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Executive Summary

Coastal Recreation: A Handbook for Planners and Managers

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PREFACE

This is one of a series of documents by the Office of Coastal Zone Management (OCZM) intended to provide technical assisstance to coastal planners and managers on major issues they face.

Since coastal recreation opportunities vary according to state, it is reasonable to assume that each state's approach to and priorities for managing its recreation resources may vary. This informative reference document is provided to assist rather than to constrain the recreational planning efforts of the states in any way. The ideas, suggestions, and recommendations contained in this document are just that - they are not to be construed as OCZM policies.

The dedicated efforts of both Bob Ditton and Mark Stephens in preparing this handbook under tight time and budget constraints deserves our most sincere thanks. Numerous individuals have assisted the authors of this document. We are also most appreciative of their help. Three individuals deserve special mention for their review and comment of the final drafts: John Seymour, Marine Resources Management Program, Texas A&M University; David Reed, Department of Recreation and Parks, Texas A&M University; and E. Glenn Carls, University of Waterloo (Ontario). In addition, we are grateful to the eight state CZM offices which prepared the descriptions of their recreation program elements included within the text.

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EXECUTIVE SUMMARY

"Recreation" may be described as any experience voluntarily engaged in largely during leisure (discretionary) time, from which the individual derives satisfaction. "Coastal recreation," a term often used interchangeably with "marine recreation," refers to such experiences derived from the coastal zone.

EXECUTIVE SUMMARY

The following executive summary presents highlights of a document produced by the Office of Coastal Zone Management (OCZM) entitled Coastal Recreation: A Handbook for Planners and Managers. This summary has been developed to provide the reader with an overview of the topic, and to facilitate use of the full report.

Value and Significance of Coastal Recreation

The value of coastal recreation extends well beyond leisure pursuits that take place along the nation's shoreline. The total recreation experience encompasses not only participation in such activities, but also incorporates the excitement of planning and anticipating recreational visits to the coast, the journeys to and from the recreational sites, and the enjoyment associated with reminiscences about the experience.

In addition, expenditures by recreationists frequently provide the underpinnings of local, regional and even major components of state economies in coastal areas, and support a number of industries which cater to recreational needs.

Finally, while the nation's beaches remain a locus for swimming, fishing, sunbathing, and fraternizing, burgeoning use pressures and changing public preferences have spawned growing recognition of less tangible recreation-related values, including esthetic enjoyment, ecological interest, historical and cultural enrichment, and spiritual renewal.

Handbook Objectives

Consistent with the orientation of the Coastal Zone Management (CZM) Program, which is designed to accommodate the various conditions, needs, and resulting divergent approaches of various states, it is neither the mandate nor the intent of OCZM to prescribe a single methodology for coastal recreation planning and management. Rather, the objectives of this document are:

(1) To provide a source document to facilitate information collection, analysis, and synthesis;

(2) To identify recreational concerns likely to be of particular significance to CZM (and conversely, elements of state CZM programs most likely to be of significance to recreation);

(3) To present a conceptual framework for coastal recreation planning and management that lends itself to effective integration into a comprehensive CZM program; and

(4) To furnish a broad spectrum of potential management strategies and decision guides.

Planning Approach

The concept of user-resource recreation planning has evolved in response to expanding challenges which have arisen during the past decade-and-a-half. Briefly, the approach outlines a planning process that:

(1) Inventories and evaluates existing and potential recreational resources;

(2) Simultaneously identifies user groups and their characteristics;

(3) Adapts those anlayses to yield estimates of recreation supply and demand in terms of available resource types and user group requirements; and

(4) Translates these determinations, through the use of planning guides and benefit/cost evaluations, into a recreation plan.

The approach rests upon 10 basic tenets:

(1) All potential recreation participants may be consoliated into a limited number of user groups, according to the nature and quality

of the recreation experience that each user desires.

(2) Each aggregated user group may be identified by certain social and economic characteristics that are determined from available census data; therefore, estimation of the magnitudes and distribution of each user group's future recreation requirements should be possible.

(3) Each user group requires certain types and amounts of resources in order to provide needed recreation opportunities.

(4) The amount of space allocated for each type of recreation experience is determined from physical, as well as psychological requirements.

(5) The recreation planning area may be defined in terms of existing landscape characteristics.

(6) The interacting environmental characteristics of each landscape type have a measurable potential for recreational use.

(7) Each recreation resource type within a region has a maximum user carrying capacity; when used beyond this capacity, resource quality and the recreation experience are impaired.

(8) The accessibility and distribution of recreation areas have an influence on their potential use.

(9) Natural resource capability and design studies can determine the most suitable kind, amount, and arrangement of recreational development.

(10) Recreation experiences have both tangible and intangible values; these values may include direct dollar expenditures, the personal satisfaction that users receive, and social and cultural benefits.

Management Tools

A broad array of management strategies are available to enhance coastal recreation planning and program implementation. This discussion provides a summary description of selected representative management tools.

