North Carolina' Coastal Zone Management Program

Getting to the Beach

A Report on the North Carolina Public Beach Access Program 1981-88

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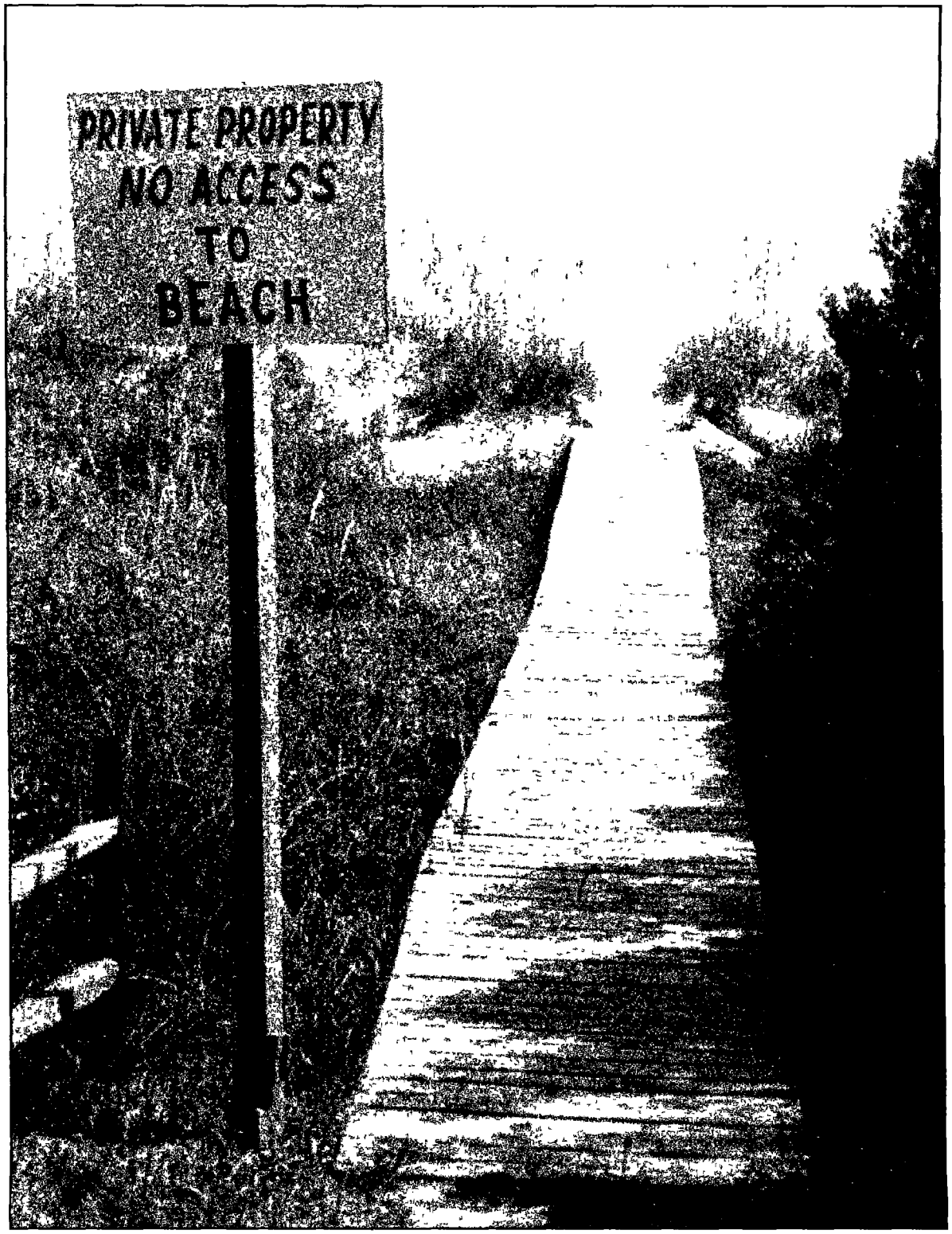
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INTRODUCTION

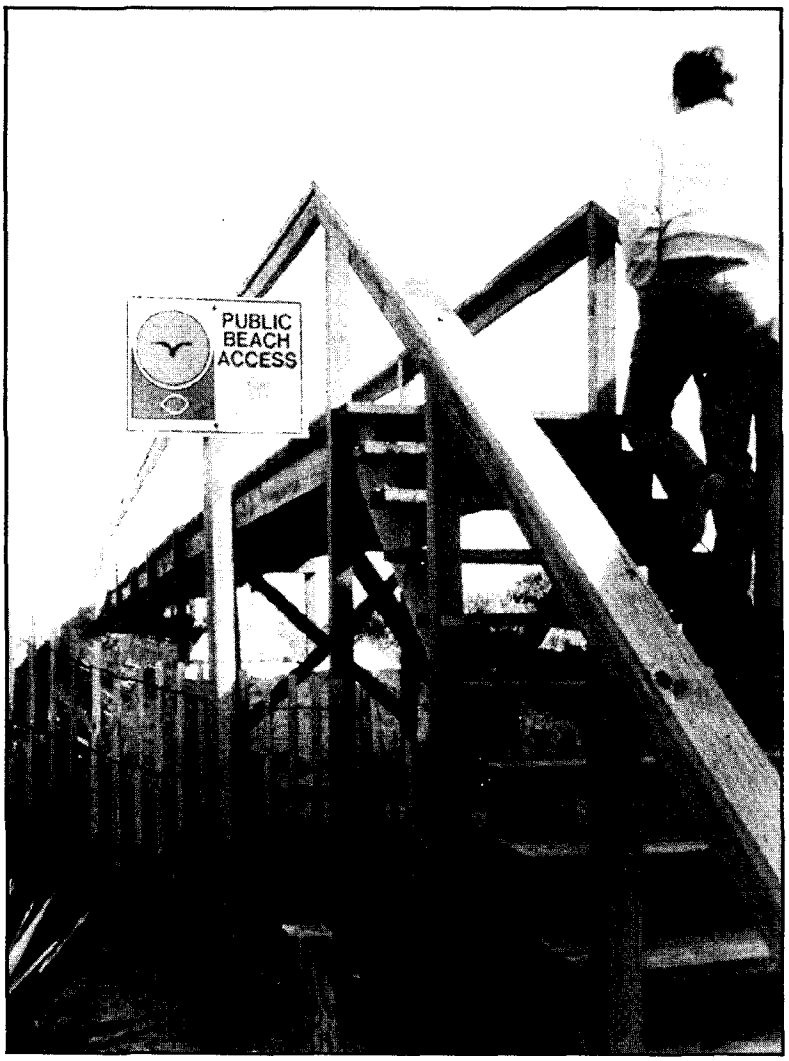
For centuries, North Carolina's beaches have been a source of pleasure for our citizens. We have used them historically as highways, as places to fish and launch boats, and for recreation – swimming, sunbathing, walking, shell collecting, and just relaxing.

