established to protect sensitive habitat and provide passive access; it is administered with Section 306 funds and grants are funded by Section 306A.

VA In 1992, a Parks and Recreation Facilities bond referendum was passed for acquisition and public access development (new and existing sites).

local technical assistance

state activities 1992-1996

ME The Maine Coastal Program provided funds for local technical assistance to 16 coastal towns to inventory and clear title to public rights-of-way to the coast. (Section 309)

MA A technical assistance program was established to encourage and support municipal efforts to legally reclaim historic rights of way (e.g., landings, foot-paths) to the sea. This included preparing a practitioner's handbook that explains the process as well as a case study video; holding workshops to promote campaigns for access right preservation and provide training; and establishing a Public Access Legal Service, a voluntary network of lawyers willing to assist communities in protecting historic access rights. (Section 309/Project of Special Merit)

MA In 1995, the Department of Environmental Management initiated a Coastal Access Small Grants Program (maximum award is \$3,000) to support local and regional projects that improve access by funding projects such as developing local shoreline access plans, establishing new access, reclaiming historic rights-of-way, enhancing existing access sites, and developing education initiatives.

NJ Technical assistance has been provided to local governments and nonprofit organizations to develop public access plans and improve existing sites (e.g., educational materials, displays, plans for piers, walkways, disabled access, visual access points, and observation points).

309 strategies

NY In 1993, the Environmental Protection Act was passed, which included the creation of a dedicated fund for addressing environmental needs. The Fund, which is co-administered by the Department of State, provides annual grants for Local Waterfront Revitalization Programs that could be used as a funding sources for establishing and enhancing public access sites in the coastal area. Between 1994 and 1996, 77 of the 140 projects funded focused on increasing or enhancing access (feasibility studies, design, construction). (Section 309)

PA The Coastal Zone Management Program provided funding for local government planning efforts that promote public access to the waterfront, such as creating vision and comprehensive plans; developing waterfront zoning ordinances and overlays; and convening access advisory groups.

RI As a part of the right-of-way (ROW) program, the state provides technical assistance to local governments for ROW designation.

SC As a result of a comprehensive planning process, the SC Office of Ocean Coastal Resource Management successfully lobbied for legislative approval of the Coastal Access Improvement Program, a state-funded grant program that provides awards to local governments for public access improvement projects, including acquisition and enhancement/upgrading of existing sites. The fund source is fees generated by critical area permit applications.

NY *Technical Assistance for Local Projects:* Continue to provide grants from the Environmental Protection Fund and Clean Water/Clean Air Bond Act for planning, design, and implementation of local access projects.

SC *Technical Assistance for Local Projects:* Provide technical assistance, planning support, and funding at the local level.

comprehensive planning

access management planning process and plans -- development and implementation

state activities 1992-1996

AL In 1992, Alabama Coastal Management Program prepared a report entitled Public Access Facilities in the Alabama Coastal Zone. The Coastal Program Office's report included an inventory and description of existing facilities, along with a discussion of the need to improve agency coordination, increase acquisition, and make greater use of local ordinances to require access as a condition of waterfront development project approval.

AL The Alabama Coastal Area Management Plan is being revised, and the updated version will include a reinforcement of public access as a primary goal and responsibility for the Program.

BCDC The Bay Commission is participating in the implementation of the Bay Trail Plan through its permitting process and coordination with the Association of Bay Area Governments.

BCDC In 1996, a background report titled North Bay Land Use and Public Ownership was completed, which inventoried the status of land use in that area as well as provided policy recommendations. Data were gathered through mapping activities. (Section 309)

BCDC At the request of the City of Oakland and the Port of Oakland, Staff is participating in the development of a public access plan for the Oakland shoreline.

CT A redevelopment plan for Silver Sands State Park (an underutilized coastal park) was completed and will hopefully lead to increased use of the sandy beach at this site as well as new recreation opportunities.

FL In 1994, the Department of Environmental Protection and the University of Florida conducted a

comprehensive inventory of beachfront property under public ownership and identification of beach access needs in the state. The study concluded that there is a need for better parking, more restroom facilities and beach access signage. (Section 309)

GU A two-year study was conducted to identify non-beach resource sites that either were, or could be considered for potential development as, access sites. Public Access to Public Resources addressed providing better access to non-beach resources via a comprehensive inventory and a detailed planning effort for a limited number of sites. In the inventory, the sites were broken into categories and described and rated. Then the top site in each category was studied in greater detail and a plan and strategy (including cost estimates) to improve access at that site was developed. (Section 309)

MS The Coastal Program has sponsored or co-sponsored a number of projects for the development of urban waterfront and sandbeach management plans.