(1) Zoning and subdivision controls represent traditional approaches that may be applied in an innovative fashion. Exclusive use zoning creates special districts which allow only selected uses, and has been applied, in some instances, to establish zones allowing only recreation and related open space uses. Another category of exclusive use zone consists of flood plain or flood hazard districts. The application of this type of zone has increased with more stringent state and Federal incentives and sanctions concerning development in flood prone areas.

Setbacks delineate a building line that may generally be applied along shoreline areas to preserve beaches and dunes, and for esthetic purposes. Legal problems are likely to be encountered, however, where private property owners are prohibited from making a safe and economic

use of their lands. Setbacks might also be successfully applied in natural hazard areas, such as along earthquake fault lines or abutting hilltops or steep slopes.

Subdivision regulations offer additional opportunities for expanding public access to coastal recreation sites through conditions, required dedications, payment of fees, and improvements, which are among the exactions that can be imposed for subdivision approval. The park dedication concept has been further extended in some coastal areas to propose that developers dedicate public easements for shore access where subdivisions would block existing or potential access.

(2) Various means of public purchase form another category of methods which have received widespread use. Acquisition of fee simple absolute interests in property through condemnation or negotiated purchase have been supplemented by purchase and leaseback agreements, and acquisition of less than fee simple interests. The former approach involves a fee simple transaction, accompanied by specific land use restrictions prescribed by the purchasing public agency. Property is subsequently leased back to the former owner or a private developer to use within the limits set forth by the restrictions.

Less than fee simple acquisition involves easements, which are interests in property granting specific uses, or restricting them. An affirmative easement allows the holder to make certain uses of the property, while a negative easement involves limitations on its use. Affirmative land interests

which may be transferred to public ownership include hunting, fishing, and beach access. Highway and public utility easements also may be utilized in securing shoreland and beach access.

Negative easements, which may be secured to limit certain types of development, are analogous to the purchase of development rights. Examples include conservation, scenic, and wetlands easements.

(3) Preferential and deferred tax assessment can be applied to encourage shoreland property owners to maintain their holdings in a state that preserves open space. Assessments are based upon prevailing use, rather than the property's development potential. To prevent speculation, these strategies must generally be coupled with penalty provisions applied when owners renege upon the maintenance of open space uses.

(4) Litigation and legislation represent additional means of confirming beach access rights. Under the public trust doctrine, certain rights are reserved for the common use and benefit of the public, even if proprietary title has been granted to individuals. This doctrine has been widely applied in the states to protect public rights in tidelands and submerged lands below navigable waters. Upland areas, however, are generally subject to proprietary interests.

Legal doctrines applied to maintain public access in privately held shoreline areas include adverse possession, prescription, implied dedication, and customary rights. The first two doctrines represent methods of acquiring rights in real property through continuous, open, and adverse use. Adverse possession creates title to an estate in land, but its utility in acquiring

beach access is limited by the fact that the public rarely possesses beach areas continuously. Prescription differs from adverse possession in that it creates only an easement, and that it is now governed primarily by statute rather than common law.

Dedication rests upon an intention, express or implied, by a property owner to open his holdings to the public. An owner's acquiescence in sustained public use may support an implied dedication.

The customary rights doctrine holds that long-standing observance of a custom, such as public use of a beach, may give it the force of law under certain circumstances.

Legislation has been enacted in a few states (most notably Texas and Oregon) which reaffirms public access rights in so called "open beaches" laws. Open beaches statutes encourage and facilitate continued application of selected legal doctrines appropriate in particular states.

(5) Other methods that have found more limited application, but which may hold considerable promise for the future include compensable regulations, transferable development rights, and land banking. Under a system of compensable regulations, property owners would be compensated for losses suffered as a result of restrictions placed on their holdings. This approach offers the potential advantage of avoiding legal challenges on the grounds of condemnation without just compensation - the "taking issue."

Transferable development rights (TDR's) allow rights to develop property, rather than property itself, to be exchanged in the marketplace. This approach has had very limited application, and is most often proposed for urban areas to assist in such purposes as preservation of historic

neighborhoods subject to intense development pressures.

Land banking involves advance acquisition of major land parcels by a public entity for the purposes of guiding future development. This method has been successfully applied in several European nations, but substantial capital requirements have tended to limit its utilization in the United States.

(6) Management strategies may also be extended to coastal waters through such techniques as: restricting the type of uses that may be made of an entire water body or class of waters; restricting the time period allowed for various uses so that activities can be phased throughout the day; and surface water zoning, an approach which defines the nature, methods, or times of use of a water body, and deals with their interaction. Surface water zoning alternatives include:

(a) Fixed-Area Zoning, which restricts uses to specified areas;

(b) Time-Area Zoning, where specific uses are prohibited in specific areas at particular times; and

(c) Separation-Distance Zoning, which establishes a buffer area between various mobile uses.

Complementing Existing Programs

A state CZM program's success will rely heavily upon its ability to effectively coordinate the efforts of diverse interests operating in its coastal zone. Fortunately, virtually all levels of government possess some degree of recreational responsibilities, and hence planning and management experience.

