DRAFT - ENHANCEMENT AREA ASSESSMENTS & STRATEGIES

Public Access: Assessment

Section 309 Programmatic Objectives

I. Improve public access through regulatory, statutory, and legal systems.

II. Acquire, improve, and maintain public access sites to meet current and future demand through the use of innovative funding and acquisition techniques.

II. Develop or enhance a Coastal Public Access Management Plan which takes into account the provision of public access to all users of coastal areas of recreational, historical, aesthetic, ecological, and cultural value.

IV. Minimize potential adverse impacts of public access on coastal resources and private property rights through appropriate protection measures.

Resource Characterization

Extent and Trends in Providing Public Access (publicly owned or accessible):

1. Provide a qualitative and quantitative description of the current status of public access in your jurisdiction. Also, identify any ongoing or planned efforts to develop quantitative measures to assess your progress in managing this issue area.

Access Type	Current Number(s)	Change Since Last Assessment
State/County/Local Parks (# and acres)[1]	859 parks, 171,621 acres	
Beach/Shoreline Access Sites (#)	34 Sites[2]	
Recreational Boat (power or non-power) Access Sites (#)[3]	233[4]	+124
Designated Scenic Vistas or Overlook Points (#)	9	N/A
State or Locally Designated Perpendicular Rights-of-Way (i.e. street ends, easements) (#)	326 in the Middle Peninsula[5]	N/A
Fishing Points (i.e. piers, jetties) (#)[6]	153	-2
Coastal Trails/Boardwalks (# and miles)	56 sites[7]	-23
ADA Compliant Access (%)	N/A	

[1] This data totals City Parks, Local Parks, Regional Parks, Community Centers, Local Battlefield Parks, Reservoirs, State Parks, State Natural Area Preserves, State Forests, State Wildlife Management Areas, State Museum Estates. For exact numbers for each type, see text below the chart.

[2] The current data is from the Chesapeake Bay Public Access Guide.

[3] Previous assessments counted only DGIF boat access sites. The current assessment includes access sites owned by localities and other state agencies as well as privately-held ramps that are open to the public. This differentiation accounts for the gap between years. This data is from the 2005 update of the Chesapeake Bay Public Access Guide.

[4] About 80% of recreation boat access sites are for power boats.

[5] Road endings in the Middle Peninsula Planning District were inventoried in 2003. While this number will vary across the coastal zone, this is a significant potential resource for providing public access and some localities are beginning to address this issue.

[6] This data comes from the 2005 update of the Chesapeake Bay Public Access Guide. The decrease from the previous assessment is because the current data does not overlap with boat access sites.

[7] The discrepancy in this data comes from way the data was counted. These coastal trails are trails that have access to the coast, while trails reported in 2001 were simply trails within the coastal zone. Water Trails are not included in this count.

Access Type	Current Number(s)	Change Since Last Assessment
Dune Walkovers (#)	N/A	
Public Beaches with Water Quality Monitoring and Public Notice (% of total beach miles) and Number Closed due to Water Quality Concerns (# of beach mile days) Number of Existing Public Access Sites that have been Enhanced (i.e. parking, restrooms, signage - #)*	100%[8] of public Beaches have water quality monitoring 34 Beach Mile Days of Advisories (2004)[9] Unknown	

There are 795 City, Local, and Regional Parks in Virginia covering 84,182 acres of land; 5 reservoirs covering 877 acres; 5 State Forests covering 8784 acres, 19 State Natural Area Preserves covering 25,457 acres; 13 State Parks covering 23,066 acres; 13 State Wildlife Management Areas covering 28,703 acres; 4 Local Battlefield Parks covering 143 acres; 1 State Museum Estate covering 374 acres; and 4 Community Centers covering 34 acres.

Water trails, while not counted for this assessment, are becoming a more popular way to provide public access to the water. A water trail is defined as "a stretch of river, a shoreline, or an ocean that has been mapped out with the intent to create an educational, scenic, and challenging experience for recreational canoeists and kayakers.[10]" DCR is currently working with the National Park Service to get the Chesapeake Bay declared a National Historic Water Trail.

There are currently 233 publicly-owned public access sites in Virginia.

2. Briefly characterize the demand for coastal public access within the coastal zone, and the process for periodically assessing public demand.