Over the past 100 years our beaches also have become a vital economic resource. Motels, restaurants, real estate, construction work, boat building, marinas – all provide jobs and economic opportunity for coastal residents. Coastal tourism is a major economical force in North Carolina – a clean, non-polluting industry that will continue forever, so long as we protect the natural beauty and attractiveness of our beaches and provide adequate access to them.

A good beach access program is one of those rare governmental programs that benefits almost everyone. It allows the state's citizens to use a resource they actually own – the beach – no matter where they live. Easy access and the allure of our beaches increases property values of the entire coastal area. The beach access program focuses access into areas that can be properly managed and maintained, thus reducing harmful impacts on the environment. The results are a variety of recreational benefits, increased tourism, which provides jobs, and increased tax revenues.

The very high cost of property along the beaches, concerns about legal liability for injuries to visitors, protection of the privacy of neighbors, and the dynamic nature of the beach itself all complicate the beach access issue.

Making sure adequate beach access is provided is not an easy task. In many northeastern states, long and bitter litigation has been waged over who has a legal right to use the beaches, whether nonresidents can be kept out, and whether expensive beach fees can be charged. On the California coast, many legally-established beach accessways remain unopened because neither the state nor local government is willing to spend the money to maintain them.



The goal of the North Carolina Beach Access Program is to increase public access to the beach.

HISTORY

North Carolina's beaches are one of the state's most popular natural resources.

Historically, the relatively isolated location and limited development in the coastal region has preserved amenities that make our beaches and estuarine system a very desirable place for recreation and solitude. The ocean beaches stretch for more than 300 miles between Virginia and South Carolina and the estuarine shoreline extends for over 4,000 miles along our sounds, rivers, and creeks. These areas are one of the state's greatest natural and recreational resources.

Until recently the right of the public to use the ocean beaches and sounds had never been seriously questioned in North Carolina. When English settlers arrived they brought with them English law, including the Public Trust Doctrine. It holds that the ocean beaches and sounds are owned by the state and held in trust for the use of it's citizens. For more than 370 years getting to the beach was not a problem. People who wanted to get to the ocean beaches and sounds were rarely challenged as they took traditional paths to the shore.

However, about 30 years ago this situation began to change. Buildings and "no trespassing" signs began to appear in areas used traditionally by people to get to the ocean beaches and sounds. During this time more and more people were traveling to the coast and subsequently building on the coast. Those who built on the waterfront often blocked the access of those who did not own waterfront land. Those who built away from the water generated more demand for access to the beach and water.

By 1981, the lack of public beach access was obvious. Parking at fishing pier parking lots was becoming restricted to only users of the pier itself. North Carolina was ranked at the bottom of coastal states in providing public access.

North Carolina initiated an excellent program to provide beach access before the issue grew to crisis proportions. Although North Carolina started late, the formal beach access program went into operation in 1982, there has been significant progress in several important respects.

In North Carolina it has been established that the state owns the beaches because of a strong and long-standing tradition of free and open public use of the beaches. Many local governments required perpendicular streets to be platted down to the beach when the shoreline began developing. This created the opportunity to move quickly in establishing a successful beach access program.

For the most part North Carolina has taken advantage of the opportunity to establish beach access. In the past eight years the legislature has appropriated over $1.3 million to improve beach access in North Carolina. Federal grants have raised the expenditures on beach access to $2.4 million. This money has provided vitally needed parking lots, bathrooms, dune crossovers and related facilities that make beach use practical and enjoyable for many thousands of residents and visitors alike.

But much more needs to be done if the state is to reach the goal of making more of its beaches open to all citizens. In some parts of the coast only those fortunate enough to own beachfront property can get to the beach; not even walkways are available for those renting cottages across the street. In other areas there is no parking available, no restrooms, and no place to shower after using the beach. Our sounds and rivers frequently have no access at all. With land prices and development increasing, the time left to meet our access needs is running out.

A successful beach access program involves many institutions and people working together to meet some difficult challenges. Plans that identify appropriate access sites must be developed and constantly updated. More cost-effective operation and maintenance programs must be developed. Legal issues related to beach use and liability have to be resolved. Federal, state, and local programs addressing beach access, parks and recreation, development in hazard areas, and rebuilding after storms must be carefully coordinated. Finally, a way must be discovered to provide the long-term funding necessary to continue an effective access program.

This report explores the beach access program in depth. It explores our access needs, how the state and local governments have worked hard to meet those needs, and what is left to be done. It is a story of both significant accomplishments and substantially unmet needs. It provides a challenge to North Carolina that must not go unanswered.

In the early 1980's a legislative study supported the obvious need for North Carolina to establish a comprehensive program to identify, improve, and maintain access points to the ocean and estuarine beaches.

