

April 30, 2015

Via e-mail to agreement@chesapeakebay.net

Mr. Nicholas DiPasquale
Chair, Chesapeake Bay Program Management Board
410 Severn Avenue, Suite 109
Annapolis, MD 21403



RE: Public Access Management Strategy Comments

Dear Mr. DiPasquale and Management Board Members:

The undersigned members of the Choose Clean Water Coalition—a coalition of organizations from Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia with the common goal of restoring the thousands of streams and rivers flowing to the Chesapeake Bay—respectfully submit the following comments on the draft Public Access Management Strategy.

Members of the Choose Clean Water Coalition recognize the importance of increasing public access and support the management strategy. We especially commend the strategy for including considerations of climate change and a focus on enhancing public access for a diverse population. We provide the following comments to make this strategy stronger.

A. New Public Access Sites Should Be Prioritized For Development in Urban Areas.

The Public Access Management Strategy does not explain how public access sites will be prioritized for development. In order to carry out the strategy's approach of enhancing public access for a diverse population, urban public access sites should be prioritized for detailed assessment, project design, and implementation.

B. The Strategy Should Focus on Providing Robust Local Technical Assistance.

We recommend that federal and state agencies provide technical assistance and resources to localities and to approach local businesses when pursuing public water access projects. Local governments are key decision makers in access site development and they are motivated by projects that can demonstrate a strong economic impact. Local business involvement is essential, and agencies should share models of success within the Chesapeake watershed that can be replicated and build momentum in emerging communities.

Federal and state agencies should also provide local communities resources on managing conflicts among users—which too often prevent access sites from being built or opened to the public. Local governments and partners should be provided a toolkit and resources on public access development, including a guide for working with neighbors and landowners that addresses issues including liability, maintenance, and stewardship. A model of success that can be replicated throughout the region is the Anne Arundel Public Water Access Committee in Maryland, which is comprised of recreationists, business owners, and recreation park officials. This committee advises the Anne Arundel County Department of Parks and Recreation on low-cost access site development while building broader community support.

C. The Strategy Should Foster Reopening Existing Public Access Sites Where Access has been Unlawfully Limited.

The current draft of the management strategy only discusses fee simple land acquisition or other often cost prohibitive methods for providing public access. The strategy, under Section III's Public Lands paragraph, mentions "obstructions", but omits a very basic cost effective remedy that is endemic in the region. Public access is often prohibited at bridges and other water crossings or other roadways with "No Parking" signs along roads that have adequate shoulders and room for parking. Often these "No Parking" signs are present due to the pressure put on local officials from private landowners who do not want the public to access water near their property. The strategy should encourage jurisdictions to revisit these public access areas and reinstate public access.

D. The Commonwealth of Virginia Should Protect Citizens' Right to Fish, Wade and Float.

The Commonwealth of Virginia should actively protect the constitutionally-guaranteed rights of its citizens to access the lands and water. The Commonwealth should protect the rights of its citizens, including those with a clear, uncontested King's Grant to access the Commonwealth's water resources. Article XI of the Virginia Constitution is clear that its citizens have a right to use and enjoy public lands and waters (and specifically to fish) in these areas. Unless a landowner has a King's Grant, they do not own the riverbed or streambed, which means that people can wade or float on streams and rivers to fish, kayak/canoe, or swim as long as they do not trespass on shore. Virginia should undertake an effort to clarify which areas are open to public access and find ways to protect legitimate ownership interests while offering anglers and other users' protections against false claims of ownership.

E. The Strategy Should Focus on Preventing and Reversing Private Dedications of Public Rights-of-way.

The jurisdictions have not actively sought to re-establish public rights-of-way in many areas that have been effectively taken over by adjacent private property owners who have restricted the public's legal access to the water - often in residential areas. Most roads that dead-end at the water, especially in tidal areas, have a legal public right of way to the water, but they are often illegally posted by adjacent landowners, or unnecessarily restrict parking, effectively eliminating real public access. This strategy would be a cost-effective way of enhancing public access in residential areas.

We are happy to discuss our comments on the draft Public Access Management Strategy further. Please contact Jill Witkowski by phone at 443-842-7525 or by email at witkowskij@nwf.org.

Respectfully submitted,

Anacostia Watershed Society

Audubon Naturalist Society

Bluewater Baltimore

Conservation Pennsylvania

Conservation Voters of Pennsylvania

Eastern Pennsylvania Coalition for Abandoned Mine Reclamation
Float Fishermen of Virginia
Friends of the North Fork of the Shenandoah River
Friends of the Rappahannock
Friends of the Rivers of Virginia
James River Association
Lackawanna River Corridor Association
Maryland Conservation Council
Maryland Sierra Club
Mid-Atlantic Council of Trout Unlimited
National Aquarium
National Parks Conservation Association
Nature Abounds
New York League of Conservation Voters
Penn Future
Potomac Riverkeeper Network
Sleepy Creek Watershed Association
South River Federation
St. Mary's River Watershed Association
Susquehanna Greenway Partnership
Virginia Conservation Network
Waterkeepers Chesapeake
West Virginia Rivers Coalition