Of particular relevance to CZM is the fact that each state is required to maintain a State Comprehensive Outdoor Recreation Plan (SCORP) to comply with the provisions of the Federal Land and Water Conservation Fund Program administered by the U.S. Bureau of Outdoor Recreation. The development of SCORP's, along with other Federal, state, regional, and local initiatives, has produced baseline inventory data and projects, and an infrastructure for delivering outdoor recreation services.

The offshoot of the availability of this information is that where effective park and recreation programs are already operational, an excellent opportunity is provided for utilizing CZM as a forum for addressing specialized coastal recreation problems treated inadequately by existing institutions; reconciling conflicts between various interests; and formulating mutually supportive policies and practices.

Coordination may assume many dimensions, with varying types and degrees of interaction. Coordination measures might include:

- Formal or informal modes of information exchange, such as distribution or routing of relevant materials, designation of liaison officers, or formation of advisory committees to meet and discuss issues;

- An organizational scheme that delegates recreational and CZM program responsibilities to the same agency, or includes both under the same authority;

- Direct negotiation among competing interests;

- Loan or exchange of personnel;

- Use of common data bases, projections, and scenarios;

- Joint activities or committees, such as a citizens' advisory committee;

- Joint review authorities;

- Joint approval authorities; or

- Joint agreements, policies, programs, or regulations.

Various agencies and programs may bear upon coastal recreation through:

(1) Direct responsibilities for land and water resource management (e.g., the National Park Service, state park agencies, local park and recreation authorities);

(2) Technical and financial assistance capabilities (e.g., the U.S. Bureau of Outdoor Recreation and the Land and Water Conservation Fund Program); or

(3) Functional responsibilities that do not pertain to recreation directly, but which may nevertheless impact it (e.g., state highway programs, public utilities).

State CZM officials must seek not only to coordinate their activities with all of these interests, but also to facilitate compatible efforts among the diverse groups which affect coastal recreation. Though geo-

graphically restricted, CZM is not a functional program, such as transportation, housing, water supply, or recreation. CZM is characterized by a broader charge and overview, and, therefore, must depend upon coordination with these functional programs, at all levels of government, to achieve CZM objectives. Thus, suggestions concerning coastal recreation are directed not only toward state CZM officials, but also other entities with recreational responsibilities.

Public Access

Perhaps the paramount issue in coastal recreation is public access to the shoreline. The effective coastline available for public recreational pursuits is remarkably small when considered in the context of the United States' extensive shoreline resources.

In one sense, the coastal recreation resource supply is essentially fixed. Problems arise not from a diminution of the shoreline itself, but from the maldistribution and misallocation of coastal resources. An overriding objective of the CZM program consists of improving the process for allocating these resources to alternative uses, including recreation.

In its broadest sense, the access question extends beyond physical presence and participation in recreational activities - it encompasses visual, legal, social and economic access, the barriers that inhibit them, and the tools that are available to enhance them. Implicit in this definition is confrontation of challenges concerning equity, latent recreation demands, and interstate ramifications of coastal recreation planning and management. CZM affords an opportunity to formulate and

implement planning approaches and management stategies designed to deal with these challenges from a statewide perspective on a continuing basis.

Private Sector

Often overlooked in public recreation programs is the key role that the private sector, and particularly commercial enterprise, can fulfill in securing public access to the coast. Much of the private resistance to expanding public access, especially critical perpendicular access across private land, could be eliminated through grants of immunity to tort liability for grantors of access easements to public entities. Likewise, public access must receive considerably more attention during the design of private facilities such as marinas, clubs, and subdivisions.

Improved and expanded coordination with the private sector represents a promising avenue for enhancing the availability of recreational opportunities, as well as facilitating planning and management through the provision of additional data. Limited public resources can be applied to provide and supplement opportunities which the commercial sector is unable to adequately supply, while private investment can be encouraged in a manner that will foster a balanced overall recreation program.

Management Quandary

A quandary facing coastal zone planners and managers resembles, by analogy, the dual, and at times, contradictory mission of the National Park Service. The Park Service is charged with:

(1) Preserving outstanding natural, cultural, and scenic resources, while simultaneously

(2) Providing for public enjoyment derived through recreational use of these resources.

The point here is that while recreation and open space preservation are often thought of synonomously, objectives of various user groups often conflict in practice. Recreational development and intensive use frequently degrade coastal resources, and inhibit the pursuit of activities dependent upon a high level of resource quality. Conversely, harbors and beaches developed and maintained through artificial means have generated substantial recreational benefits, despite the fact that numerous existing projects might not have been allowed if originally proposed under current regulations.

Coastal planners and managers are charged with determining the appropriate role of recreational concerns among the expanding and often conflicting demands for shoreline resources. Such determinations must not only be sensitive to public and private interest group preferences, but must also reflect intimate understanding of the coast's attraction for recreational pursuits. Under the CZM program, primary responsibility rests with the states to select the institutional arrangements and management strategies appropriate to their needs, and to generate sufficient commitment, leadership, and public support to carry out this charge.

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