NY Comprehensive management planning is occurring at both the local and regional level. Local governments can focus on access through management plans developed under the Local Waterfront Revitalization Program. Similarly, a number of regional coastal management programs, which contain enforceable policies and mechanisms addressing public access, are in development. (Section 309)

NY In 1995, the Open Space Conservation Plan was developed, which identified and prioritized coastal sites suitable for acquisition for public access, trail development, and other open space purposes. Funding to implement the Plan will come in part from the Clean Water/Clean Air Bond Act, passed in 1997, which includes \$150 million for access.

309 strategies

PA A public access management plan was developed that included an inventory and examination of regulatory, innovative funding, and protective measures for access. (Section 309)

PR A Master Plan for public access was prepared, including an evaluation/inventory of existing facilities and services, and a proposal for types and locations of access sites that are needed. The effort was supported by an interagency committee made up of representatives of federal and local programs related to access. Funding mechanisms were investigated, and a four-year investment program was developed. Water-based recreation and urban waterfronts were particular areas of focus. The committee also established criteria and standards for specific kinds of access facilities and services. (Section 309)

RI The Harbor Management Planning (HMP) program was expanded and improved by: the development of supporting legislation, new regulations for development/implementation of municipal HMPs, a comprehensive plan, revised harbor planning guidelines, and technical support to municipalities. (Section 309)

SC The 1993 report, **An Assessment of Beach Access in South Carolina and Enactment of a Beach Access Development Fund**, led to revisions to the public access section of the State Beachfront Management Plan, which were formally adopted. In addition, 13 local beachfront management plans were developed and approved; their implementation is overseen through a five-year review and monitoring process. The initial planning process included conducting inventories state-wide on a regional and local basis to identify needs and areas for improvement. (Section 309)

WA In 1995-96, a study was conducted on boating access and access needs, covering the lower 190 miles of the Columbia river.

AL *Comprehensive Access Plan:* The Alabama Coastal Management Program will develop a comprehensive plan and strategy for public access, composed of an updated inventory (to be mapped in a GIS), an assessment of present and future users and needs, a prioritized list of sites for acquisition, and a strategic plan for implementation. The plan will also specifically address how 306A funds can be used to address identified needs. It will include establishing priorities for funding, selection criteria for proposed projects, and ways to ensure maintenance and improvement of sites.

AK *Comprehensive Regional Access Planning:* Undertake pilot comprehensive access planning projects in the Southeast and Southcentral districts (e.g., Kenai Peninsula Borough), to include: conducting an inventory of existing sites, including assessing impacts of current use; identifying potential sites; developing easement acquisition and mitigation programs; addressing current issues such as takings; and examining potential future access issues. The plans would be focused at the district level, and would be incorporated into the district coastal plan. In the longer term, access implementation tasks such as developing a GIS and outreach materials like maps and guides could be pursued.

BCDC *Local Access Planning:* Provide Staff for the final year of preparation of a comprehensive access plan for the Oakland Waterfront.

BCDC *Planning for Urban Waterfronts* Fulfill the terms of a memorandum of understanding signed with the Port of San Francisco, which seeks to make recommended changes to the recently completed SF Waterfront Land Use Plan that would make the Port's Waterfront Plan consistent with the various Bay Commission planning documents and policies.

MS *Comprehensive Access Plan: A Comprehensive Coastal Public Access Management Plan and Implementation Strategy* will be developed to complement the Tidelands Trust Fund Strategic Plan (see Acquisi-

tion). The Plan and Strategy will address the long-term impact of the gaming industry and associated growth and development on coastal waterfront areas and the availability of sites for suitable for access. The planning effort will include establishing a task force, developing a GIS-based inventory and map, identifying potential access sites, assessing needs, setting up a procedure for updates, and possibly creating design and performance standards for development to provide access.

NY *Local Access Planning:* Continue emphasis on planning through the local waterfront revitalization program.

strategic planning

state activities 1992-1996

ME The State Planning Office, in collaboration with the Departments of Conservation and Inland Fisheries & Wildlife, prepared the Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing in 1995. This plan identified places that need additional or improved boating and fishing access. (Section 309)

HI Methods and Strategies for Acquiring Coastal Lands was developed in FY1993-94. While originally intended to promote the establishment of an acquisition program, fiscal constraints in the state at the time and the prohibitively high cost of land led instead to a report that focused on innovative ways to acquire public interests in land and resources besides direct purchase. Some of the recommendations of the report, such as holding a conference on non-regulatory land conservation and stewardship tools, and developing a report on planning and design of historic trails, have already been carried out.

