



FINAL REPORT: Coastal Resources for People with Disabilities: Policy Strategies, Programs, and Practices

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EXECUTIVE SUMMARY

This report summarizes best practices for improving coastal accessibility, based on a broad review of innovative state coastal policy strategies outside New Jersey. The report shares key findings about how states are currently addressing coastal accessibility barriers for people with disabilities. This research was completed from June-September 2023 and builds on the findings established in a previous study prepared with support from the New Jersey State Policy Lab on state level policies that support disability accessibility strategies in all outdoor areas. Through the process of this research, the report highlights nuances of accessibility issues specifically in coastal areas, particularly regarding different types of necessary public access protections and environmental restoration considerations. These implementation strategies can be used to inform future coastal planning and policy efforts across New Jersey.

The report groups state coastal accessibility strategies into five categories: communication, underlying public access protections, organized programs and passive accessibility, partnerships and inclusion, and environmental restoration. For purposes of this summary, we have included a synopsis of each coastal accessibility strategy below:

1. Communication

The need for accessibility information on relevant outdoor recreation websites has been a significant topic in both our qualitative research with the New Jersey State Policy Lab and our focus groups as part of this project. As a result, our research team proactively looked for state policy strategies that included websites with detailed accessibility information designed for end-users with disabilities. For example, the Michigan Department of Natural Resources has developed Recreation Search, a web-based tool with detailed accessibility filters for state parks and recreation areas, including those in coastal zones.

2. Underlying Public Access Protections

Strong public beach access protections proved to be the foundation of coastal accessibility strategies in many states. These protections typically involve recognizing the public trust doctrine or recreational customary use in state law. For example, in addition to Texas's beach access protections in the Texas Open Beaches Act, this state law also identifies five types of beach access for people with disabilities: vehicular beach access, public pedestrian beach access routes, accessible parking, signage and beach amenities, and beach wheelchairs/golf carts. To ensure that municipalities maintain these provisions, the Texas General Land Office provides coastal accessibility resources, including an Accessibility Guide.

3. Organized Programs and Passive Accessibility

Coastal accessibility interventions in states include both organized programs and passive accessibility strategies. These strategies ensure that people with disabilities experience both inclusion and independence in coastal recreation areas. For example, California funds organized kayaking programs offered by two nonprofit organizations in the San Francisco Bay Area through its Explore the Coast Grant Program. In addition, the state has developed a digital accessibility website for wheelchair users looking to explore the California coast. These strategies support a combination of group and independent coastal recreation activities for people with disabilities.

4. Partnerships and Inclusion

Multiple states demonstrated using private and nonprofit partnerships to develop or enhance coastal accessibility strategies, often using the organization partner to directly include people with disabilities in improving coastal accessibility. For example, Oregon's state recreation department includes an Accessibility Advisory Group that collaborates with a disability inclusion consulting firm to offer listening sessions for people with disabilities.

5. Environmental Restoration

Some states have used coastal restoration projects as an opportunity to improve coastal accessibility at the same time. For example, through the Fresh Best Coast Grant Program in Michigan, the state has funded projects that increase coastal restoration and public access. From these goals, multiple projects have specifically focused on coastal accessibility. In 2021, the program funded Grand Haven Township to redesign the Pottawatomie Beach boardwalk, which included the development of a universally accessible kayak launch.

INTRODUCTION

This paper has a specific focus on exploring state policy strategies to increase access for people with disabilities to coastal resources for purposes of recreation. The research conducted here is a continuation of the efforts of the Access to Nature research team, a cross-sector collaboration between the Bloustein School of Planning and Public Policy, the Pinelands Preservation Alliance, the New Jersey Division of Disability Services within the Department of Human Services, and Duke Farms. From January to June 2023, this research team produced a series of read-ahead materials for the *Access to Nature Forum: Collective Action for Disability Inclusion in NJ*, a research conference on outdoor accessibility barriers for people with disabilities. These materials are available on the New Jersey State Policy Lab website, a research center at the Bloustein School that funded this special initiative.

With support from the New Jersey Department of Environmental Protection (NJDEP), our research team explored outdoor accessibility strategies for people with disabilities, specifically regarding coastal areas, facilities and resources. Over 50% of the U.S. population currently lives in a coastal area and 1 in 4 people has a disability (Center for American Progress, 2022). Under the Federal Coastal Zone Management Program, states are required to maintain public access to the coast for all populations. Given the accessibility barriers outdoor spaces present more broadly for the disability community, it is necessary to investigate how states are working to maintain the vision of the Coastal Zone Management Program. The findings discussed in this paper are intended to inform the NJDEP's future coastal planning and policy efforts.

Background and Significance

Legislative history demonstrates significant federal leadership on the topic of coastal access. Through the Federal Coastal Zone Management Program, established through the National Coastal Zone Management Act of 1972, federal and state governments collaborate to manage the country's diverse coastal communities. This program has four main priorities: federal consistency, coastal zone enhancement, nonpoint source control, and coastal and estuarine land conservation. Included in the coastal zone enhancement priority is the topic of public access, which includes creating and enhancing coastal access opportunities with outreach and education, in order to keep the public informed on ways to access the coast (Office of Coastal Management, n.d.). However, the degree to which public access is implemented depends largely on each state and locality, which has resulted in historic inequities in public coastal access. Today, 90% of the U.S. coastline lacks strong public access protections, which disproportionately impacts communities of color and low-income communities (Center for American Progress, 2022). Further, there are major accessibility barriers in the remaining coastline that are publicly accessible for vulnerable populations, including people with disabilities.

Our research team has communicated findings on the primary outdoor barriers faced by people with disabilities in New Jersey. These findings are available in two research reports conducted by our research team; the first is based on three focus groups of people with disabilities on general outdoor barriers, while the second one was completed from four focus groups of people with disabilities in coastal areas of the state. Interestingly, these barriers transcend multiple types of disabilities and intersect with social vulnerability disadvantage. The barriers include limited community outreach systems, website accessibility, inclusive signage, trail surfaces, and transportation.¹ Importantly, these barriers are present in areas outside of the state, as demonstrated by the types of state policy strategies explored in this paper.