In 1981 the Coastal and Estuarine Water Beach Access Program was created so that the public could enjoy what it owned – the state's unique ocean and estuarine beaches. The access program is funded annually through a special appropriation by the General Assembly and is administered by the Department of Natural Resources and Community Development through the Division of Coastal Management (DCM). Federal funds became available to North Carolina in 1985.

Land acquisition for accessways gives priority to land unsuitable for building. Normally these lands are those which have suffered natural water hazards, erosion, flooding and storm damage. State and local coastal management officials work together to solve interpretations of what is usable access land and what is not.

WHAT IS BEACH ACCESS?

Loosely defined, beach access provides the ways and means to get the public to the water. Flexibility keys the success of the North Carolina Beach and Estuarine Access program. Access facilities vary in size and amenities offered because of the diverse geographical make-up of the coastline. The availability of parking and restroom facilities is essential to public access areas. Providing restroom facilities for visitors improves the aesthetic quality of access areas and contributes to the public health, safety, and welfare.

There are three general categories of access facilities.

Regional facilities provide:

- *parking (typically for up to 60 vehicles)*
- *restroom facilities*
- *outdoor showers*
- *dune crossovers and*
- *litter receptacles*

Regional facilities serve large numbers of people from a large area. Many of these facilities provide water fountains, snack areas, picnic tables, and life guards. All are accessible to the handicapped and funds are allocated to include these facilities.

Neighborhood facilities provide:

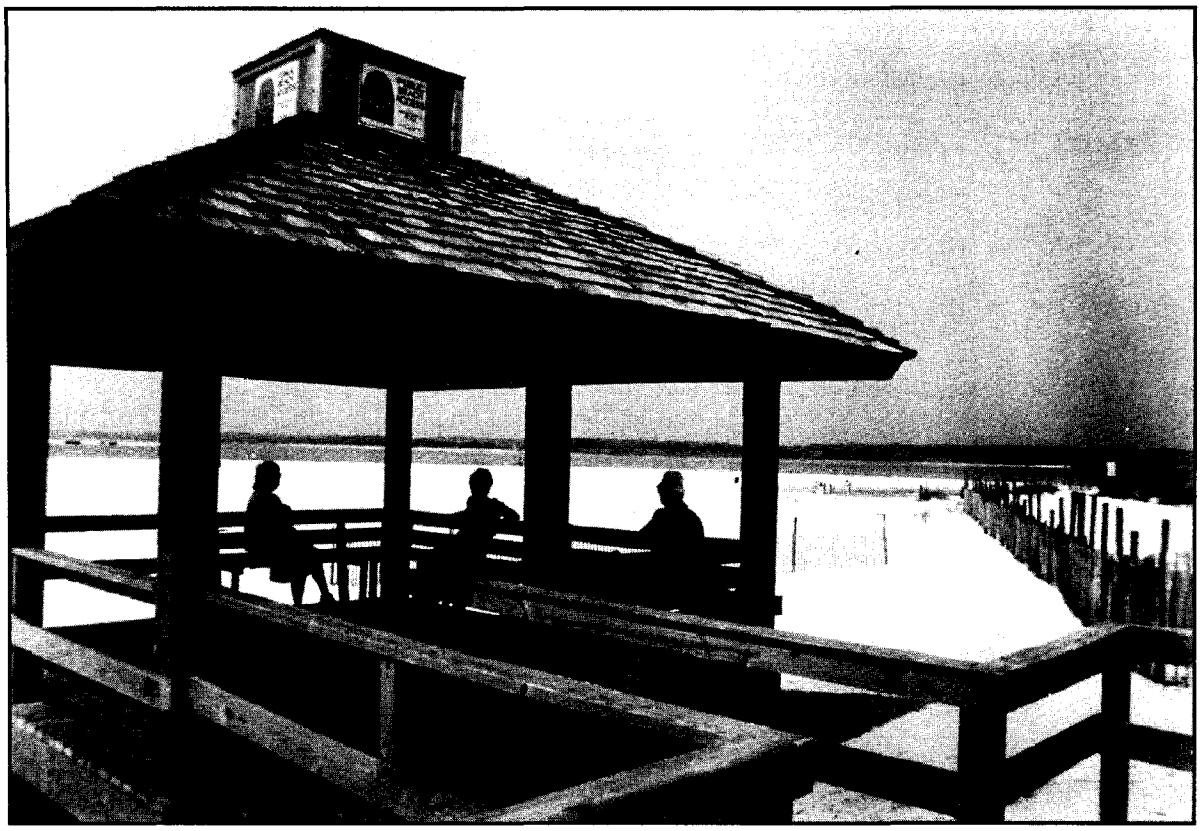
- *parking for about 10 vehicles*
- *dune crossovers and*
- *litter receptacles*

Neighborhood facilities serve a smaller number of people from the surrounding vicinity. Due to smaller budgets and sites, handicapped accessible features are not always feasible.

Local facilities typically provide:

- *dune crossovers and*
- *litter receptacles*

This family gets ready for a day of fun and sun at the North Carolina coast.



Beachgoers take a break and enjoy the view from an access shelter in Wrightsville Beach.

Local facilities serve the immediate area. Also due to their small size and limited budgets, it is not generally possible to include handicapped accessible features.

Regional facilities are accessible to the handicapped. Local governments proposing neighborhood and local facilities are strongly encouraged to make them accessible to handicapped citizens.

Access Inventory

In planning for their access needs, local governments should take stock of what opportunities and obstacles they face. An inventory of existing access areas and an evaluation of current and expected future use patterns is the first step in developing an access plan. An access inventory needs to chart:

- all legally existing local, neighborhood, and regional public ocean and estuarine water access areas;
- all traditional access areas;
- all existing private or commercial access facilities; and
- all ocean or estuarine areas currently identified or considered appropriate as potential local, neighborhood, and regional public access sites.

Verifying each area's legal status in the mapping process ensures there is no private encroachment and that each area is publicly owned or dedicated and open to public use. Finally, when a site becomes an accessway, it is important that it is identified by public access signs so that users can easily locate them.