309 strategies

NY *Planning for Historic Waterfront Areas:* Establish a historic maritime communities program to study maritime areas and prepare plans to maintain waterfront character.

PR *Promote Planning for Access, Including Urban Waterfronts:* Develop a more detailed program to provide access to the coast. Facilitate access efforts at the municipal level through the master planning process, including ensuring that the CMP comprehensive access plan is reflected, and thereby allow for access planning at the local level. Focus on and promote waterfront development and access, particularly for urban areas.

cumulative impacts of development on access

state activities 1992-1996

CA The Coastal Commission developed an assessment methodology to evaluate the cumulative impacts of development on access. Recommended mechanisms to address this issue were developed through case studies: a guidance document for developing and implementing beach management plans and a regional access strategy. (Section 309/Project of Special Merit)

CA The Coastal Commission studied the issue of the cumulative impact of seawalls on beach access (Section 309/Project of Special Merit)

develop or update access inventories, databases, GIS

state activities 1992-1996

CA The Coastal Commission (CCC) improved its tracking of offers-to-dedicate (OTDs) by developing an access inventory database to ensure compliance with permit conditions and ensure that easement offers are accepted. The database contains information on the 1,264 OTDs, 249 deed restrictions, and 150 other legal documents required by the CCC to enhance access. This database will facilitate the prioritizing and processing of the unaccepted OTDs, as well as improve the state's capability to conduct access-related outreach and education. (Section 309)

CT In 1996, a comprehensive inventory and evaluation of all state-owned properties bordering coastal and tidal waters was performed to identify and prioritize lands capable of providing new or enhanced public recreational uses. Numerous sites were identified as having some degree of potential. A GIS-linked database was created to describe each property's most significant attributes as well as the site's public access potential. The database is being expanded to include federal, municipal, and private property. (Section 309)

HI In 1994, Na Ala Hele completed an inventory of trails and access ways for all islands except Hawaii.

MA The Coastal Zone Management Program completed the first phase of an effort to establish a formal State Register of Protected Coastal Accessways. The database management and mapping system will keep track of all shoreline access entitlements that have been secured for the public through municipal initiatives and state-level regulatory and acquisition programs. Data entry is on-going, ultimately, the system should facilitate planning for access as well as assist in access-related enforcement and dispute resolution. (Section 309/Project of Special Merit)

NH Staff have been participating in the development of a state-wide inventory of access points to determine their status. To support this effort, the Coastal Program cooperated with NH Fish and Game to conduct a boat access survey for all tidal areas.

309 strategy

MA *GIS Inventory:* Continue data entry in the State Register of Protected Coastal Accessways to expand the geographic coverage, integrate the waterfront licensing process, provide greater support for including access information at the local level, produce a complete set of access maps, develop a logo for field identification of register-listed sites, and step up compliance monitoring and enforcement efforts.

site selection and design review

state activities 1992-1996

NJ NJ is in the process of preparing an access guidance document that includes standards for developing public access to waterfront areas (site selection and design criteria). (Section 309)

RI The Coastal Resources Management Council developed a Public Access Site Development Guidebook.

BCDC The Bay Commission initiated two pilot projects to study the feasibility of the Design Review Board conducting coordinated development project reviews with local review boards.

309 strategy

Use Design to Minimize Impacts: Develop and implement design standards for access that protect sensitive resources and private property rights.

manage impacts of access

State Activities 1992-1996

OR In 1994, the Ocean Policy Advisory Council developed a Rocky Shores Management Strategy. This plan was intended to provide clear policies and site-specific management of the rocky shore ecosystems. In part, this plan addressed the impact of access users on rocky shore habitat, which is viewed as particularly vulnerable.

309 strategy

BCDC *Impacts of Access on Wildlife:* If resources allow, participate with the Bay Trail Project in a short- and long-term study of the effects of trail use on Bay Area wildlife.

education and outreach

coastal public access symbols and signs

state activities 1992-1996

CT A coastal public access sign was developed, to be used by state agencies and municipalities to identify and promote existing access sites. Funding to produce and install the signs is coming from the license plate program. (Section 309)

FL As a result of recommendations from a 309-funded access study, the Department of Environmental Protection developed a beach access symbol and is in the process of coordinating the placement of signs on highways and roads to direct the public to beach sites on state lands and locally-owned sites (the state is handling major highways and state-owned lands and the Coastal Management Program is dealing with local government access sites).