The presence of these barriers can prevent vulnerable populations from accessing the coast, which has underlying health implications. Studies have found an association between a lack of green space accessibility and increasing levels of stress, anxiety, and other depressive symptoms among women, adolescents, and low-income individuals (Nieuwenhuijsen et. al, 2014; Slater et. al, 2020; Barakat and Yousufzai, 2020). Specific to people with disabilities, parks and green spaces have been found to provide an alternative environment to manage impairments associated with mental and physical disabilities (Saitta et. al, 2017; Cowing, 2020). As a result, both children and adults with disabilities experience improved physical and psychological outcomes from outdoor spaces related to their disability. Additionally, people with disabilities reap mental health benefits associated with social inclusion provided by accessible outdoor spaces. By evaluating coastal communities in a similar vein, coastal areas can become a tool that improves the quality of life for people with disabilities.

Definitions

This paper explores state policy strategies to increase coastal accessibility for people with disabilities. For the purposes of this paper, “coastal accessibility” refers to increasing access to coastal areas, facilities or resources in coastal areas, and coastal recreation opportunities specifically for people with disabilities. Meanwhile, coastal access refers more broadly to efforts that increase public access to coastal areas but do not have initiatives targeted efforts for people with disabilities. Further, it is necessary to understand how our research team operationalizes “coastal” areas, using several legislative definitions and other resources:

- **Coastal zone-** According to Chapter 33, the U.S. legislative chapter dedicated to coastal zone management, a coastal zone refers to coastal waters and adjacent shorelands that are in proximity to coastal states, including islands, intertidal areas, salt marshes, wetlands, and beaches (Legal Information Institute, n.d.). New Jersey’s coastal zone

¹ Our findings on this topic are available in the Access to Nature Focus Group Synthesis, available at policylab.rutgers.edu.

encompasses 1,800 miles of tidal coastline, including the Hudson River, Raritan Bay, and the Delaware River (NJ Coastal Management Program, n.d.).

- **Coastal zone management-** Many of the programs and practices that increase access to coastal resources for people with disabilities are implemented by state Coastal Management programs, which are government agencies that are designated with the responsibility of implementing coastal zone management practices established by the federal Coastal Zone Management program. According to the National Oceanic and Atmospheric Administration (NOAA), coastal zone management is the practice of managing coastal areas to balance environmental, economic, human health, and human activities, a term and practice coined through the federal Coastal Zone Management Act of 1972 (NOAA, n.d.).

Through this definition, it is evident that while environmental and ecological preservation are essential to this practice, this is simultaneously joined by commitments to public coastal access for both economic and recreational purposes. The interdisciplinary nature of coastal zone management is demonstrated in New Jersey, where the state's Coastal Management Program includes the New Jersey Bureau of Climate Resilience Planning, Office of Policy Implementation, and the Division of Land Use Regulation (NJ Coastal Management Program, n.d.). Further, the critical public access priorities in coastal zone management are also exhibited in New Jersey; in addition to these offices that are included in the state Coastal Management Program, the Coastal Management Program regularly collaborates with a wide range of NJDEP offices and divisions, including the Green Acres Program.²

- **Coastal county-** NOAA distinguishes between two types of coastal counties: coastal watershed and coastal shoreline counties. Coastal watershed counties are counties where land use and water quality changes directly impact coastal ecosystems, such as counties with land areas with water that flows into the ocean or Great Lakes. In contrast, coastal shoreline counties are counties that are directly adjacent to the ocean, estuaries, or the Great Lakes (Office of Coastal Zone Management, 2017). As a result, the primary difference between coastal watershed and shoreline counties is that coastal watershed counties *impact* the resilience of the coast, while coastal shoreline counties are *impacted* by the resilience of the coast. This distinction is important because many of the programs, practices, and initiatives implemented by the states in this report to increase coastal accessibility have "coastal counties" as an eligibility criterion. If such initiatives are carried out by the state's Coastal Management Program, both coastal

² Green Acres is a land acquisition program managed by the NJDEP that focuses on developing and enhancing open space to meet the state's recreation and conservation needs. To learn more, visit <https://dep.nj.gov/greenacres/>.

watershed and coastal shoreline counties encompass this eligibility criteria; however, the landscapes of these counties and their implications on public accessibility are very different.

- **Coastal state-** The term “coastal state” in the legislature refers to a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or the Great Lakes (Legal Information Institute, n.d.) In addition to New Jersey’s tidal waters associated with the Hudson River and Raritan Bay, the state’s coastal zone extends from Sandy Hook to Cape May Point, thus encompassing 126 miles of oceanfront along the Atlantic Ocean (NJ Coastal Management Program, n.d.).
- **Coastal resource-** For the purposes of this paper, coastal access includes access to both coastal areas (coastal states, zones, and counties) as well as coastal resources. The U.S. legislative Chapter 33 operationalizes coastal resources of national significance as any coastal wetland, beach, dune, barrier island, reef, estuary, or fish/wildlife habitat that is deemed of protective value by the coastal state (Legal Information Institute, n.d.).

Federal Policies and Programs

The National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management operates the Federal Coastal Zone Management Program. This program takes a comprehensive approach to coastal management that combines coastal resilience, natural resource conservation, water quality, land development, and public access in its central list of priorities for the U.S. coast (Office of Coastal Management, n.d.). This program was established by the National Coastal Zone Management Act of 1972 and engages participating states at both the state and local levels to address coastal issues. This program is composed of three smaller programs: the Coastal Zone Enhancement Program, the Coastal Nonpoint Pollution Control Program, and the Coastal and Estuarine Land Conservation Program (Office of Coastal Management, n.d.).

Outside of the Coastal Zone Management Program, the U.S. Environmental Protection Agency (EPA) established the BEACH Act in 2000. This Act authorizes the EPA to provide state and local-level funding for testing and monitoring coastal waters for bacteria, chemicals, and pollution-related issues that impact coastal recreation (EPA, 2023). Additionally, the program funds governments to maintain community outreach efforts to warn the public about unsafe areas to participate in coastal recreation activities. At the federal level, EPA also monitors and reports pollution-related issues in coastal waters through BEACON, a public database of pollution occurrences and associated public beach closures (EPA, 2023).