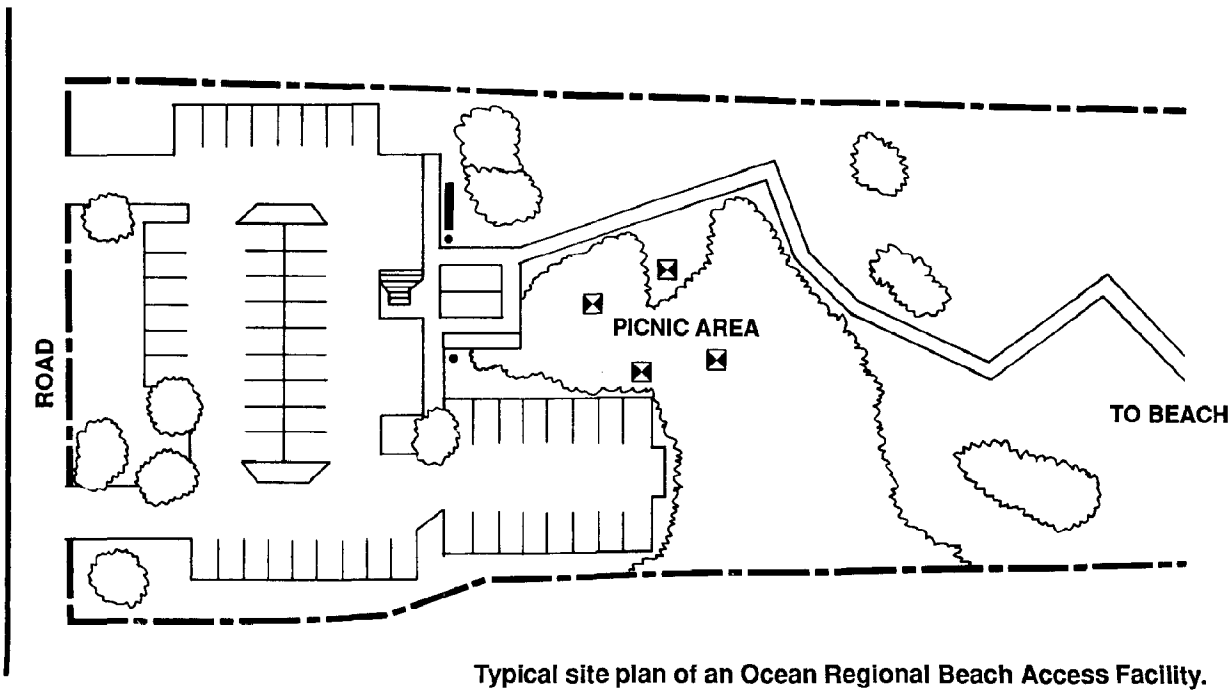
All incorporated towns and counties in the 20-county coastal region are invited each year to apply for access projects. Unfortunately, each year more funds are requested than are available and many needs go unmet. DCM staff members assist interested local governments in the planning, acquisition, design, and construction of public access projects.

COUNTY	LOCATION	FACILITIES	FUNDED IN FISCAL YEAR
BRUNSWICK	*Long Beach*	Ocean Regional	1981-84
		24 Dune Crossovers	1981-84
		Estuarine Neighborhood (with Pier, Boardwalk)	1984-85
		Ocean Neighborhood	1988-89
	Ocean Isle Beach	15 Dune Crossovers	1981-84
		Ocean Neighborhood	1985-86
	Caswell Beach	2 Ocean Neighborhoods	1984-85
	Holden Beach	2 Ocean Neighborhoods	1984-85
		Ocean Regional	1986-87
	Southport	Estuarine Neighborhood	1984-85
	Yaupon Beach	5 Dune Crossovers and 4 Vehicle Ramps	1984-85
	Sunset Beach	Ocean Neighborhood	1987-88
CARTERET	*Emerald Isle*	Land Acquisition	1981-84
		Ocean Neighborhood	1984-85
		Estuarine Neighborhood	1984-85
	Indian Beach	Ocean Neighborhood	1985-86
		Ocean Neighborhood	1988-89
	Salter Path	Ocean Regional	1985-86
	Atlantic Beach	Ocean Regional	1986-87
	Newport River	Estuarine Regional	1986-87
DARE	*Kill Devil Hills*	Ocean Neighborhood	1981-84
		Ocean Regional	1984-85
		Ocean Neighborhood	1986-87
		Estuarine Neighborhood	1987-88

	Kitty Hawk	Ocean Regional	1981-84
		2 Unbuildable Lots	1981-84
		3 Ocean Neighborhoods	1986-87
	Nags Head	Ocean Regional	1981-84
		1 Unbuildable Lot	1981-84
		3 Ocean Neighborhoods	1984-85
		3 Ocean Neighborhoods	1985-86
		Estuarine Neighborhood	1985-86
		Ocean Neighborhood	1987-88
		Ocean Regional	1987-88
NEW HANOVER	***Carolina Beach***	Ocean Regional (with 16 x 16 Handicapped Shelter)	1981-84
		7 Dune crossovers	1981-84
		2 Ocean Neighborhood	1985-86
		Estuarine Neighborhood	1986-87
		Ocean Neighborhood	1986-87
		Ocean Regional	1987-88
	Fort Fisher	Ocean Regional	1981-84
	Wrightsville Beach	Ocean Regional	1981-84
		Ocean Neighborhood	1981-84
		Ocean Neighborhood	1985-86
	Wilmington Beach	3 Ocean Neighborhoods	1984-85
		3 Ocean Neighborhoods	1985-86
	Kure Beach	4 Ocean Neighborhoods	1985-86
		Ocean Neighborhood	1987-88
	Snows Cut	Estuarine Neighborhood	1986-87
ONSLOW	***West Onslow Beach***	Ocean Regional	1981-84
		Estuarine Regional	1983-84
	Jacksonville	Estuarine Neighborhood	1984-85
	New River Inlet	Ocean/Inlet Neighborhood	1985-86
	Swansboro	Estuarine Neighborhood	1988-89