GU A signage program was implemented whereby beach access points were posted with information about the resources on site and any dangers. (Section 309)

MI A standard sign has been developed to be placed at Section 306A-funded project sites.

RI A public access sign was developed in support of the right-of-way posting program.

access guides and maps

state activities 1992-1996

AL In 1995, the Coastal Alabama Guide to Public Access Areas brochure and map were developed.

CA The Coastal Commission produces a public coastal access guide that is periodically updated (most current edition printed in 1997). In addition to detailed site information, the guide contains short articles on coastal issues, as well as related environmental information such as coastal geology, hazards, and history.

CT A comprehensive coastal public access guide and map are in development. (Section 309/license plate program)

ME The State Planning Office produced a map of all publicly-owned (federal, state, and local) lands, which is in the State GIS.

MD/VA In 1995, the Chesapeake Bay Program published a revised and updated Chesapeake Bay, Susquehanna River and Tidal Tributaries Public Access Guide. Information was provided about more than 500 access sites in Pennsylvania, Maryland, the District of Columbia, and Virginia.

MA In 1995, the Coastal Zone Program published Volume 1 of the Massachusetts Coast Guide: Access to Public Open Spaces Along the Shoreline of Greater Boston Harbor and the North Shore. The guide includes site descriptions, maps, and services for almost 400 sites.

NH Staff are developing a public access guide to the seacoast. A committee is participating in the design of this guide, which will include GIS-based maps showing the different recreational opportunities on the Great Bay and Atlantic coasts and include information about facilities along with educational information.

NC The Division of Coastal Management updated its 1986 guide to coastal public access sites. The 211 sites acquired through the Public Beach and Coastal Waterfront Access Program were geo-located into a data layer of the State GIS, which will be used to create maps; information about amenities will also be included.

PA The Coastal Zone Management Program contributed to the development of a map of Lake Erie access sites and, through the Delaware Estuary Program, an access map for the Delaware Estuary. (Section 309)

RI In 1993, supported the Rhode Island Sea Grant program in the development of Public Access to the Rhode Island Coast, a resource guide for a selective listing of access opportunities.

WI An inventory conducted in FY 1992 was the basis for developing the Wisconsin Great Lakes Public Access Guide, which covers access opportunities (location and facilities/amenities information) for both Great Lakes.

guidance documents

state activities 1992-1996

CA Two outreach documents on access were developed: a guide for how to accept and manage offers-to-dedicate access easements, and a guide for nonprofit land managers on limiting liability.

NH The Coastal Program developed a bulletin, "The High Tide Line in New Hampshire," which provided clarification concerning the statutory definition of high water mark and explained the supporting state legislation and its implications for the seacoast.

NJ A resource listing of all state agencies that provide funding for coastal access related projects is being developed. (Section 309)

RI The Coastal Resources Management Council (CRMC) developed a Citizen's Guide to Assisting in the CRMC Right-of-Way Designation Process.

annual reports

state activities 1992-1996

CA Each year, the Coastal Commission and Coastal Conservancy submit a report to the governor and legislature on that year's accomplishments of the joint access program.

RI The Coastal Resources Management Council produces an annual report on rights-of-way (ROWs) for the Governor and legislature. The development of the annual report, as well as the 1993 access resource guide, led to new inventories and characterizations of many of the state's designated ROWs.

workshops

state activities 1992-1996

AL The Coastal Management Program co-sponsored an education workshop on "Takings and the Public Trust Doctrine."

CA Several workshops were held for non-profit organizations, local governments, and state land management agencies on accepting offer-to-dedicate easements.

***obstacles/
needs***

funding

The States' pursuit of new and/or enhanced access, as well as maintenance of existing access, continues to be hampered by funding issues, whether it be from a lack of [a source of] funds, declines in funding (actual or relative), or inconsistent levels of funding from year to year. This affects access efforts both at the state level (CZM program and other agency), and at the local level by reducing CZM programs' ability to pass through funds to municipal governments. Many CZM programs reported funding-based limitations, however, many have also worked to address this problem during the last few years, by seeking out new funding sources or developing new programs.

AK There is a lack of funds to research and document areas of existing public use, particularly for sites that qualify for protection under the Alaska Native Claims Settlement Act.

AS Funding and private land ownership restrict access and limit the number and size of public parks.

CA The main impediment is the lack of funds to acquire, open, and maintain access sites. Due to the lack of funds, only 19% of the required access easements acquired by the CCC have been accepted and opened to the public.

BCDC Diminishing funds inhibits the creation of additional shoreline access.