Findings

This report summarizes projects that increase access to coastal areas and resources for people with disabilities. Each project was identified by doing a broad literature review of innovative coastal access policies in ten states: California, Florida, Hawaii, Massachusetts, Michigan, North Carolina, Oregon, Texas, Virginia, and Washington.³ From there, our research team distilled these larger findings into key projects that target coastal access issues specifically for people with disabilities. We summarize these initiatives below, organizing them into five overarching project categories: communication, underlying public access protections, organized programs and passive accessibility, partnerships and inclusion, and environmental restoration.

Communication

Research indicates that regardless of the type of disability, a primary factor that increases outdoor accessibility is the availability of detailed, up-to-date information on the organization's website.⁴ Maintaining a detailed website allows people with disabilities to make their own decisions about whether the outdoor site is accessible to them. Importantly, including detailed information in the form of both written and visual communication allows people with disabilities to plan the details of their visit, which is often more important than making blanket statements about the site's ADA-compliant features. This insight is echoed by recent focus groups hosted by the Rutgers Bloustein School with organizations representing people with disabilities on the topic of coastal access. Focus group participants commented on the importance of having access to detailed information on websites about accessibility features to allow them to assess the extent to which the resource provides services and conditions that address their particular needs. Fortunately, in addition to the direct accessibility interventions implemented in the states explored in this report, many states maintain accessible websites that are designed to increase coastal accessibility by providing detailed information friendly to an end-user looking to visit the coastal site.

The Oregon Americans with Disabilities Act (ADA) Transition Plan explains the importance of clear communication with the disability community. In 2021, the Oregon Parks and Recreation Department (ORPD) introduced the department's ADA Transition Plan, a report that helps the ORPD effectively adjust outdoor recreation facilities to comply with Title II of the ADA.⁵ While

³ For a review of innovative coastal policies that increase coastal access but do not directly point to coastal accessibility, please see the Appendices located at the end of this report.

⁴ Our findings on this topic are located in the Access to Nature Focus Group Synthesis, available at policylab.rutgers.edu.

⁵ In this plan, department staff identified barriers to ORPD parks and programs for people with disabilities and established a roadmap, timeline, and next steps for removing those barriers to make outdoor opportunities universally accessible. After the ORPD evaluated a total of 273 unique facilities throughout the state, the department identified 4,872 individual barriers that currently exist in Oregon state parks and recreation areas. From there, barriers were categorized into low, medium, and high levels based on the funding and anticipated timeline for removing the barrier from a given recreation area. For example, the ORPD's goal is to remove 10% of identified high barriers within 5 years of the ADA Transition Plan Approval.

not specific to coastal resources, the facilities and areas evaluated in the report include beaches, fishing docks, and facilities in coastal areas (ORPD, 2021). The plan outlines the scope of outdoor accessibility barriers into two categories: physical accessibility and program accessibility. While physical accessibility refers to a facility free of barriers that restrict entrances and use, a facility has achieved program accessibility when people with disabilities have the full ability to participate in outdoor recreation programs and access important information (ORPD, 2021). The myriad of barriers– and accessibility solutions to meet those barriers– identified by the ORPD have important implications for coastal accessibility implementation strategies. Given that such a variety of barriers persist in outdoor recreation areas, it is necessary for future accessibility initiatives to include both accessible facilities and amenities– such as restrooms, parking and entrances– along with accessible communication methods– including informative signage, websites, and targeted outreach programs.

Michigan is one example of a state that has clearly implemented communication strategies with the disability community on outdoor recreation opportunities. The Michigan Department of Natural Resources (DNR) develops and maintains Recreation Search, an interactive website to learn more about state parks and recreation areas in the state. The website has specific web pages dedicated to parks, campgrounds, trails, recreation events, and accessibility. On the accessibility page, the end-user is provided with a list of Michigan state parks, with different filters available such as picnic area, barrier-free facilities, and water access (Michigan DNR, 2023). Each state park has a detailed page with accessibility information, including a written description of information about the park, an image gallery, a map, and helpful icons that indicate the different features and facilities available at the park, with a note of which features/facilities are accessible to people with disabilities. Since many Michigan parks and recreation areas are in coastal zones, this website is an important resource that enhances public coastal access in the state. In addition to Recreation Search, the DNR has a more general webpage on accessible outdoor recreation, with specific sections that include beaches, fishing, track chairs, kayak launches, and color-blind scenic views (Michigan DNR, n.d.).

Florida is another example of a state that actively uses websites to communicate coastal accessibility. The Florida Department of Environmental Protection (DEP) maintains a Coastal Access Guide. This guide is designed to satisfy the accessibility priorities of the Florida Coastal Management Program, which implements programs that increase access to the Florida coast. The Coastal Access Guide is designed into three regions: the Florida Panhandle, the Southwest Florida Gulf, and the Atlantic Ocean (Florida DEP, n.d.). From there, the guide provides an interactive map with the types of coastal sites available in each region, from coastal parks, walking trails, boardwalks, camping sites, and picnic areas. For each coastal site, there is detailed information regarding accessible parking, facilities, and other resources on accessibility for visitors. Further, the guide rates each coastal site, ranging from limited access, full access, and

full access with parking. The goal of this guide is to give visitors the ability to choose a coastal site based on their accessibility needs, preferences, and interests (Florida DEP, n.d.).

People with disabilities have communicated that having consistent access to up-to-date standardized resources about outdoor recreation site features is more important than the accessibility accommodations themselves. Through each of these examples, end-users are provided with information about legal coastal access rights, relevant coastal access policies and programs in their state, opportunities to get more involved in coastal activities, and coastal site entrances, exits, and general path of travel. Furthermore, each of these projects aim to present the information in a way that is engaging, interactive, and easy to use. The projects described here demonstrate that coastal access for underserved communities– including people with disabilities– starts with providing reliable, detailed information about coastal resources and opportunities.⁶

Underlying Public Access Protections

Through exploring states that exhibited exemplary practices for increasing access to coastal sites, it quickly became obvious that coastal accessibility and inclusion for people with disabilities starts with inclusionary zoning practices. States with explicit coastal accessibility initiatives for people with disabilities also had specific state laws that protect public beach access. These states proactively seek to increase public beach access while minimizing the authority of beachfront property owners. These measures were accomplished through two common legislative protections applied to shoreline access: the public trust doctrine and recreational customary use. Through these protections, states enhance existing targeted coastal access programs for people with disabilities by maintaining a legal base that favors public shoreline and beach access.