Virginia has a wealth of coastal resources and an overwhelming demand for access to those resources. There are more than 5,300 miles of shoreline and 2,400 square miles of tidal bays on the Virginia coast. The 2000 Virginia Outdoors Survey found that four of the top ten most popular outdoor recreational sites are water related: swimming (3rd), fishing (4th), sunbathing (7th), and boating (8th). However, less than 1% of the shoreline is publicly owned, resulting in overcrowded beaches and overused boat ramps. This fact is evident in the Virginia Outdoors Survey finding that more than 57% of Virginians are most concerned about increasing the number of water access points, which the Survey identifies as Virginia's greatest outdoor recreational need.

The *Virginia Outdoors Plan* (VOP), developed by the Department of Conservation and Recreation (DCR) and funded through a grant from the National Parks Service, is the official conservation, outdoor recreation, and open space plan for Virginia. It is also the primary source of public access data for the state. Updated every five years, the plan is meant to advise government agencies and the private sector in planning for Virginia's conservation, outdoor recreation, and open space needs. The plan compiles data from the various Virginia localities on various types of public access and compares it to the data from the Virginia Outdoors Survey. The Virginia Outdoors Survey asks questions pertaining to participation in different types of outdoor recreation activities.

[8] The 100% refers to all beaches covered under the federal Beach Act of 2000.
[9] These are beach advisories, not closures. There were no beach closures due to water quality.
[10] Definition from North American Water Trails, Inc.

The VOP, most recently published in 2002, is currently being updated for release in 2007. The results from the 2005 Virginia Outdoors Survey are scheduled to be published in September of 2006.

3. Identify any significant impediments to providing adequate access, including conflicts with other resource management objectives.

Of the 66 additional public water access sites called for in the *Chesapeake Bay Agreement* in 2000, only 15 sites had been developed by 2004. Some of the impediments to providing new public access sites follow.

- Development pressures: There are two issues here. First, waterfront property is in high demand and can be a financially profitable alternative for localities to creating emotionally and environmentally profitable public access sites. Waterfront property in some parts of the coastal zone has appreciated an average of 400% over six years.[11] Related to this, private landowners who have allowed public access to watermen for generations now often cannot afford to pay the property taxes associated with the rapid appreciation and may be forced to sell their property. New owners without this historic relationship with the watermen can block water access through their property.
- A recent trend along the coast has been the "privatization of the shoreline." For example, marinas for *public* boat access are being redeveloped into condominium complexes with *private* boat access.
- Potential use conflicts between providing access and protecting sensitive resources: For example, boat wakes are significant cause of erosion in smaller tidal creeks.
- While often supporting creation of public space for larger tracts of preserved open space and greenways, the public, especially private landowners, frequently oppose potential public access sites near their property for fear of litter, vandalism, and crime, even though such public access may require as little as one-quarter acre. The importance of trash as an issue should not be underestimated. This fear is often misplaced as experience has indicated that users of public trails and other public open space often are willing help to maintain the site.
- Political pressures are also often an impediment to creating new public access sites. The limited resources at the local level are often used for projects other than public access improvement. Without vocal support from the public, localities are hesitant to spend scarce resources on public access.

4. Please explain any deficiencies or limitations in data.

The Virginia Outdoors Survey was conducted in 2000; so much of the data about public interest in public access is five years old. Furthermore, when assessing demand, there are factors other than the number of access sites that would help determine whether access is sufficient to meet demand. For example, the carrying capacity of a site is often directly proportional to the size of the parking lot. Therefore, some sites may be able to accommodate more or less people than assumed, but the Virginia Outdoors Survey does not provide this kind of additional information. Also, timing is a important issue for determining sufficiency of access. For people who launch their boats only during high traffic times, e.g. holidays, long weekends, it is likely that they would find that a need for additional public access while those who launch during week days would find access adequate. However, the Virginia Outdoors Survey does not provide information on off-season to peak use fluctuations and how this impacts the need for public access.

Another example of a deficiency is that data for power and non-power boating access is often combined. The VOP differentiates between the two in some part of the plan, but when demand is assessed, they are lumped together. However, access needs are quite different for each type. Power boats usually require infrastructure such as boat ramps and docks. Non-power boats generally require much less, sometimes simply a dirt path down to the water. Differentiating between these types of access will help to better characterize the demand for each and allocate the proper funds.

5. Does the state have a Public Access Guide or website? How current is the publication or how frequently is the website updated?

[11] Data estimated from initial data from 2005 Northumberland and Westmoreland County real estate assessments.

Virginia does not currently have a comprehensive public access website. The latest public access map was produced in 2000. It is currently being updated and will be available by the fall of 2005.

Management Characterization

For each of the management categories below, identify significant changes since the last assessment.