CT Declining funding for acquisition and maintenance of access sites represents the most significant impediment.

FL Efforts to address the problem of a lack of facilities at access sites are particularly hindered by inadequate funding. Funding for maintenance is also needed.

GU Insufficient funding exists for increasing access.

HI Lack of/declining funding for acquisition, operation, and maintenance of trails is a deterrent; funding for researching claims of historic accessways is also needed.

LA Unlike the Departments of Culture, Recreation, and Tourism (DCRT) or Fish and Wildlife (DFW), the Department of Natural Resources does not receive funding for acquisition. Most CZM funding, particularly Section 309, is going to its greatest priority — wetlands loss.

ME Reduced funding for acquisition and maintenance is an issue; public access is not necessarily a priority for available funds (e.g., Natural Heritage).

MD Inadequate funding for acquisition and improvement was identified as the major obstacle for access.

MI Additional resources are needed to provide assistance to local municipalities for acquisition and facilities construction, competition is high for available grant money.

NH Funding for maintenance of access points is lacking.

NJ Funding for acquisition and site enhancement is somewhat lacking — many sites do not have adequate amenities such as restrooms and parking.

NC Funding for local assistance projects for new or improved access sites has been inconsistent, and demand for assistance far exceeds available monies.

PA Limited funding is a constraint, including in the ability to provide local match share.

PR Insufficient funding for land acquisition and facility development

RI There is not a dedicated funding source for acquisition, although a recent bond referendum will add some support.

SC The chief impediment to providing adequate access is cost.

USVI Inadequate funding for acquisition of sites or easements.

VA Funding is a major obstacle.

institutional framework

Although a defined planning process to promote access is a requirement of CZM program approval, many States do not have a [current] comprehensive coastal public access management plan in place that establishes a framework for access efforts. Similarly, many do not have significant regulations or guidelines, such as design requirements or access policies, that help to protect coastal access and the public's interest during the site development process. As a result, existing access sites may be lost, and opportunities to maintain access when coastal areas are developed are missed. A related problem is when programs and policies are in place, but enforcement of them is lacking. Finally, many States believe that additional programs and initiatives to encourage new access — besides acquisition are needed.

AL In the absence of a strong state policy, and minimal planning and management measures for public access, growth and development are having a significant impact.

AL The lack of a coastal access management plan and strategy inhibits the Coastal Management Program's ability to provide, protect, or enhance access sites.

AL Development design requirements to ensure public access opportunities.

AK Lack of comprehensive planning for access at the community level, as well as consideration of access during development site planning.

AS A lack of comprehensive planning for access may be contributing to the problem.

CT Conflicts with other management objectives may inhibit access efforts.

CT There is a need to develop and adopt standard permit conditions for access to facilitate consistent incorporation into permits; and strengthen the necessary enforcement measures.

GU There is a lack of permitting, monitoring, and enforcement for access.

GU There are limited incentives for providing access or using creative mechanisms such as transfer of development rights.

HI A statewide policy on the development of public lands for commercial purposes is needed.

HI Consistent and effective enforcement of statutes and regulations protecting access is lacking.

ME The lack of an inventory or comprehensive documentation of needs inhibits access efforts.

ME There is no current comprehensive state plan to improve coastal access.

ME The high degree of private ownership is an obstacle, particularly when coupled with the absence of state requirements to provide access as a development permit condition and the lack of access guidelines or criteria at the local level for development approvals.

MA A number of historic local easements have been lost due to encroachment, poor record keeping (deeds lost in land transfers), and deliberate concealment by property owners. Reclamation or acquiring new easements is politically difficult, even though Massachusetts has the authority and some funds. A more collaborative approach that emphasizes planning is required.

MA The political/legal environment does not favor providing access.

MA Massachusetts does not own its intertidal zone, although public access easements are preserved for fishing, fowling, and navigation.

NC New and innovative ways to site and fund access projects are needed, such as the provision of access through the CAMA permitting process and local development ordinances.

PR There is a lack of a directed or centralized program addressing access.

PR Local governments have not yet been given the necessary municipal authority to participate in access efforts, nor is there much awareness of the process.

SC A plan for dealing with the encroachment problem (e.g., monitoring) is needed, and will require the attention of both the Office of Ocean and Coastal Resource Management and local governments.

SC A more proactive approach is required to encourage local governments in the areas of pedestrian access, boating access, fishing piers, trails, and other small-scale access facilities.

USVI An access management plan would greatly assist the Government by providing guidelines that take into account provision of public access to all users.

