WORKING DRAFT

**Public Access Site Development in the Chesapeake Watershed**

**Management Strategy**

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**Executive Summary** [To be developed in the future.]

**Goal, Outcome, Baseline & Current Condition**

This management strategy sets out approaches for achieving the following goal and outcome:

*Goal:* Expand public access to the Bay and its tributaries through existing and new local, state and federal parks, refuges, reserves, trails and partner sites.

*Outcome:* By 2025, add 300 new public access sites, with a strong emphasis on providing opportunities for boating, swimming and fishing, where feasible. (The current baseline for marking progress towards the goal is 1,135 sites)[[1]](#footnote-1)

Physical access to the Chesapeake Bay and its tributaries is very limited, with real consequences for quality of life, local economies and long-term conservation. Increasing public access to local waterways for fishing, swimming, boating and other activities fosters a shared sense of responsibility and increased stewardship that supports watershed restoration goals. From 2011 through 2013, 69 new public access sites providing additional opportunities for people to enjoy the water resources of the watershed have been opened to public use. This equates to approximately 23% of the goal of 300 new sites by 2025. This brings the total number of identified public access sites in the watershed as of the end of 2013 to 1,204.

A *Chesapeake Bay Watershed Public Access Plan* (2013)[[2]](#footnote-2) was developed specifically to outline and guide a strategy for achieving the 300 access site goal. The plan was prepared by the National Park Service and a newly constituted Public Access Action Team[[3]](#footnote-3) including people involved in public access planning and implementation in each of the Chesapeake Bay watershed states and the District of Columbia. The plan, prepared with extensive public involvement, inventories existing public access, assesses barriers to expanding access, and identifies specific opportunities for new access sites. The Public Access Action Team carries out annual processes for tracking progress in implementing the plan and identifying new potential access sites. The sections of the management strategy that follow draw heavily on information prepared for and set out in the public access plan.

The definitions of public access and what counts as a new access site are taken from the *Chesapeake Bay* *Watershed Public Access Plan*:

Public access sites are defined as those sites owned, operated, and/or managed expressly for a type of public access by: Any unit of federal, state, or local government; or a non-governmental organization operating under an agreement with a governmental agency.

The four types of access that will be tracked towards the 300 site goal are as follows:

* Boat-related access: boat ramps, car-top boat launches, soft launches (supporting paddle craft, motor, and/or sail boats)
* Swimming access: designated areas appropriate for swimming
* Fishing access: piers, bank fishing facilities or easements, and parking adjacent to the water
* Viewing access for water, wildlife, and shoreline areas: nature trails, hiking or biking trails, waterfront trails, boardwalks, and observation decks located at or leading to the water’s edge.

The definition of “new” access sites to create consistency in tracking is as follows:

* Development of a new public access facility on a new site
* Development of a new type of access at an existing site (for example, if a fishing pier is developed at a site that currently has a boat ramp, the pier would count as a new public access towards the goal.)[[4]](#footnote-4)

**Partners Participating** [To be identified.]

**Factors Influencing Ability to Meet Goal**

Through the *Chesapeake Bay Watershed Public Access Plan* a number of influential factors have been identified which could play a role and affect the ability of partners to reach the desired outcome. Each of the key factors is addressed as follows:

***Public sector funding***for access sites has been more limited in recent years. This has hampered the development of new sites and created a backlog of major maintenance projects. It is now harder for some public agencies to justify new site development when they cannot keep up with maintenance on existing sites. Maintenance problems have in turn reduced use of some sites that suffer from channel siltation or storm damage but lack funding to make necessary repairs. Of particular concern are reductions in federal funding for maintaining shallow water navigation channels. This may well result in the loss of some existing boating opportunities as channels fill in and recreational boats are no longer able to use existing facilities. Loss of these channels would have a major impact on power boating and the significant economic value it brings to the region. As existing sites are lost, the value of adding new sites is diminished. It is evident that the lack of a strong and stable funding source for both new facility development and maintenance of existing sites is a significant factor in meeting the access goal.

*Land ownership* plays a critical role in access development. In urban areas, commercially developed waterfronts and residential uses, have limited public access development in some cities. Military installations and hydro-electric power facilities often restrict miles of waterfront and waterways to public access for security and safety reasons. In many rural areas, private landowners restrict access to maintain their privacy and exclusive use of the waterway. Liability concerns also deter private landowners from providing public access.

*Access to public lands,* whether held by local, state, or federal government, provide many opportunities for access to streams, rivers, and the Bay. Nonetheless, public workshops revealed considerable concern over the limitations imposed on some public lands. In some cases access is limited due to conflicts between public access and resource management, insufficient staffing levels, or restrictions imposed by the type of funding used in the property’s acquisition or development. Public lands at the federal, state, and local level with frontage on streams and rivers should be re-evaluated on a unit-by-unit basis for their potential to add public access opportunities.