Categories:	**Change since last assessment**
1. Statutory, regulatory, or legal system changes that affect public access	None
2. Acquisition programs or techniques	Significant
3. Comprehensive access management planning (including development of GIS data layers or databases)	Significant
4. Operation and maintenance programs	Moderate
5. Funding sources or techniques	Minor
6. Education and outreach (access guide or website, outreach initiative delivered at access sites, other education materials such as pamphlets)	Significant
7. Beach water quality monitoring and/or pollution source identification and remediation programs	None

For categories with changes:

- Summarize the change
- Specify whether it was a 309, 306A, or other CZM driven change and specify funding source
- Characterize the effect of the changes in terms of both program outputs and outcome

2 and 3. Acquisition programs or techniques and Comprehensive Access Management Planning:

Acquisition programs

In 1999, the *Virginia Land Conservation Foundation* (VLCF) was established by Governor Gilmore and the Virginia General Assembly to help fund the protection of Virginia's natural and cultural resources. The foundation manages *Virginia Land Conservation Fund,* state funds which can be used to acquire and preserve open spaces, parks, and natural areas for public access. The VLCF provided with funds in 2005 first time in five years. *(See the Cumulative and Secondary Impacts section for more information)*

Access Management Planning

The Virginia Birding and Wildlife Trail is a driving trail leading to loop trails that highlight the Virginia's diverse wildlife and birds. With funding from a federal TEA-21 grant administered by the Virginia Department of Transportation as well as Coastal Program funds, the Virginia Department of Game and Inland Fisheries (DGIF) manages the collection of trail maps and guides for each area. DGIF also provides technical assistance to public and private landowners who have agreed to join the network of trails. The coastal area contains 18 loop trails that lead to over 210 different natural sites. The Virginia Birding and Wildlife Trail website shows an overview map of the trail as well as more detailed maps for each loop trail. A portion of the project was funded in 2000 with Coastal Program funds.

The Middle Peninsula Public Access Authority (MP PAA) was created in June of 2003. The authority is charged with identifying sites (both privately and publicly owned) with high potential for public access and developing mechanisms to transfer those sites to the Authority for management. Both development of the Authority and many of its implementation activities have been supported with Virginia Coastal Program Section 306 funding. The MP PAA is currently working on strategies for how to transfer ownership of VDOT road endings to the localities. These sites would then be developed into public access sites.

Legislation was passed by the General Assembly in 2005 giving the localities on the Northern Neck the authority to form a Public Access Authority as well. The Authority will be officially created when a locality joins, which is expected to occur in the winter of 2005-2006.

The Chesapeake Bay Program maintains GIS data of various public access sites for the Chesapeake Bay Public Access Guide.

Through the Natural Heritage Program, DCR has created an online GIS mapping application for displaying conservation lands in Virginia. The database includes most federal and state lands, regional and interstate lands such as water and park authorities, parks and undeveloped or partially-developed lands owned by localities, lands owned by non-profit conservation organizations, and conservation easements.

4. Operation and maintenance programs:

The Public Access Authorities (PAA) provide a regional body to plan for and manage holdings. Especially for small rural localities this regional approach can improve how access is managed in the area, by taking advantage of regional expertise and regional priorities. For example, the MP PAA develops site management plans for each of its holdings and can determine appropriate uses of a particular site based on regional needs in the 6-county area.

5. Funding Sources or Techniques:

(See description of VLCF above)
DGIF receives federal Wallop-Breaux and Dingle-Johnson funds from the motorboat fuel tax and the fishing gear tax. These funds go towards improving and adding boating and fishing access sites. They also use boater registration fees towards boating access and safety.

The Middle Peninsula and Northern Neck Planning District Commissions received Coastal Program Section 306 funding to help create their Public Access Authorities.

6. Education and outreach:
The Chesapeake Bay Public Access Guide, assembled by the Chesapeake Bay Program, is currently being updated and will be available in the fall of 2005. The original guide provides information on over 600 public access sites around the bay, including boat access, fishing piers, natural vistas, and beaches. An extension of the public access guide, the Chesapeake Bay Gateways Network website includes a history of the Bay, links to hundreds of Bay activities, maps of the Bay, and various other bits of information.

DGIF manages and updates a search engine for public boat access locations, searchable by county or water body. The website also lists whether there is a ramp and its open status. A similar DGIF site searches for handicap-accessible boating and fishing sites. Also, see the description of the Virginia Wildlife and Birding Trail website above.