WA Evidence suggests that the frequency of incidents of local governments abandoning road end rights of way to adjacent private property owners is increasing.

private property rights

One way for governments to acquire new access is to require it as a development permit condition, such as ensuring that the developed site contains an easement for access. A number of states have programs in place that do this. However, there have also been a number of high profile court cases that have successfully challenged States' abilities to enforce such programs (Rhode Island, California), leading to both a reluctance on the part of the States to attempt to do so, as well as stricter standards by which such programs can be implemented.

AK Local governments are concerned about the takings issue and the possibility of having to provide compensation.

RI Recent court decisions have left the issue of public/private property rights unclear, leading to hesitation to implement policies such as requiring access as a development condition.

inadequate facilities

Besides acquisition, limited funding also contributes to the problem of States not being able to develop or maintain facilities at coastal access sites, such as parking, restrooms, and picnic areas. Generally speaking, adding facilities to access sites tends to minimize the likelihood that a site will be underutilized, and also can help mitigate the impact of access, such as might occur with users parking on roadsides when there are no parking areas. However increasing use of the site may not be desirable in cases where access is not the primary purpose (e.g., conservation areas that allow passive recreation) or where it is likely to spur conflicts with adjacent landowners.

FL The existing inventory has problems associated with beach erosion, insufficient or no parking, and a lack of restroom facilities. Efforts to address the latter two problems are particularly hindered by inadequate funding.

GU Inadequate parking at sites where access has been provided across private land.

NH There are also some parking shortages along the Route 1A/B corridor.

NJ Loss of beach is a problem.

USVI The provision and maintenance of adequate and appropriate facilities (parking, picnic tables) is a growing concern.

liability

Liability issues are a concern both for private landowners as well as government agencies. Increases in the number of lawsuits from incidents occurring on public access sites, including easement areas, has contributed to a reluctance on the part of landowners and governments to provide new access, as well as restrict or eliminate existing uses. A number of States have statutes in place that limit liability or provide indemnification for public entities, private landowners, or both. However, reluctance remains, suggesting a need for stronger measures or more outreach to ensure that people know about the protections.

AK Fears about liability are preventing private landowners from providing access across their land.

CA Issues related to liability continue to be a problem in spite of the new legislation and other initiatives, particularly with respect to implications for local governments, management of OTDs, and costs associated with lawsuits.

CT Liability issues for public recreation areas is a new issue of concern.

HI In spite of the statutes, liability concerns remain and are leading to fewer land owners willing to provide access and new withdrawals or restrictions of existing access, both government and private.

user conflicts

In an environment of growing numbers of users and actual or relative declines in the number of access sites, user conflicts are a common outcome. Uses that are generally compatible at low levels, such as boaters and recreational fishers both wanting to use docks and piers, may become problematic if the number of users grow. Any site that is overcrowded is likely to generate conflicts in cases of competing use types. An overcrowded site without competing uses still might have problems with other ancillary side effects, such as excessive noise and litter. Finally, overcrowding is also likely to degrade the quality of the site, both in terms of the experience and the impacts to the site.

MI Boat traffic is exceeding carrying capacity on some lakes and rivers, causing safety concerns, and in some cases causing conflicts with adjacent residential uses.

NH The biggest issue is seen as management of existing access sites, particularly to address competing needs or conflicts with sensitive resources such as wildlife habitat.

NJ The existing management framework is viewed as adequate, however, current development densities, land ownership patterns, and limited access contribute to user conflicts.

SC The effects of concentrated use need to be addressed.

USVI User conflicts are increasing, particularly with respect to overcrowding, noise, and safety.

VA Additional access for most use types (boat launch sites, swimming, fishing, etc.) is needed to address the growth in the number of users and reduce conflicts among the user types.

public/private conflicts

Attempts to site public use areas next to private landowners are often met with opposition. Similarly, landowners might try to limit or eliminate use of existing sites if they feel that users are getting out of hand. Parking is a particular problem, especially at sites that just provide perpendicular access, such as easements or right of ways. In some states, homeowners have successfully lobbied local governments to restrict parking at such access points, effectively rendering them useless.

AS American Samoa's land is largely controlled under the traditional Samoan system of communal ownership. There appears to be increasing attempts to restrict access, which may be a direct response to the perception that the centralized government is attempting to restrict traditional land and resource ownership rights. Attempts to address the issue may be perceived as further challenging the values of Samoan society.

FL There are some conflicts between recreational users and homeowners with respect to parking.