*Permitting requirements* have been reported by many public access managers and advocates to have a major impact on the development of new access sites. New public access sites need to be developed in an environmentally sensitive manner. Federal, state, and local permitting authorities should consider expedited review procedures for some types of access site development. Permitting agencies should consider methods such as simplified permitting procedures, pre-approved design guidelines, and a review of appropriate mitigation requirements.

*Universal Accessibility* at public access sites has resulted in federal and state guidelines for ensuring access by a population with diverse physical capabilities. It is the responsibility of access site managers to comply with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended. The high visibility of the accessibility law has generated a wide range of public interest and pressure to bring facilities into compliance. Specific requirements will vary depending on the facilities and programs offered at the public access site.

Early planning is important to evaluate opportunities to construct and operate the facilities and programs so they are accessible to, and useable by, persons with disabilities to the greatest extent reasonable. National Park Service staff and state public access coordinators can assist in evaluating accessibility accommodations.

***Conflicts among users***can take many forms. Conflicts develop when a site is designated or perceived to be designated for one use but is used in other ways. For example, anglers may use a boat launch pier or parking area and conflict with those trying to launch or retrieve boats. Conflicts also arise among users based on who is perceived to have paid for the access site. The great majority of boat ramps are paid for through registration fees and/or from the excise tax collected from power boat owners. With the rapid growth in paddle craft use, more paddlers are using facilities that were traditionally used by power boaters. Conflicts also occur when use of an access site impacts or may be perceived to impact adjacent landowners. For example, if the parking at an access site is full, users might park on the side of the road in a way that impacts local residents. Residents of some communities may also object to a proposed access site because they fear excessive noise, trespass, undesirable uses, or litter. As news of real or perceived conflicts spread, the development of access sites can become difficult.

***Railroads***are a major barrier that limits access to many rivers in the Bay watershed, sometimes on both riverbanks. Railroad companies are generally opposed to granting at-grade crossings of rail lines for either vehicles or pedestrians, stating liability as their primary concern. If approved, a fully developed road crossing must be provided. Such crossings are expensive to build and have long-term maintenance and operational costs, making development of many access sites prohibitively expensive. Some states have enacted legislation indemnifying railroads from liability when they grant an at-grade crossing for public access. Railroads have argued this does not prevent a suit from being filed in another state should a user of the crossing be injured by a passing train.

**Current Efforts and Gaps**

In addition to tracking new public access sites as they are developed, watershed states, involved federal agencies and NGO partners are all actively engaged in promoting and working to develop new public access sites. At both the federal and state level grant programs often target projects that develop new public access. Localities have leveraged local funds and donations from private corporations to help with the development of public access sites. These efforts have produced results—the average number of new sites brought on line in the past three years has slighted exceeded the minimum of 20 sites per year needed to reach the 300 site goal. The Public Access Action Team has also continued to work to identify new potential sites that fill identified gaps in the access system. Now over 400 potential sites have been identified and the list continues to grow.

Another key effort by the states, the National Park Service and their partners has been the active promotion of the development of new water trails/blueways in the Watershed. The Pennsylvania Water Trails Partnership is just one example. Designated water trails cover more than 3,200 miles of rivers and the open Bay in the Chesapeake watershed, many of these in relatively rural areas. The number of water trails has increased significantly over the past decade with many local groups, communities, and government agencies playing a role in their development. Their increase in popularity can be tied to increased participation in paddle sports and a growth in use of trailerable power boats as a means to explore the Chesapeake Bay and its tributaries. They are also of interest to outfitters and tourism businesses. Well-planned and developed water trails contribute to an area’s eco-tourism opportunities, drawing people from throughout a region to spend time and money along the trail.

Successful water trails, in addition to providing visitors with support facilities and information on history, culture, and natural resources, also provide appropriate public access at needed intervals along the route. Water trail managers inventory access locations and work with local partners to maintain those access points. The vast majority of potential access sites documented in the Access Plan are along existing water trails. State funding sources and the National Park Service’s financial assistance awards prioritize funding for access projects along some water trails.

The National Park Service Chesapeake Bay Office continues to carry out segment planning and implementation along the Captain John Smith Chesapeake National Historic Trail and Star-Spangled Banner National Historic Trail. The segment plans identify new public access sites as well as enhancements to existing public access sites. A segment plan has been completed for the James River. The process is currently underway for the Potomac River and Lower Susquehanna River.

***Gaps***

The *Chesapeake Bay Watershed Public Access Plan* currently identifies over 400 specific potential new access locations to help meet identified gaps. The highest demand for new public access sites is frequently but not exclusively concentrated around urban centers. With their close proximity to major cities, the development of new public water access sites in these areas could provide increased public access for a large, diverse population. Providing urban residents with public access to waterways is also a federal priority that has been called out in the Urban Waters initiative, *America’s Great Outdoors* report, and the National Park Service’s *A Call to Action*. However, the nature of public access in urban environments is different from that of more rural settings. Development and urbanization of waterfronts, economic and social influences, population density, transportation systems, concentrated water pollution, and different levels of commitment to public access all combine to present substantially different circumstances and call for unique strategies.