The outdoor recreation search on the Virginia Tourism Corporation's web site (www.virginia.org) allows people to search for different outdoor recreation activities by location.

Conclusion

1. Identify priority needs or major gaps in addressing the programmatic objectives for this enhancement area that could be addressed through a 309 Strategy.

One gap is the lack of available grant money for comprehensive public access programs. For example, several of DGIF's programs incorporate education and outreach as part of developing and improving public access. However, most federal grants exclude education programs from receiving funds for public access.

Related to this gap may be the need to differentiate between access for motorized and non-motorized boats in state development and management policies. For example, it may be important for the state to identify locations of existing and emerging use conflicts and to develop policies or guidelines for the types of uses most appropriate, differentiating between non-motorized educational or stewardship uses, recreational uses, and income-generating or subsistence uses.

An important need is for improved cooperation between state and local governments on identifying priority public access needs. Local governments often have a better grasp of the access needs of their constituents and can work with state government to provide adequate and appropriate access for their jurisdiction.

Another gap is the lack of clear quantitative data to counteract property owners' fears about increasing public access near or through their properties. If benefits of public access sites near privately-owned property were clearly documented, as well as evidence that such access points could be properly managed, opposition from property owners might yield to acceptance or support for public access. For example, studies about enhanced property values resulting from increased public accessibility could be conducted. Further studies could document the various ways in which communities have successfully managed stewardship of public lands. These studies would be important tools for encouraging and implementing more public access.

Finally, comprehensive data about public access sites are very difficult to come by. It is difficult to plan for additional public access when the conditions of existing sites and their amenities are unclear. The state would benefit greatly from a comprehensive database that would include these types of information about existing public access sites, and which should be updated regularly for changes to public access sites.

2. What priority was this area previously and what priority is it now for developing a 309 strategy and allocating 309 funding and why?

1997 Assessment	2000 Assessment	This Assessment
High _✓	**High** _✓	**High** _✓
Medium ___	Medium ___	Medium ___
Low ___	Low ___	Low ___

Public Access remains a high priority for the Coastal Program. The Chesapeake Bay Program has set aggressive goals to increase the number of sites available in Virginia (over 40 additional sites in the next five years). In addition, there are several state agencies, local governments, and new regional authorities dedicated to providing public access (both sites and information). With all of the activity and the complexity of the issues

surrounding public access (i.e. privatization of our coasts, changes in traditional uses, economic value of public access, the consideration of the public trust and the potential environmental consequences of providing access), the Coastal Program could provide some necessary coordination in Virginia.

Public Access: Strategy

STRATEGY: *Public Access Authority Expansion & Use Conflict Resolution*

Summary

This strategy will expand the role of regional Public Access Authorities (PAAs) in Virginia, both geographically and also by increasing the tools that they have at their disposal to address public access needs and resolve use conflicts.

The local governments of the Middle Peninsula (MP) and Northern Neck (NN) both have been enabled by the General Assembly to create PAAs. The MP localities created their PAA in 2004 and since that time have been very active in identifying priority sites, leveraging funds and acquiring lands to improve public access in the region. The Northern Neck is just getting started. This is a very successful model and would benefit the other regions of the coastal zone. This also places public access planning where the most expertise exists: at the local/regional level.

This strategy involves working with the remaining 6 regions in the coastal zone to educate them on the value of PAAs and also with the General Assembly to pass enabling legislation for the remaining 6 regions. At the same time, each region would develop regional public access priorities that meet their needs. This would provide much needed information back to the state level for access planning and inclusion in the next Virginia Outdoors Plan in 2012.

This strategy would also involve working with the PAAs to develop local policies consistent with state guidelines on using wetland mitigation funds to acquire and restore wetland areas that would serve the dual purposes of providing public access and mitigating wetland impacts. In the short term, local governments are faced with implementing changes to the Tidal Wetlands Mitigation Policy that requires mitigation even for the smallest impact. The Wetlands Boards and PAAs could improve coordination, potentially provide mitigation at a lower cost and also provide opportunities for public access to tidal wetlands. Since this would be a new function for local government, this strategy would develop the guidance and provide the implementation funds necessary to pilot a partnership of this type.