PENDER	***Surf City***	Ocean Regional	1981-84
		3 Ocean Neighborhoods	1981-84
		Ocean Neighborhood	1985-86
		Ocean Neighborhood	1985-86
		Ocean Neighborhood	1986-87
	Topsail Beach	2 Dune Crossovers	1981-84
		2 Lot Acquisitions	1981-84
		2 Ocean Neighborhoods	1984-85
		1 Unbuildable Lot Acquisition	1984-85
		1 Unbuildable Lot Acquisition	1985-86
TYRRELL		Estuarine Neighborhood	1984-85
WASHINGTON	***Plymouth***	Estuarine Neighborhood	1985-86
		Estuarine Neighborhood	1987-88

** Local accessways are typically funded by the local government and therefore are not listed.*



Typical site plan of an Ocean Regional Beach Access Facility.

SURVEY

DCM surveyed coastal business leaders and local government officials during the spring of 1986 to gauge coastal access needs as perceived by coastal community leaders. Projections made by the respondents considered the program's outlook for the remainder of the decade.

Most respondents (80%) favor additional access areas. They particularly cited increased recreational activities and an enhanced community image as benefits of the access program. Business leaders frequently cited increased sales tax revenues from tourism as a county-wide benefit of additional public access facilities.

The survey indicated that state and local governments should have the primary responsibility for providing public access. Survey respondents felt that DCM should develop uniform advisory guidelines for the location of new access areas, but that local governments should decide on specific locations and detailed site planning.

According to the survey, local governments should develop subdivision and zoning ordinances that require developers to provide access in new subdivisions. Businesses and local governments indicated some interest in joint public and private funding for new public access projects.

Other comments in the survey also emphasized that providing additional ocean and estuarine access areas improves the livability of coastal communities, makes coastal communities more attractive to tourism, and eases the pressure on existing and often overused access areas.

Public beach access promotes tourism and increases tax revenues for the community.

LIABILITY

This estuarine access site in Onslow County offers a beautiful view of the area.

Access liability is virtually the same as the liability assumed by local governments for any facility or service they provide. Local governments are responsible for maintaining their property and facilities in a reasonably safe condition for public use. Liability risks can be significantly reduced by careful selection of sites and maintenance of the facilities.

Local governments assume responsibilities for operation and maintenance. For local and neighborhood access facilities, where only pedestrian access and parking is provided, there is usually less use and therefore less maintenance.

Local governments should lean toward the side of caution in providing and maintaining public beach access facilities. As recreational liability has recently become a growing area of legal activity, it is important for local governments to plan and act carefully in establishing beach access facilities.

BEACH ACCESS PROFILES

Although generally very high, use of individual beach access facilities varies throughout the coastal region. Following are descriptions of some of the more prominent projects funded through the North Carolina access program.

Salter Path Facility

The Salter Path Regional Beach Access Facility was the first regional facility constructed on Bogue Banks as part of DCM's program. It was opened to the public in August of 1987.

The Salter Path facility is located on a 22-acre site on Highway 58 in Salter Path. Most of the land was donated to the state by the Roosevelt family. The site incorporated four adjacent single-family residential lots acquired by the state for the project. Both the Roosevelt property and the residential lots have been leased by the State to Carteret County for 25 years.

The project was initiated in November of 1985 when DCM and Carteret County applied for a federal Land and Water Conservation Grant (LWCF) administered in North Carolina by the Division of Parks and Recreation. DCM began acquiring adjacent residential lots in January of 1986.

Including land acquisition and construction, the project cost $507,000. The LWCF Grant provided half of the funds needed for the project. DCM and Carteret County combined funds totaling $160,000 to construct the parking, bathhouse, and other facilities. State funds provided $150,000 to purchase two of the residential lots, and $197,000 in federal funds was used to purchase the additional lots.

This handicapped accessible regional facility provides parking for approximately 65 cars. The facility has a deck, restroom facilities, benches, wooden walks, and water,

A young couple enjoys the view from the Salter Path access walkway.

sewer, and electrical utilities. Also available are a dune crossover with handicap ramp, picnic tables, trash receptacles, outdoor showers, lights, and a bike rack. Carteret County has installed a pay telephone and a soft drink vending machine on the site.

Great care was taken by Carteret County in the design and construction of the facility to preserve the beautiful live oaks and sand dunes on the property.

From Memorial Day to Labor Day, the parking lot is usually filled. Many weekend visitors are unable to locate an available parking space. This facility is used extensively during the spring, and is a popular fishing spot in the fall.

The Salter Path Regional Facility is open year round to the public, without charge, from daylight to dusk. Carteret County maintains the facility. Families with young children, groups, couples, and individuals now have the opportunity to use the beach in Carteret County without owning or renting oceanfront property.