Looking first at California, this state passed the California Coastal Act in 1976. This act establishes the state’s responsibility to protect coastal resources for the purposes of environmental restoration and the benefit of public access. Interestingly, the Coastal Act was in large part motivated by public access advocacy work– in 1972, Californians rallied as part of the “Save Our Coast” initiative following increasing private development that was cutting off public access to the shore and a huge oil spill that occurred off the coast of Santa Barbara (California Coastal Commission, n.d.). The Act is the first legislation in California to distinctly recognize the coast as a valuable public access resource. Among the basic goals communicated in the Coastal Act includes the priority to maximize public coastal access and public recreation opportunities

⁶ In addition to the websites explored here that are directly targeted to people with disabilities, our research team found other websites that increase public awareness of coastal access and restoration. For a review of these websites, see Appendix A.

along the coast. From there, the Act designates two agencies with the responsibility of implementing these public access goals: the California Coastal Commission and the California State Coastal Conservancy (SCC). Through the years, this commitment to public access has translated into disability-focused coastal access efforts from both of these agencies.

The first state agency implemented by the Coastal Act is the California Coastal Commission. The California Coastal Commission is an independent, quasi-judicial state agency that manages coastal development throughout the state, with the exception of the San Francisco Bay Area. The Commission prepares five California Coastal Access Guides, which include information about beach staff and lifeguards, amenities, parking, and restrooms (California Coastal Commission, n.d.) By creating five separate Coastal Access guides, the Commission can distinguish between coastal access opportunities in northern, central, and southern California. Each Coastal Access Guide is digitally available to the public on the Commission website. While not targeted exclusively at people with disabilities, each guide includes information about accessible facilities and resources. For example, the General Coastal Access Guide– which highlights many coastal sites across the entire state– includes a Disabled Facilities chart, providing information on wheelchair-accessible beach entrances, restrooms, trails, campsites, and visitor centers (California Coastal Commission, n.d.)

SCC is a non-regulatory agency designed to protect natural resources in coastal areas for the benefit of maximizing recreational public access. The Conservancy's main statewide projects are the California Water Action Plan and the Wildlife Action Plan. Additionally, the Conservancy has three main grant programs, each that aim to engage local governments and community-based organizations in public coastal access: the Explore the Coast, Coastal Stories, and Lower Cost Accommodation Grant Programs (California Coastal Conservancy, 2023). Outside of these programs, the agency has played a crucial role in enhancing public access in other ways. In 2021, the agency comprehensively updated the Accessibility Plan to the San Francisco Bay Water Trail. Further, the agency worked with the nonprofit organization Coastwalk to publish a wheelchair user's guide to accessing the California coast. From there, the agency has contracted a disability-specific organization, the Bay Area Outreach and Recreation Program, to develop and maintain a website that accompanies this guidebook (California Coastal Conservancy, 2023).

Texas is another example of a state whose public access protections are directly linked with disability-focused coastal access initiatives. In 1959, the state legislature established the Texas Open Beaches Act. This state law states that the public has free and unrestricted access to the Texas public beaches, which is defined as the land between the dune vegetation and the mean low tide line (Tex. Nat Res. Code Ann. § 61.011). Importantly, the law prevents any obstructions or barriers that interfere, restrict, or entirely prevent public access to Texas beaches. While the law does not prevent property ownership for homeowners or other private owners, the law does state that property owners are subject to easement pursuant to maintaining public access (Tex.

Nat Res.Code Ann. § 61.011).

The state's commitment to public access in this legislation is accompanied by a commitment to beach accessibility. The Act identifies five categories of beach access for people with disabilities: vehicular beach access, public pedestrian beach access routes, accessible parking, signage and beach amenities, and beach wheelchairs/golf carts. Texas expands on these strategies through the Texas General Land Office's Beach Accessibility Guide, which provides municipal-level goals and resources to effectively maintain accessibility across these categories (Texas General Land Office, 2021). Importantly, each time a new accessibility feature is introduced in the guide, it is accompanied by a picture to reinforce how the feature should look once implemented. This document is developed and maintained in partnership with the Texas Department of Licensing and Regulation, which consults the Americans with Disabilities Act, the Texas Accessibility Standards, and the National Access Board accessibility guidelines for outdoor spaces (Texas General Land Office, 2021). By making available the Beach Accessibility Guide, the General Land Office establishes the expectation for local governments throughout Texas to coordinate with the General Land Office as necessary to adopt more robust accessibility guidelines.⁷

Exploring North Carolina next, the state legislature established a cooperative coastal area management program between the state and local governments in 1974 through the state's Coastal Management Act (NC. Gen. Stat. § 1-45.1). The purpose of this program is for state and local governments to work collaboratively regarding coastal planning issues throughout the state, with the state government establishing the critical areas and priorities for environmental concerns, and local government implementing the coastal planning strategies to address these concerns. This state law also recognizes the public trust doctrine as protecting public access to North Carolina beaches. While the dry sand is typically owned by North Carolina oceanfront property owners, rather than the state or local government, the North Carolina legislature states that property owners do not have the right to prevent or even restrict access to dry sand beach areas (NC. Gen. Stat. § 1-45.1).