There are more than 5300 miles of shoreline along Virginia's Coast; however, less than 1% of the shoreline is publicly owned. Impediments to providing adequate access include the high real estate value of waterfront property (most of the shoreline is privately owned) and opposition to potential public access sites by nearby homeowners who often express their concern about litter, vandalism, and crime. The last Virginia Outdoor Survey was conducted in 2000, so much of the demand and preference data on public access is 5 years old. However with the new 2005 Bay and Tributaries Public Access Guide, much inventory data has been developed on the number and types of access sites within that portion of our coastal zone. A key issue to address is carrying capacity for various bodies of water and how each access site impacts that capacity. Information is also needed on the best potential sites for new access and types of access that should be provided, i.e. power v. non-power boating. Access needs to be addressed not only from land to water but from water to land.

As a result of high demand and limited supply, there are often use conflicts. These can be between users of the access site and /or between the site and the protection of its natural resources. Conflicts can include health and safety issues (e.g. shellfish grounds located nearby marinas, high speed boating near swimming areas), general boating and access site congestion, and threats to natural resources (e.g. boat wakes causing erosion in smaller tidal creeks). Comprehensive data about public access sites is a top priority, as planning for new public access sites and resolving use conflicts is difficult when the impacts of existing sites, and patterns of public access use are unclear. Questions to consider are: 1) What is shaping waterway uses and demands?; 2) How are we planning (in both the long and short term) for these potential use patterns?; 3) How do we create a meaningful and transparent participation process?

In this strategy, VA CZM would work with PAAs and relevant stakeholders to identify the most important public access needs, use conflict issues and potential new access sites in the Coastal Zone. The group would then develop a process for managing mixed use public access on a regional scale to reduce use conflicts, identify emerging public access areas, and develop methods to protect sensitive natural resources. Additionally,

this strategy would identify the criteria most important for the appropriate siting of new launch facilities and attempt to achieve a coordination process involving relevant agencies in making these decisions. The creation of a centralized, publicly available geospatial database of public access sites would be critical for decision making. Finally, developing a set of criteria for ranking potential access sites from low to high priority could help influence zoning and planning efforts.

Enforceable Policies/Outcomes

- Enabling legislation for other coastal regions to create Public Access Authorities
- Regional public access priority lists for incorporation into the 2012 Virginia Outdoors Plan
- New policies and guidance that facilitate Public Access Authorities using mitigation funds to purchase and restore wetland sites that also provide new access points
- A model policy for managing use conflicts on a local or regional scale.
- Incorporation of public access needs, use conflict guidance and access site ranking criteria into comprehensive plans and relevant associated text in boater safety classes, and education materials at marinas and launch sites.
- A process for collaboration among relevant agencies for selecting new public access sites
- A centralized, publicly available, geospatial map and database of access sites for planning/management efforts

Tasks	Time	Budget
Task 1: Develop a legislative strategy that would enable the remaining regions of the coastal zone to develop PAAs	Year 1	$5,000
Task 2: Convene stakeholder group (including the 2 existing PAA's), develop surveys, and hold public meetings to identify public access use conflict issues. Develop process to nominate a locality or region for a pilot study. Develop report on regional use conflict issues. Provide assistance to PDCs to *map*, *evaluate* and *prioritize* regional public access needs based on geography, types of access, density, uses and/or management. In conjunction with possible NOAA fellow, develop an online, centralized database for public access locations/information. Secure agreement among agencies to use this product, consultation between agencies, and review of plans when selecting new launch sites.	Year 1	$89,000
Task 3: Develop guidance for localities and PAAs on how to implement the Tidal Wetlands Mitigation and Compensation Policy in a way that provides Public Access	Year 1	$50,000
Task 4: Continue assistance to PDCs to *map*, *evaluate* and *prioritize* regional public access needs based on geography, types of access, density, uses and/or management. Continue development of online, centralized database for public access locations/information. Continue securing agreements among agencies to use this product, consultation between agencies, and review of plans when selecting new launch sites.	Year 2	$60,000
Task 5: Develop Regional Pubic-Access Plan for Addressing Use Conflict for pilot area. Draft a MOA to use this plan in local comprehensive plans. Also consider outreach opportunities including web sites, signage, and public meetings to discuss plan development.	Year 2 Year 3	$40,000 $20,000
Task 6: Implement a pilot project with a PAA to implement and tailor the guidance developed under Task 3 (this would include making new local policy)	Year 2	$50,000

Task 7: Implementation Efforts. Very intensive monitoring and survey method to test implementation and enforcement of plan for affected study area. Convene group to review results and discuss possible strategies for improving effectiveness.	Year 3	$30,000
Task 8: Develop criteria for ranking potential public access sites for high priority.	Year 4	$20,000
Total	**4 years**	**$364,000**

Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Total Request**
144,000	150,000	$50,000	$20,000	$0	$364,000