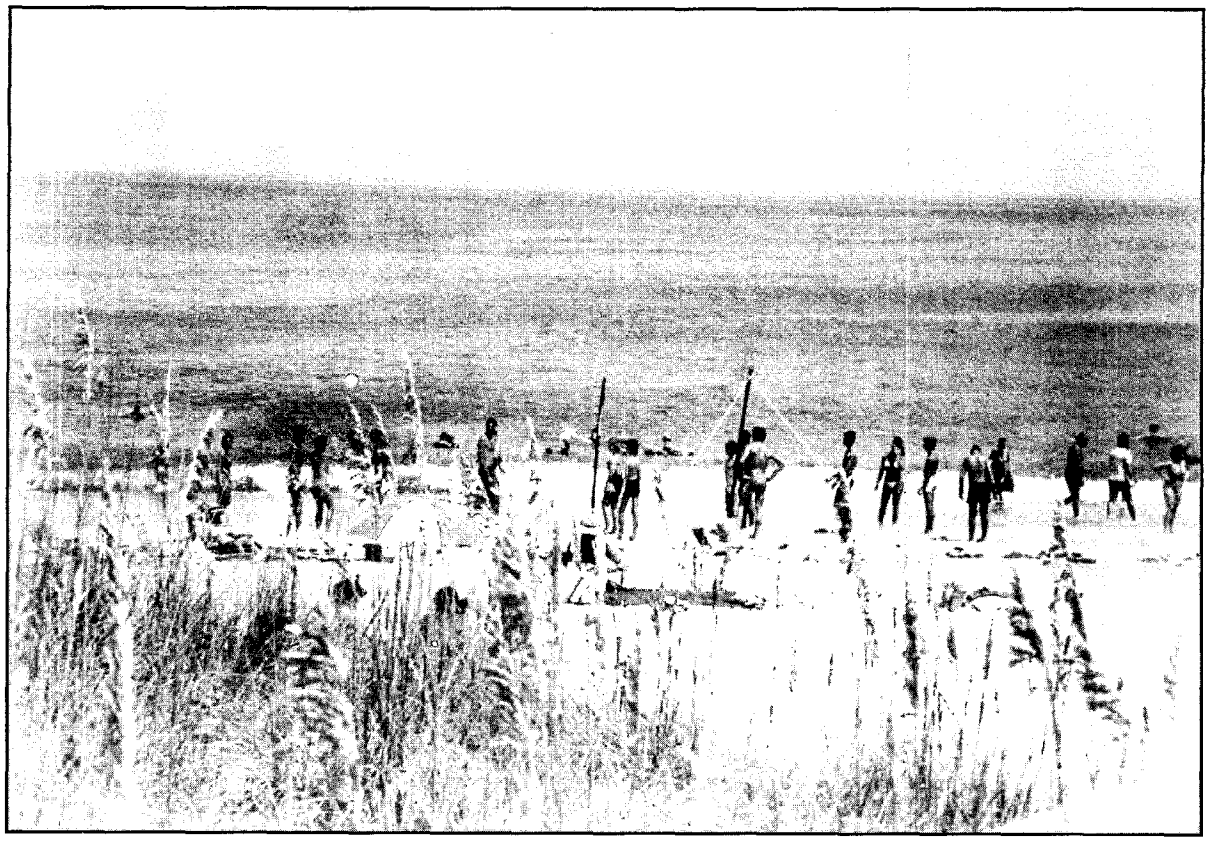
Carolina Beach Facility

Carolina Beach received funds from the 1987 and 1988 access program budgets to develop a regional ocean access facility.

The need for access in this New Hanover County town had been apparent for years. The Town recognized this need in their 1986 Land Use Plan Update, which stated "it is extremely important that public access to the Carolina Beach shorefront be maintained and increased." As more visitors and residents came to the area the existing access facilities became increasingly crowded. The town's large tourist industry is based upon the attraction of the shorefront to visitors. Town policy helped fuel its' request for funding.

Carolina Beach acquired 16,000 square feet of property for this regional beach access facility and installed 36 paved parking spaces (two for the handicapped), a handicapped accessible public restroom facility, a bike rack, and litter receptacles.

Carolina Beach Town Planner, George Rose, says "the regional access facility has



Public beaches provide space for individual and group recreation.

been a tremendous benefit to the town. Last year the Annual Beach Music Festival was held at the regional access site with 30,000 to 40,000 people in attendance, but that's just a small part of the usefulness of the facility."

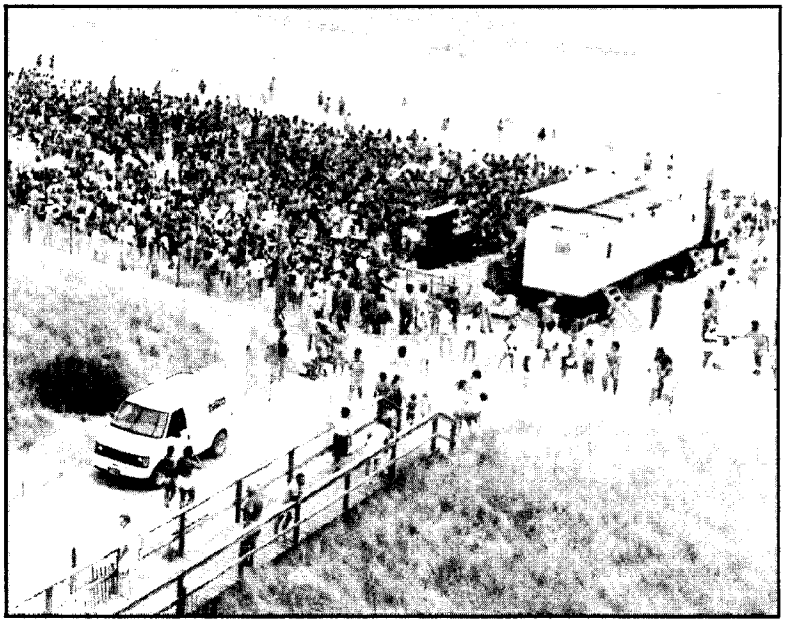
The Town of Carolina Beach is unique with its public beach adjacent to the downtown area. The parking provided at this site boosts the use of the downtown boardwalk area.

According to Mr. Rose, "Access is more than strictly a local responsibility. Sources other than the town must be tapped so the responsibility for providing shorefront access is shared equitably."

The cost of the Carolina Beach Regional Access facility was $166,614. Of that, $133,000 was spent on acquiring property and $33,614 on site development. Carolina Beaches local share of the total cost was $23,326. The Carolina Beach facility, like all access facilities, is open year round to the public without charge.

Other Key Sites

The Kitty Hawk Regional Facility at Hines Boulevard has a bathhouse and parking capacity for 24 vehicles. Between Memorial Day and Labor Day the parking lot is full and there is spillover parking along nearby streets.