In 1981, the North Carolina General Assembly amended the state Coastal Area Management Act, which has resulted in efforts targeted specifically at people with disabilities (North Carolina

⁷ Some highlights from this report include:

- *Beach wheelchairs*: Local governments should provide beach wheelchairs at local beaches and beach parks. When providing beach wheelchairs, local governments need to consider which types of outdoor wheelchairs work best for the terrain, pathways, and other features of the coastal site. Additionally, local governments should consistently evaluate the demand for beach wheelchairs in the municipality, and adjust the number of beach wheelchairs available as demand increases.
- *Beach amenities*: In addition to having outdoor rinse showers and restrooms that comply with Texas Accessibility Standards, local governments should ensure that beach visitors have access from the beach to the accessible facilities, which includes an accessible route to the facility and accessible parking near the facility.
- *Entrance access*: There are several different methods for providing accessible beach entrances: dune walkovers, fixed footpaths, and temporary footpaths. Dune walkover structures maximize beach access for people in wheelchairs or with mobility limitations. When dune walkover structures are not possible to preserve the site's coastal habitat, fixed footpaths or temporary footpaths can be used instead. However, footpaths need to be regularly maintained, or else they will hinder accessibility.
- *Signage*: All accessibility features at a coastal site, beach, or beach park must be clearly labeled with conspicuous signage. Further, all coastal sites with an accessible beach entrance must be communicated with signage that is clearly visible to visitors from a major road or highway.

Environmental Quality, n.d.). This amendment established the state Public Beach and Coastal Waterfront Access Program, designed to provide matching grants to local governments to improve pedestrian access to North Carolina's public beaches.⁸ The program is managed by the North Carolina Division of Coastal Management and is funded by the state's Parks and Recreation Fund. Most recently, the Division of Coastal Zone Management awarded Public Beach and Coastal Waterfront Access grants to twelve coastal towns across the state, totaling over \$1.1 million. Projects include constructing low-cost public access facilities, acquiring additional land to enhance accessibility, and developing ADA-compatible walkways, kayak launches, and fishing piers (North Carolina Environmental Quality, n.d.).

Our final example of a joint commitment to public beach access and coastal accessibility is Massachusetts. In Massachusetts, state law requires public free right-of-passage at the sand between the mean high-water line and the extreme low water line. As a result, regardless of whether property owners own shoreline housing and other development properties, property owners are required to permit public access within these boundaries. In 2021, an amendment was filed to a beach property law in Massachusetts, titled "An Act Relative to Recreation on Private Tidelands" (Massachusetts HB 908). This amendment, which was referred to the Senate Committee on Environment, Natural Resources, and Agriculture in March 2021, adds specific language regarding public activities that are permitted on private beachfront properties. Under the current version of the state law, the public activities that can take place on private beachfront property are fishing, fowling, and navigation (Massachusetts HB 908). However, this proposed amendment would add recreation to this list of activities that beachfront property owners are required to permit on their property. The goal of this amendment is to increase public access to Massachusetts beaches for a variety of recreational purposes, without state residents at risk of facing legal consequences.

This effort to spell out recreation in beach access protections is not surprising, as Massachusetts has targeted programs that have prioritized accessible public recreation in all outdoor areas. The state Department of Conservation and Recreation (DCR) manages the state's Universal Access Program, which provides outdoor recreation opportunities for people with disabilities across Massachusetts state parks and recreation areas (Massachusetts DCR, n.d.). The Universal Access Program manages the state's accessible walking trails, accessible recreation programs and facilities, and coordinates a publicly available adaptive recreation schedule. These responsibilities extend to beaches and coastal areas— the Universal Access Program manages the state's accessible beaches, pools, and swimming areas. This includes providing accessible beach entrances, parking, restrooms, and beach wheelchairs. Additionally, adaptive recreation programming provided by the Universal Access Program in coastal areas includes adaptive

⁸ In 1983, the assembly once again amended this law to expand program eligibility to estuarine beaches and waterways. Local governments in North Carolina's 20 coastal counties are eligible for funding from the program.

kayaking, canoeing, and sailing (Massachusetts DCR, n.d.).

These examples all demonstrate that increasing coastal access depends on having strong public beach access protections to begin with. Underlying strong authorities that ensure public access is the foundation that supports targeted programs and initiatives that ensure coastal accessibility. While this may seem intuitive, states vary drastically on their beach access property laws, and the length to which these laws proactively seek to protect public beach access for recreation purposes. Additionally, there is often a gap between legislative intent and the direct implementation of public access protection. The Center for American Progress, which published a policy brief on public coastal access in 2022, categorizes coastal access protection laws as strong, intermediate, or weak. For example, a state with a weak coastal access law may recognize the public trust doctrine but take no active steps to enforce this doctrine. Further, a state with an intermediate coastal access law could allow public access yet have no public beach entrances or walkways to maximize access. The state examples explored here demonstrate that public access protections are the basis for which many coastal accessibility strategies are built.

Organized Programs and Passive Accessibility

Similar to previous research our team has completed on this topic⁹, we found that coastal recreation accessibility can be categorized as either organized programs or “passive” accessibility programs. Organized programs are interactive group coastal recreation outings, typically organized by an outdoor recreation-focused nonprofit group or a disability service organization, while passive accessibility programs increase self-directed access, or the ability for people with disabilities to enjoy coastal recreation activities independently. There are a variety of ways to conceptualize these two distinct types of coastal recreation programs; for example, the Massachusetts Universal Access Program website has separate web pages dedicated to its adaptive recreation program schedule and independent accessible recreation opportunities. For the purposes of this report, we discuss these categories as organized and passive accessibility.

9 Our findings on this topic are located in the State Policy Research Summary, available at policylab.rutgers.edu.

Organized Accessibility

California has several innovative organized coastal accessibility programs. The SCC manages the Explore the Coast Program, a grant program that started in 2013 and funds nonprofit groups, private organizations, and municipal or tribal governments to develop or maintain projects that increase access to coastal resources and spaces for underserved communities (SCC, n.d.). Underserved communities recognized in the SCC eligibility criteria are people of color, immigrant communities, low-income individuals, and people with disabilities. The grantees that have spearheaded projects targeted at people with disabilities are Environmental Traveling Companions (ETC) and the Bay Area Outreach and Recreation Program (BORP). ETC offers organized sea kayaking and whitewater rafting programs to people with a variety of disabilities, including mobility, visual, and cognitive impairments (ETC, n.d.). BORP's coastal programming spans kayaking and biking on coastal trails in the San Francisco Bay Area and targets children and adults with physical disabilities and visual impairments (BORP, n.d.).