MA A number of historic local easements have been lost due to encroachment, poor record keeping (deeds lost in land transfers), and deliberate concealment by property owners. Reclamation or acquiring new easements is politically difficult, even though Massachusetts has the authority and some funds. A more collaborative approach that emphasizes planning is required.

MI There are conflicts where public use sites are adjacent to residential areas (congestion, noise, litter, and trespassing), leading private property owners to be concerned when new sites are proposed.

SC Private land owners are generally opposed to new access, leading to conflicts over land use and tending to concentrate users into smaller areas

USVI Private property owners are becoming increasingly reluctant to allow informal access to beaches.

VA Conflicts between users and private property owners (trespassing) is specifically a problem.

WA There is private property owner resistance to siting adjacent public facilities.

intergovernmental coordination

In most states, CZM programs are not the only agency-level entity that receive funding or have programs that promote access, although the coastal access emphasis is frequently unique. Agencies such as parks & recreation or fish & wildlife are often players in this area. In an era of limited or declining funding for acquisition and site improvements, it is important to coordinate state-level efforts to ensure that monies are being spent efficiently and effectively so as to maximize opportunities to provide new access, as well as leverage funding sources. Through coordination, CZM programs can increase their access to federal and state funding that is traditionally passed down to other agencies. Besides the funding issue, agencies need to ensure that competing objectives are addressed, both in the development process as well as in the management of existing sites.

BCDC Increased coordination and communication among agencies at all levels is needed.

CT The lack of coordination among agencies on access may contribute as well.

HI Government response to resource management, access issues, and resource use conflicts resulting from public access could be improved with greater coordination and collaboration among agencies.

CNMI Some management problems are encountered in areas of overlapping jurisdiction because there is no specific lead agency for projects not directly under the Coastal Resource Management Program's jurisdiction.

sensitive resources

The fact that coastal areas also environmentally-sensitive areas — in terms of containing endangered species, serving as critical habitat, and generally being easily impacted by human use — means that coastal managers also need to balance the need for access against that of protection. As a result, potential access sites need to be chosen carefully and selected the uses compatible with the capabilities of the site. Monitoring to assess impacts may be necessary, as well as establishing measures for protection or restoration, if needed.

BCDC Concern has been raised by wildlife resource managers about the conflict between providing access and its impact on wildlife, particularly endangered species.

FL There are potential conflicts in trying to balance the public's use with protection of sensitive resources.

MI It is important to understand the impact to the coastal resources as a result of access development, and work to protect sensitive coastal resources. Disabled access in particular can have detrimental effects, so they need to be constructed so as to minimize their impact.

NH The biggest issue is seen as management of existing access sites, particularly to address competing needs or conflicts with sensitive resources such as wildlife habitat.

OR The major impediment to providing increased access was identified as natural resources being threatened or damaged from the users of access.

PA Resources of concern (particularly endangered species) frequently prevent projects from proceeding.

SC Impacts to unique habitat and sensitive areas (e.g., nesting sites) are a concern.

USVI There are concerns about balancing resource protection with access.

land constraints

Even if states have funds to acquire new access, finding suitable and affordable sites may prove to be a problem. Coastal areas tend to be popular for private and commercial development, reducing the amount of land available for new access, as well as substantially driving up land values. Some states have long traditions of extensive private ownership, particularly in the northeast U.S. Constraints may also be geological/physical, as in states that have limited sandbeach area or cliffs and bluffs that make the beach difficult to reach or inaccessible.

AS Funding and private land ownership restrict access and limit the number and size of public parks.

CT Limited available space for new public access sites, both in terms of limited sandy beach area as well as a high degree of private ownership.

GU Extensive shoreline area that cannot be accessed (federal/private ownership).

ME The high degree of private ownership is an obstacle.

MD There is also a shortage of large, affordable tracts of land along the Chesapeake that are suitable for access (i.e., minimal sensitive resources).

MA The considerable extent of private property ownership along the shoreline.

MA The cost and scarcity of available parcels strongly precludes acquisition.

PA The extent of private ownership creates difficulties in coordinating access with landowners and maintaining access agreements.

PA High bluffs create problems in terms of safety and physical difficulty in providing access (erosion problems, beach conditions at the base of cliffs).

WA There is a lack of large, undeveloped shoreline properties available for access.

public knowledge

A lack of knowledge about the rights of the public with respect to beach access, as well as limited knowledge of what resources are available, are both issues for CZM programs to contend with. Access sites are likely to be underutilized in cases when their existence is generally unknown. However, guides and maps can easily help to address this problem. The issue of public access rights is a little more complex, as individuals may not be familiar with state laws and regulations that can either protect their interests or give them away. Informing the public is key here as well, both in terms of letting them know what they can and cannot do (e.g., do they have a right to lateral access along the shoreline), as well as ensuring that they have a voice in the development process before existing or potential access sites are lost.