The Annual Beach Music Festival at Carolina Beach drew thousands of visitors last year.

In Kill Devil Hills, the Ocean Bay regional facility has a bathhouse and parking capacity for 28 vehicles. This facility is full every day from Memorial Day to Labor Day with spillover parking along nearby streets. Also, at 10 other ocean neighborhood facilities with 20 to 30 parking spaces each, use reaches capacity every weekend and hovers at 75 percent on weekdays from Memorial Day to Labor Day.

Another unique site in Kill Devil Hills is the Hayman Boulevard Estuarine Neighborhood Facility, a 200-foot long pier with a deck facing Kitty Hawk Bay. This facility is used by sightseers, fishermen, and windsurfers nearly year round.

In Elizabeth City there is an Estuarine Neighborhood Facility on the Camden Causeway along the Pasquotank River. This new facility has a 1,000-foot long boardwalk with two canoe launch decks and two river overlook decks. Parking is available for 20 vehicles.

At Nags Head there are 23 access areas with parking spaces for 487 vehicles. These spots are occupied between 50 and 100 percent on weekends and approximately 50 to 75 percent during the week from Memorial Day to Labor Day.

These accomplishments are a credit to the work done by the state and local governments.

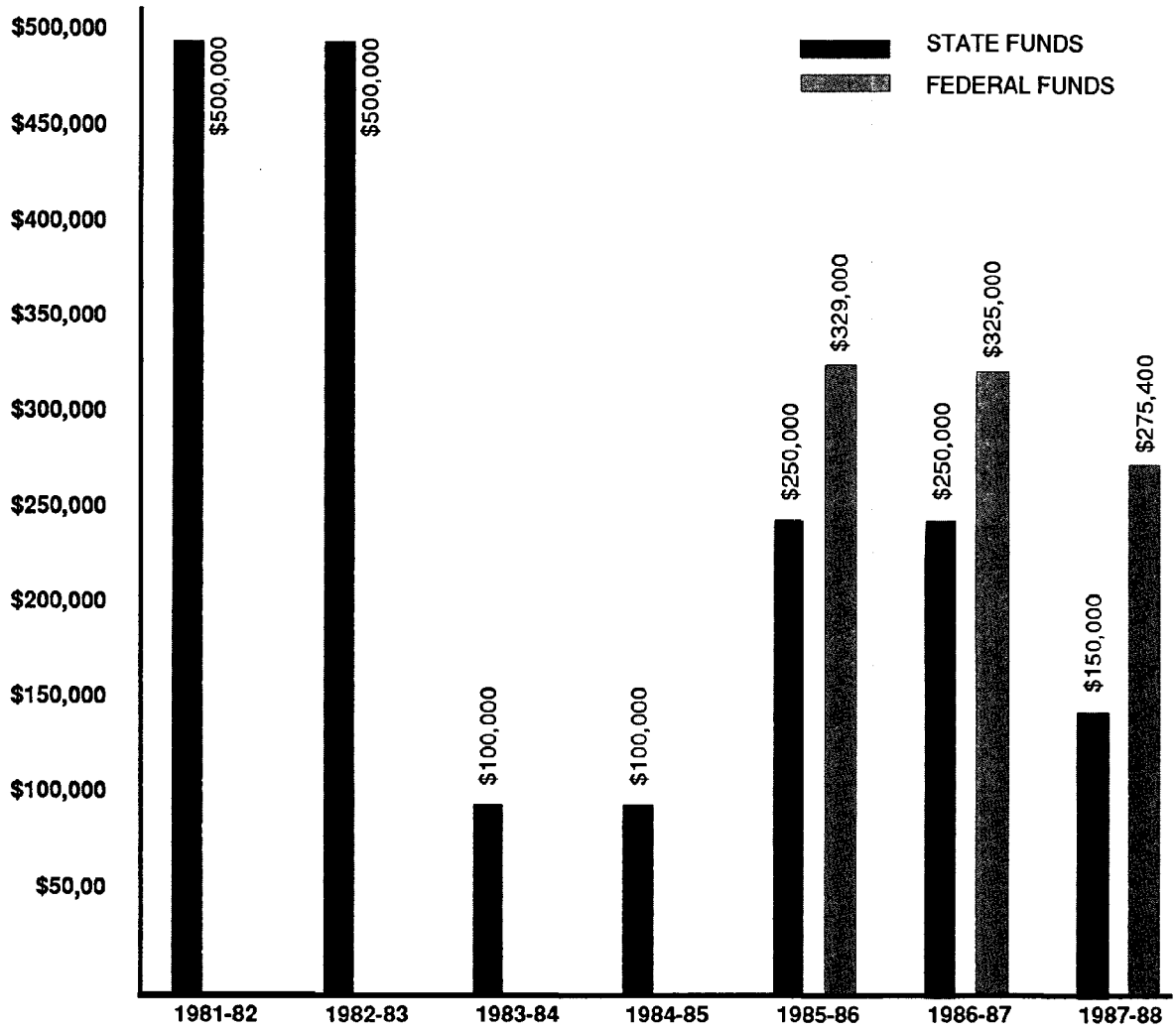
BEACH ACCESS ECONOMICS

It is economically prudent to expand the beach and estuarine access program. If access is provided, people will not hesitate to come to the beach; however, if unavailable, people may not come to the coast and spend their time and money. With increased demand comes the need for more public funding. Also, non-waterfront properties will become more valuable because access provides an amenity that people value and will pay for.

North Carolina has been praised for its' beach and estuarine access efforts. According to David J. Brower, Director of the Institute of Urban and Regional Studies at the University of North Carolina at Chapel Hill, North Carolina has made significant accomplishments with limited resources compared to other coastal states.

By the end of 1988, 138 access areas had been established, and North Carolina had become one of the national leaders in providing beach access. While using less than $1.4 million in state funds and slightly more than $1 million in federal funds, the state helped establish regional, neighborhood, and local access areas within the jurisdiction of 24 local governments. Local government contributions also play an important role in the access process.