Through the Michigan DNR, new organized accessible recreation programs are offered to people with disabilities. In August 2023, the Michigan DNR partnered with MoGo Bikeshare, a nonprofit group focused on cycling programs, to offer accessible cycling programs at the Michigan DNR Outdoor Adventure Center. The Outdoor Adventure Center is located in Michigan's East Riverfront in the city of Detroit. This partnership will allow riders of all abilities to enjoy cycling along the Riverwalk, Dequindre Cut, and Dennis Archer Greenway (Michigan DNR, n.d.). Importantly, MoGo Bikeshare seeks to satisfy the needs of a diverse range of abilities through different bike styles, including recumbent tricycles, upright cargo tricycles, hand tricycles, tandem bicycles, tandem tricycles, side-by-side quadricycles, and a box bike. Further, these accommodations for people with physical and visual disabilities go hand-in-hand with the Outdoor Adventure Center's existing efforts to accommodate people with cognitive and developmental disabilities, such as their designated Sensory-Friendly Days and Quiet Room for visitors with sensory needs (Michigan DNR, n.d.).

Passive Accessibility

In addition to the SCC's organized programs, SCC also has initiatives that increase passive coastal accessibility. For example, in 2022, the SCC developed a contract with BORP, in which they funded BORP to develop a coastal accessibility website. This website is designed to be the digital version of the guidebook *A Wheelchair User's Guide to the California Coast*, which SCC originally developed in 2007 in partnership with the nonprofit Coastwalk (SCC, n.d.). By developing a website version of this guidebook, the goal is to make the guidebook more accessible to the community that needs this information. In addition to this website, BORP also merged with a smaller nonprofit organization called Access Northern California. Through this partnership, BORP maintains the accessibility guide on the Access Northern California website (BORP, n.d.).

Importantly, these websites provide important information on *independent* accessible coastal and other outdoor recreation opportunities. The goal of both of these guides is to help people with disabilities plan their own visits to outdoor sites, as opposed to offering pre-developed group recreation opportunities. By providing this information, SCC– in collaboration with BORP– empowers people with disabilities to access coastal resources on their own terms.

Similarly, the Michigan DNR has also incorporated passive accessibility into its coastal accessibility initiatives. In the coastal town of Ludington, staff at Ludington State Park have collaborated with the nonprofit organization Friends of Ludington State Park to offer several different types of accessibility accommodations for people in wheelchairs. In May 2022, the park obtained a new all-terrain track chair, which can be used on snow, sand, uneven terrain, and water (Michigan DNR, n.d.). Other recently added accessible attractions at the park include a floating surf wheelchair, beach wheelchairs, and a universal kayak launch. These accommodations were acquired in large part because of the Ludington State Park Accessibility Advisor, who was born with spina bifida and has years of experience navigating outdoor spaces in a wheelchair (Michigan DNR, n.d.). Through these accommodations, Ludington State Park shows that people with mobility issues do not need to have activities planned *for* them– rather, by providing proper beach equipment, people with mobility disabilities at the park can enjoy coastal activities independently.

Coastal accessibility spans initiatives focused both on organized and passive accessibility. While organized accessibility focuses on providing coastal recreation programs coordinated by an organization, passive accessibility makes it possible for people with disabilities to plan and enjoy coastal activities on their own. The examples from states we reviewed on organized coastal accessibility programs include kayaking, canoeing, whitewater rafting, and cycling on coastal trails. Meanwhile, state examples that demonstrate passive accessibility include accessible information and communication important for planning trips independently and providing appropriate adaptive equipment on-site.

Partnerships and Inclusion

The states surveyed in this research report each had practices that utilized stakeholder partnerships to increase coastal access for people with disabilities. Through establishing relationships between state and local governments, government agencies and nonprofit/private partners, and state/local governments and state residents, each state creates space for innovative projects that increase coastal accessibility. Importantly, our research team looked for partnerships that focused on increasing inclusion in coastal spaces by creating opportunities for people with disabilities to share their perspectives and actively participate in coastal accessibility efforts. In particular, we were interested in partnerships between state governments and

disability service/advocacy organizations that use people with disabilities on a consulting basis to improve state policy strategies. While not all of the examples here specifically increase inclusion in this capacity, this was a priority in our research.

In addition to Oregon's ADA Transition Plan, the ORPD team includes an Advisory Working Group. The Advisory Working Group is currently tasked with developing Accessibility Design Standards for the ORPD and producing a guidebook. These accessibility standards will apply to outdoor recreation facilities and aims to expand accessible facilities throughout the state (ORPD, n.d.). Importantly, the Advisory Working Group includes two ORPD team members who have mobility disabilities. Outside of this guidebook, the Advisory Group also hosts a variety of workshops and listening sessions, which aim to create space for people with disabilities to share their experiences navigating outdoor recreation areas in Oregon. These workshops are co-facilitated by Empowering Access, a consulting firm specializing in disability inclusion. The information gathered from the disability community at these workshops will be integrated into the Accessibility Design Standards Guidebook (ORPD, n.d.).

Michigan has a committee that is designed to improve outdoor access for people with disabilities. Part of the DNR team includes an Accessibility Advisory Council. Appointed by the DNR Director, this council consists of private state residents whose professional and personal interests indicate a commitment to improving public outdoor access for people of all abilities (Michigan DNR, n.d.). The council provides guidance and recommendations for the planning and development of outdoor areas that are accessible to all visitors, while also working to increase awareness of the importance of outdoor accessibility among other Michigan residents. Although the council does not include people with disabilities, council members include people from a variety of disability service and advocacy organizations, including the Superior Alliance for Independent Living, Michigan Trackchair, Michigan Paralyzed Veterans of America, and Disability Network Michigan (Michigan DNR, n.d.).

Some states have forged partnerships to give coastal communities the resources that enable them to increase accessibility. Travel Oregon is a nine-member commission appointed by the Governor to enhance visitor experiences to the state through information and planning trip tools. In 2023, Travel Oregon awarded eight Oregon coastal management organizations grants to make their coastal destinations more accessible to people with disabilities. The eight organizations are the Astoria-Warrenton Area Chamber of Commerce, Lincoln City, Coos Bay-North Bend Charleston Visitor and Convention Bureau, and the Chambers of Commerce in Depoe Bay, Florence, Greater Newport, Waldport, and Yachats (Travel Oregon, 2023). Each organization was funded anywhere between \$17,000 and \$35,000 to partner with Wheel the World, a global accessible travel company, to increase accessibility to coastal areas in the grantees' communities. More specifically, each grantee will collaborate with Wheel the World to conduct an accessibility assessment of local tourism businesses, receive accessibility

training, and add local tourism businesses to Wheel the World's guidebook to accessible travel experiences (Travel Oregon, 2023). These endeavors will help put each grantee on the map of accessible coastal destinations for people with disabilities and encourage stakeholders in these communities to maintain and enhance current accessibility measures to coastal spaces and resources.