Several specific stretches of waterways and bay shoreline were identified in the Access Plan where there are significant gaps in public access. For example, the average distance between the public access sites along the tidal shoreline is over 15 miles. Along the east bank of the Susquehanna River, between the confluence of the West Branch and the town of Tunkhannock, there are only two sites along 96 miles of riverbank, resulting in an average distance of 32 miles between sites. To help refine the identification of gap areas, members of the Public Access Action Team are working on a process to show gap needs on river stretches where few potential new sites have been identified. The key is to have a process that would limit the length of a stretch to a manageable size and provide value in prioritizing high need areas for funding in future grant rounds.

Water trails are often the motivator for addressing gaps in access. When there is strong local support for a water trail, effort is directed towards finding and developing needed sites. They often lead to partnerships among user groups, localities, local businesses, and state/federal agencies.

Finally, in addition to the high public demand for new water access sites for boating, fishing, swimming, beach use, and viewing, there is also a strong interest in accessing camp sites from the water. A pilot study by the Chesapeake Conservancy of paddle-in camping on the Potomac River was undertaken in 2013. This pilot study will be used as a model for future analysis of other rivers in the Watershed.

Making a multi-day trip down one of the Bay’s rivers can be difficult without a place to go ashore and camp for the night. Time and again, members of the paddling public expressed a desire for small primitive campsites, picnic areas, and restrooms at appropriate locations along water trails. Thus, in addition gaps in the access system, there are also gaps for primitive camping sites along the water trails to allow for multi-day trips.

**Management Approach**

In developing the *Chesapeake Bay Watershed Public Access Plan,* the Public Access Action Team and partners, identified a number of strategies for advancing public access in the watershed. Implementation of these, as appropriate by all involved in the provision of public access is the general approach for meeting the public access goal. The strategies are as follows:

1. *Make funding for public access a priority*. Sustain funding for development of new sites and maintenance of existing sites, including maintenance dredging of small channels. Relevant state and federal funding or matching grant programs should target or give bonus points for projects that include new public access sites. For example, the National Park Service Chesapeake Bay will continue to prioritize funding for public access site development through its financial assistance awards.
2. *Carry out and support more detailed assessments and project design for potential sites*. Most of the over 400 potential new sites identified in the plan require more detailed assessments and construction designs prior to implementation. Pre-planning and design of public access sites is a key step in their future development. This is an area in which funding is needed. Agencies at all levels should provide, within resource capabilities, technical assistance, and funding for site design and analysis.
3. *Fill strategic gaps in access along water trails*. The National Park Service will work with partners to identify, prioritize, and develop sites that fill public access gaps along the Captain John Smith Chesapeake National Historic Trail, Star-Spangled Banner National Historic Trail, Potomac Heritage National Scenic Trail, and recognized water trails throughout the watershed.
4. *Incorporate identified proposed public access sites and actions in key plans*. Elements of this plan, including potential public access sites and key actions, should be incorporated as appropriate into major state outdoor recreation and open space planning documents, such as Statewide Comprehensive Outdoor Recreation Plans (SCORPs). Partners should encourage local governments to incorporate potential public access sites and policies in local comprehensive and capital improvement plans.
5. *Further examine urban public access issues and needs*. Recognizing the complex factors associated with expanding access in urban communities, governments at the local, state, and federal levels should support and pursue studies assessing specific urban access issues and needs.
6. *Work with private sector funders to develop access*. Many companies and foundations often have objectives that can be advanced through partnerships to develop public access sites and facilities. There are numerous examples in the Chesapeake watershed. Public access managers and advocates should actively work with private sector funders on access projects.
7. *Engage in hydropower re-licensing processes to expand public access*. Re-licensing of existing hydropower projects provides significant opportunities for expanding access to the water. Local, state, and federal agencies should participate in re-licensing processes to make the case for specific public access projects as a part of new license agreements.
8. *Explore options for resolving railroad crossing liability*. Railroads along rivers—and associated liability concerns over track crossings—limit water access. Some states have indemnified railroads from liability at at-grade crossings for public access purposes, but suggest that federal action to limit liability may be needed to address the railroads’ concerns.
9. *Establish memoranda of understanding (MOUs) with transportation departments*. Many road projects across or adjacent to streams or rivers could provide public access opportunities. Where they do not yet exist, a state’s recreation/resources agencies and its department of transportation should consider establishing an MOU to ensure such opportunities are not missed.
10. *Explore potential for additional access on public lands*. Management objectives and practices on public lands may not account for recent changes in access needs and opportunities. As circumstances permit, managers of public lands fronting streams and rivers should re-evaluate these lands’ public access potential. This can occur through regular master planning processes or as ad hoc assessments.
11. *Fully address accessibility at public access sites*. Public access sites are subject to federal and state guidelines for ensuring access by a population with diverse physical capabilities. Yet it is not always clear how some of these guidelines may apply, particularly to boating access sites. The National Park Service should work with its many partners to clarify approaches to addressing accessibility needs.
12. *Build opportunities for citizen stewardship*. Many public access sites are remote from regular maintenance staffs. Communities, user organizations, water trail managers, and others should work to develop volunteer citizen stewardship programs to care for and maintain specific access sites.