Funding for beach access comes through a number of



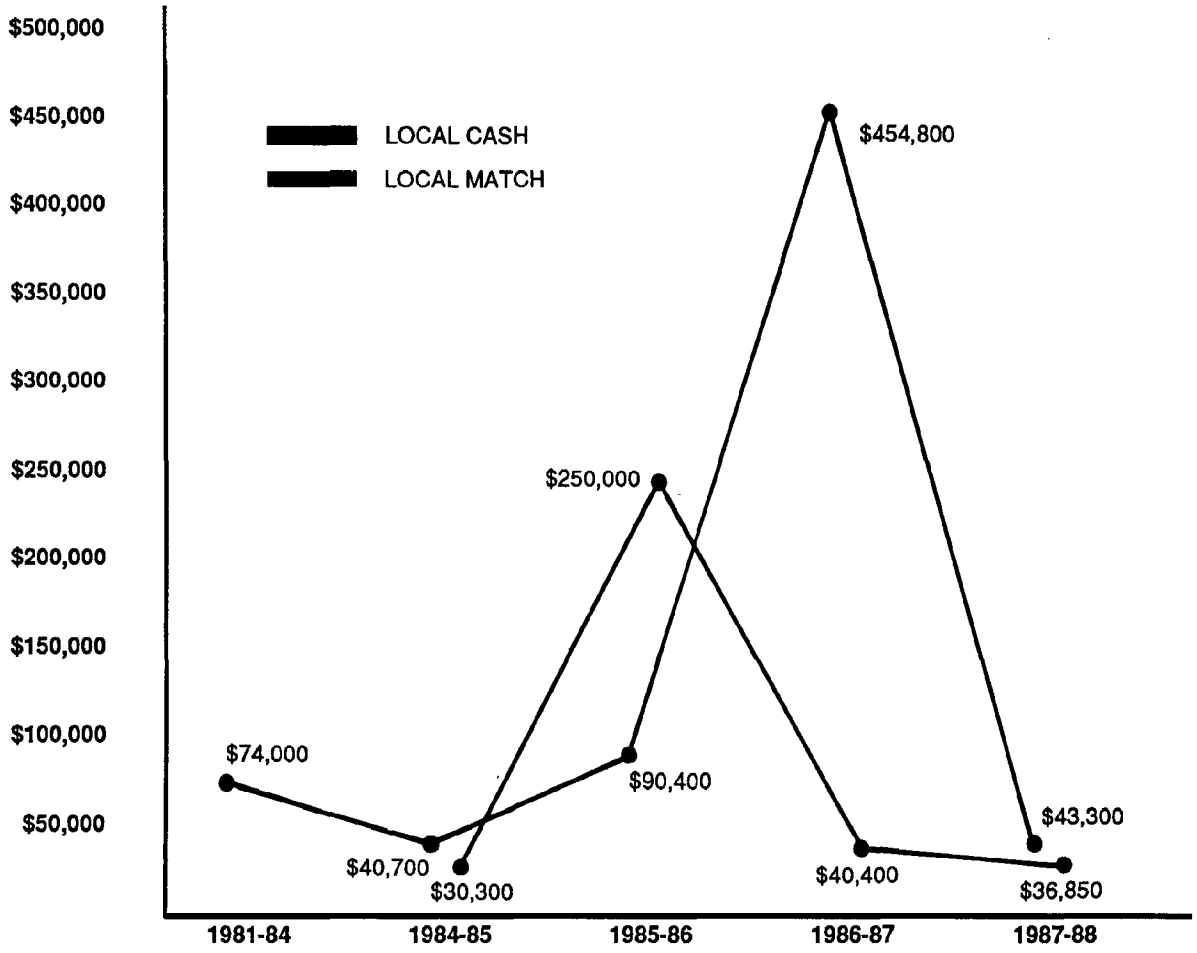
different channels. Federal, state, and local governments receive assistance via grants, funds, and contributions.

Purchasing land and materials for construction of access sites can be funded by existing federal and state grant programs and by drawing on other sources. Competition for federal and state grants is fierce; therefore, by drawing on an array of funding sources, the local governments chance of receiving a grant for access is improved. Public accessways can also be constructed as a community-wide endeavor by developing local funding sources and utilizing volunteer labor as well as private contributions and donations.

Federal Funding The Land and Water Conservation Fund (LWCF) administered for the U.S. Department of Interior through the NC Department of Natural Resources and Community Development, Division of Parks and Recreation, makes funds available on a 50 percent matching basis to local governments. The funds can be used for acquisition of lands and construction of access facilities. Grant criteria and the amount of available funds varies each year.

State Funding The Coastal and Estuarine Water and Beach Access Program, administered by the Division of Coastal Management, makes funds available to local governments to acquire land and make access improvements. The amount of grant funds available varies from year to year.

Local Funding North Carolina's state-local government partnership approach has created a popular program that is recognized nationally. Local governments can receive money from the state by "matching" funds through service contributions. Local citizens and civic groups can be valuable resources. They may donate materials, funds, or labor. Local corporations have a noted history of land and material donations.



CONCLUSION

This is not a time to rest on past accomplishments. Four of the five fastest growing counties in the state are in the coastal region. With more and more people moving to the coast, the desperate need for increased access to beaches and estuarine shorelines is clear.

The ever increasing cost of land is a major reason to expand the program as soon as possible. The demand for coastal land is outpacing the supply; therefore, money spent now to buy land for beach access has much more buying power than it will in the future.

The purpose of access is to provide people an opportunity to get to the beach once they arrive at the coast. The state has a responsibility to provide for the use of this public resource. It will take increased financial efforts on the part of state government, local governments, and local citizens to make our beaches fully accessible. The access program must aggressively continue if the state is to have a coastline for all to enjoy.

Children play at one of the many estuarine access sites in North Carolina.

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