In a similar example of a state partnering with an organization to provide relevant community resources, the SCC offered more accessibility resources to its grantees and partner organizations in the form of a webinar. In 2018, the SCC partnered with MIG, a consulting firm specializing in low impact sustainable architecture that advances social equity. The hour-long webinar unveils the SCC's work with MIG on redesigning the accessibility plan for the California Water Trail to maximize accessibility to coastal resources, facilities, and amenities along the trail (SCC, n.d.). Additionally, the webinar includes a presentation on best practices for increasing coastal accessibility, with separate sections for trails, beach access routes, camping amenities, fishing docks, and boating facilities— emphasizing local examples that have innovative, creative design solutions (SCC, n.d.). This helps SCC partners and grantees think more critically about how their projects maximize coastal accessibility and can consistently meet the needs of the disability community.

Increasing public access to coastal resources involves innovative partnerships with organizations and subject-matter experts. As seen in the various categories of state projects reviewed so far, this is important because of municipal-level differences in the coastal landscape with regard to beach access, coastal conservation issues, and coastal resilience needs. As a result, many states use partnerships to develop or enhance coastal accessibility projects. Additionally, some states have specific programs or legislation that encourage increased coordination between the state government and local communities— including municipal governments, nonprofit groups, or private organizations. These projects recognize the nuances of coastal accessibility and development at the local level and forge partnerships so more coastal communities have support in coastal accessibility initiatives.

Environmental Restoration

Many state programs view coastal resource restoration as an opportunity for increasing coastal accessibility. These states recognize that increasing coastal access for people with disabilities cannot come at the expense of environmentally preserving coastal areas for future generations. With this simultaneous commitment in mind to accessibility and environmental preservation, disability accommodations have been implemented across states using low impact sustainable development strategies. Importantly, these strategies are not uniform; environmental preservation barriers and needs vary by the coastal landscape, including the ecosystems,

habitats, and the imminence of various coastal and climate-related hazards. Because of these nuances in environmental preservation strategies, this report found strategies to increase access included coastal conservation– strategies to preserve coastal lands, habitats, and species– and coastal resilience– strategies that decrease the land’s susceptibility to future negative human and climate impacts. Broadly, our research team categorizes environmental restoration projects into two groups: projects that are *in progress*– or ongoing work that brings attention and awareness to the relationship between environmental restoration and coastal accessibility– and projects that are *in practice*– or work that actively satisfy environmental restoration and coastal accessibility goals.

In Progress

The 2021 Massachusetts CZM Environmental Permitting Report indicates the state’s joint commitment to coastal conservation and public access. In 2021, the Massachusetts CZM released the most up-to-date version of their Environmental Permitting Report. The goal of this report is to provide information on state statutes and regulations on environmental permitting processes, but this information is discussed in conjunction with federal and local statutes as appropriate. The report divides environmental permitting processes by topic areas: protected and managed areas, waterfront areas, water quality, wetlands and floodplains, protected species and habitats, archaeological and historic resources, zoning and construction, and facility operations (Massachusetts CZM, 2021). The report specifically discusses public access in the Federal Consistency Review section; this section details the federal regulations that the state’s CZM Office must comply with, which includes offering policy guidance on federal activities with respect to public coastal access, among a list of CZM priorities. As a result, federal-pacific coastal policy activities cannot take place in Massachusetts without professional guidance from the state CZM Office (Massachusetts CZM, 2021). More broadly, this report is important for understanding the ways that public access limitations in coastal areas intersect with regulatory barriers to public access introduced by environmental permitting processes.

Similar to Massachusetts, Michigan produced a report that highlights joint priorities to conservation and public access. The Michigan Coastal Management Program (MCMP) produced a Strategic Direction Report for FY 2021-2025, which identifies MCMP priorities and funding objectives for this time frame. Among the priorities listed in this report, the MCMP aims to enhance public access for the use and enjoyment of the Michigan coast for its residents, and outlines four specific strategies to implement this priority: improving universal public access to Great lakes coastal resources through low-impact development and sustainable materials, engaging with state, local, and regional stakeholders to advance coastal water trail networks, promoting maritime and cultural significance along the coastline, and creating a Public Enhancement (309) coastal tourism strategy focused on underserved communities (MCMP, 2021).

Texas works to actively implement coastal resilience and public access priorities by developing development plans through state-led beach assessments. In 2021, the Texas General Land Office released the results of the Coastal Texas Protection and Restoration Feasibility Study. This is a research summary that introduces the Office's Public Access Plan following beach replenishment and coastal restoration measures currently in place on Texas beaches, specifically on Galveston Island, the Bolivar Peninsula, Follet's Island, and South Padre Island (Texas General Land Office, 2021). As a result of the Texas Open Beaches Act, the plan is to ensure that the dual coastal restoration measures being implemented in these two coastal areas of Texas do not interfere with public access, designed to address the five categories of public access outlined in the Texas Open Beaches Act— access ways and dune walkover structures and parking accommodations and public transit (Texas General Land Office, 2021).

In Practice

The (MCMP) manages the Fresh Best Coast grant program, in which the state Department of Environment, Great Lakes, and Energy partners with a private or nonprofit coastal organization to address coastal resilience in one of the MCMP priority areas, which includes public access. Statewide initiatives included three projects targeted at people with disabilities.