**Monitoring & Assessing Progress**

A new process for monitoring progress toward the public access outcome was put in place in 2011 by the National Park Service and the Public Access Action Team. In the new tracking process, designated state agency staff use a simple, online system to input the geographic locations of newly developed access sites, based on the established definitions of “new” and “public access.” Public access program staff also use this online system to fill out a few fields of information (name, water body, access type, ownership, etc.) on each new site.

The information is collected consistently in January of each year from 2013 through 2025. This updated tracking process is an improvement over prior efforts, because it will mark the location of new sites directly on an interactive map and provide a significantly wider range of information. As new sites are developed, they will be tracked and reported annually as progress towards meeting the Chesapeake Bay Watershed Agreement goal.[[5]](#footnote-5)

**Adaptive Management**

The Public Access Action Team convenes twice a year to discuss public access issues and tabulate new and potential access sites within the Watershed. The assessment of progress, i.e., tabulating newly opened access sites; allows the Team to move on to new segments of the watershed that have gaps in access. The Team will be able to identify new partners to address those gaps and potentially re-direct funding priorities. If the goal of 300 new access sites is achieved prior to 2025, the Public Access Action Team will assess where gaps in access to the Bay and its tributaries still exist and will recommend a new goal if appropriate. Consideration will also be given to whether or not the goal should be adjusted to address the maintenance of existing access sites as well.

As pointed out the *Chesapeake Bay Watershed Public Access Plan*, maintaining existing and adding 300 new sites along streams, rivers and bays of the Chesapeake Bay watershed is no small task. In addition to the bi-annual meetings of the Action Team and yearly data calls, the Access Plan spells out steps to move the expansion of public access forward. These steps provide insight in how the goal will be managed and achieved.

**Biennial Workplan**

The *Chesapeake Bay Watershed Public Access Plan* provides a work plan to reach the goal of adding 300 new public access sites by 2025. Because creating new public access is often opportunistic, funding is not always stable, and public access improvements take many forms, a collective milestone of adding 20 new sites per year has been established.

Between 2015-2017, the Public Access Action Team and the partners identified on pages XX above will continue to add public access sites, track progress, and address gaps and issues. Key steps will include:

Biannual meetings of the Public Access Action Team which includes state and federal partners to discuss public access issues and gather data each year on completed new access sites and potential new access sites.

Making funding for public access a priority in financial assistance awards where appropriate.

Working with federal, state, local and NGO partners to identify potential access sites on existing public lands.

Supporting the Youth Conservation Corp and focusing their projects, as appropriate, on improving public access.

Continuing the Segment Planning and implementation processes on the Captain John Smith Chesapeake National Historic Trail and Star-Spangled Banner National Historic Trail.

Expanding partnerships and cooperative ventures with all levels of government and the private sector.

(To Group - are there other specific actions we want to take over next two years to move this strategy forward and list here? Example might be complete an assessment of gaps in XX river sections over next two years. ??)

1. The baseline for tracking was set in 2010. Only new sites opened from 2011 onward are counted towards the goal. When previously existing sites are found which were not captured in the original inventory process which set the 2010 baseline they are added to the baseline number and not counted as new sites towards the goal. Thus, the baseline number may change overtime as previously missed sites are identified and added. Only new public access sites actually developed and opened since 2010, the base year, may be counted towards the goal.

   [↑](#footnote-ref-1)
2. National Park Service, *Chesapeake Bay Watershed Public Access Plan,* 2013; see http://www.nps.gov/chba/parknews/upload/Public\_Access\_Plan\_v16.pdf [↑](#footnote-ref-2)
3. The Public Access Action Team was formed in 2010 from what is now known as the Chesapeake Conservation Partnership ([www.chesapeakeconservation.org](http://www.chesapeakeconservation.org)). The action team is specifically focused on carrying out planning, implementation and tracking to achieve the 300 public access site goal. [↑](#footnote-ref-3)
4. *Chesapeake Bay Watershed Public Access Plan,* p. 11-12 [↑](#footnote-ref-4)
5. See: <http://www.chesapeakebay.net/indicators/indicator/public_access> [↑](#footnote-ref-5)