AL Many citizens are not knowledgeable of their ownership of public trust amenities.

CT There is a need to increase public awareness of and expertise regarding access issues.

FL The public's knowledge regarding the availability and location of access sites is not common statewide.

GU More access signs are needed.

NH Public information on the location and amenities of access points is lacking — a guidebook of seacoast access points is needed.

PA Along the Lake Erie shoreline, the knowledge of a public right to the waters edge is not well understood by potential users; existing access right-of-ways tend not to be marked.

development pressure

Residential and tourist population growth, and commercial development contribute to decreased land available for access as well as increased numbers of users. More recently, this tends to be a problem for coastal states that have traditionally not been heavily developed or subject to growth pressures, such as in the southeast and Gulf region. However, generally speaking, in the last 20 years population growth in coastal counties throughout the U.S. have far out-paced that of the inland counties, and will likely continue to do so.

AL The need to protect and promote access to coastal resources has become increasingly important because of increasing growth in population and tourism boundary to boundary development has physically and visually separated the public from coastal resources.

HI Commercial use of recreational facilities and resources has increased, raising demand and contributing to user conflicts.

MI Populations are expected to increase considerably in many counties, including those that are already highly developed, increasing the demand for access.

MS Development is threatening available resources and is leading to some conflicts between desired uses, as well as driving up property values. Marinas for commercial vessels in particular are becoming vulnerable to casino development.

USVI Increased development, particularly tourism-based, along the shorefront has reduced the number of sites that could be used for traversing, as well as created the perception of decreased availability of access.

additional access

A number of States find themselves lacking only in particular kinds of access, or else in need of specific management efforts.

AL Opportunities for access to waterfronts and protection of scenic vistas are seen as particular needs.

GU Access for the disabled to recreational facilities needs to be improved.

NY Surveys conducted throughout the state support the need for additional public access to water resources to meet development pressure and greater demand.

SC Deficiencies among the types of access available remains a problem — additional sites along the beach (including facilities) and community-type parks are needed.

VA Additional access for most use types (boat launch sites, swimming, fishing, etc.) is needed to address the growth in the number of users and reduce conflicts among the user types.

WI New/additional access is desired, particularly trails and fishing piers. Standards for ensuring handi-capped access are needed.

water quality

Problems with water quality generally reduce the utility of, or render useless, existing access.

MS Development is also leading to water quality problems, which are impacting access sites; regular monitoring and public notification of health hazards does not exist, although such activity is planned.

PA Combined sewer overflows create problems with water quality.

appendices

STATE PUBLIC ACCESS ACTIVITIES AND 309 STRATEGIES								
STATE	REGULATORY, STATUTORY, AND LEGAL SYSTEMS		ACQUISITION, IMPROVEMENT, & MAINTENANCE		COMPREHENSIVE PLANNING		EDUCATION & OUTREACH	
	Activities 1992-96	1997-99 Strategy	Activities 1992-96	1997-99 Strategy	Activities 1992-96	1997-99 Strategy	Activities 1992-96	1997-99 Strategy
Alabama	•		••		••(•)	•(•)	••	
Alaska						T(T)		
American Samoa								
California	•		T••		TTT		•••••	
CA-SF BCDC					T•••	TTT		
Connecticut		TT	T	TT	T•		TT	
Delaware			•					
Florida	T		•••		T(T)		•	
Guam					T(T)		T	
Hawaii	••••••	TT	T		••			
Louisiana								
Maine			T•••••	T	T		•	
Maryland			•				•	
Massachusetts	•		T•	T	T	T	•	
Michigan	••						•••	
Mississippi			•		•	T(T)		
New Hampshire	•		••		•		••	
New Jersey	•		•		T		T	
New York	T		T(T)	TT	T•	TT		
N. Carolina			••				•	
No. Marianas			•					
Oregon					•			
Pennsylvania			•		T(T)		TT	
Puerto Rico					T(T)	TT(T)		
Rhode Island	T•		T••		T•		••••	
S. Carolina			•(•)	TTT	T(T)			
U.S. V.I.								
Virginia			••				•	
Washington					•			
Wisconsin							•	

T = Section 309 Activity
• = Section 306, 306A, 308 or Non-CZM Activity
-• = Negative Change
(T) or (•) = Secondary Change Category

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