- In 2020, the MCMP funded the city of Petoskey to develop a coastal planning project for Solanus Mission Beach, including strategies to restore the beach's coastal habitat while making the beach universally accessible.
- In 2021, the MCMP funded East China Township to implement the St. Clair Waterfront Redevelopment Plan, a project that is revamping the waterfront area in East China Township. This work focuses on restoring the waterfront park and adjacent underdeveloped properties for improved recreation opportunities, economic vitality, and environmental restoration.
- In 2021, the MCMP funded the Pottawattomie Park Beach Restoration and Enhanced Public Access Project in Grand Haven Township. This project implemented new public access features to the park adjacent to Pottawattomie Beach, including a redesigned boardwalk, fishing dock, and universally accessible kayak launch.

Increasing public access to coastal resources involves coordination at the local level. As seen in the various categories of state projects reviewed so far, this is important because of municipal-level differences in the coastal landscape with regard to beach access, coastal conservation issues, and coastal resilience needs. As a result, many states use community partnerships to develop or enhance coastal accessibility projects. Additionally, some states have specific programs or legislation that encourage increased coordination between the state government and local communities— including municipal governments, nonprofit groups, or private

organizations. These projects recognize the nuances of coastal accessibility and development at the local level and forge partnerships so more coastal communities have support in coastal accessibility initiatives.

Conclusion

Future Directions

In addition to the state policy strategies explored here that directly improve coastal recreation opportunities for people with disabilities, our review of state policy strategies also found two state initiatives that advocate for future directions and attention to coastal accessibility issues. Through state-led assessments, states advocate for future research to increase awareness of coastal accessibility issues. Interestingly, the two assessments reviewed here recommend more state attention to coastal accessibility in conjunction with economic resources.

The North Carolina Sea Grant hosted North Carolina's Changing Waterfronts: Coastal Access and Traditional Uses. This one-day forum focused on increasing public coastal access, in light of changing coastal conditions as a result of storms, natural disasters, and other coastal hazards. The effort was an opportunity for the North Carolina Waterfront Study Committee, a 21-member committee authorized by the state General Assembly to assess how the changing coastal conditions impacted the available public trust water across the state (North Carolina Sea Grant, n.d.).

This committee, with support from the North Carolina Coastal Resources Law, Planning, and Policy Center published a report of their findings in April 2007. The North Carolina Coastal Resources Law, Planning, and Policy Center is a collaborative research center with leadership from the North Carolina Sea Grant, the UNC School of Law, and the UNC Department of City and Regional Planning. One of the committee's recommendations to the North Carolina General Assembly outlined in this report is the need for a comprehensive socioeconomic study of accessible working waterfronts and coastal public trust waters that, among other priorities, investigates the state and local economic values, impacts, and costs of expanding and retaining coastal and waterfront access for people with disabilities (North Carolina Sea Grant, n.d.). Despite this detailed recommendation, our research team did not find follow-up work on this issue explored in North Carolina or elsewhere; therefore, it is an important perspective to consider for future coastal accessibility initiatives.

Colleges and universities are important stakeholders that influence state awareness of coastal accessibility and suggest recommendations for future initiatives. In 2016, the University of California, Los Angeles (UCLA) Institute of Environment and Sustainability conducted a statewide survey– in conjunction with the Field Poll– to assess public access trends, perceptions, and

barriers among California residents. The findings of the survey indicate that while state residents clearly value the state coast and associate coastal areas with positive recreational experiences, participants also communicated that access is a growing problem for them— particularly due to legal barriers from coastal property rights, the high cost of coastal accommodations, and limited transportation options for residents from inland communities throughout the state (UCLA, 2016).

The report outlines specific policy recommendations, which include changing the narrative around coastal access, support groups changing the culture of coastal access, and enhancing public transportation options to get to coastal areas. Regarding the culture of coastal access, the report speaks to the history of coastal access legislative intent in California, which has primarily implemented “public access” policies by providing direct physical access to coastal areas and beaches. However, the report discusses the consequences of this superficial definition because it overlooks more expansive approaches to public access, including ensuring public access to private tidelands, opening new public walkways and access points, increasing public transportation options, and increasing equitable coastal recreation opportunities (UCLA, 2016). The findings from this report informed the development of the Coastal Commission’s 2021-2025 Strategic Plan and are a useful cue for other state practices.

Implications for New Jersey

Projects, programs, and practices that increase the accessibility of coastal sites, resources, and activities vary in terms of priority area and focus. In this report, we categorize these priorities into five categories: communication, underlying public access protections, organized programs and passive accessibility, partnerships and inclusion, and environmental restoration. Together, these categories provide the blueprint for conceptualizing disability coastal access projects and future directions for implementation strategies. This is an important context for New Jersey, as a coastal state with its own coastal planning, public access, and disability advocacy context.

New Jersey has programs that work to enhance the quality of coastal recreation for residents and visitors alike. The NJDEP manages a webpage on public access across the state’s tidal waters and locations, which includes an interactive public access map and municipal public access plans (NJDEP, n.d.). Additionally, the NJDEP manages a Cooperative Coastal Monitoring Program, in which the state department collaborates with local health departments to monitor beach water quality for recreation purposes. This program maintains a website for beach visitors about the status of different beaches across the state, water quality sample results, reports of beach advisories and closings, and other information related to coastal recreation surveillance (NJDEP, n.d.). This information is presented in a geospatial tool of state beaches, reports for each surveillance period, and fact sheets.

In the 2022 Coastal Access Policy Brief by the Center for American Progress, New Jersey is listed as one of four states that has model programs for incentivizing public coastal access. Relying on the public trust doctrine, New Jersey has strong legal coastal access protection, with laws that ensure state beach ownership up to the high-water line (Center for American Progress, 2022). However, the state’s beach access laws do not address parking availability– despite that the public trust doctrine designates that New Jersey municipalities cannot discriminate between residents and non-residents with regard to beach access. Further, the public trust doctrine has not been interpreted to require coastal facilities on beaches, including public restrooms (Urban Coast Institute, 2017). While the state Department of the Public Advocate prepared a guide on New Jersey accessible beach entrances and accommodations for people with disabilities, there is no consistently maintained, detailed resource on this topic specific for this community.^{10 11} Lastly, beach fees are required on many New Jersey beaches, impacting the financial viability of visiting the coast for many residents and visitors alike.

New Jersey enshrined the public trust doctrine in state law in 2019. Commonly known as New Jersey’s Beach Access law, the legislation specifically states that New Jersey’s tidal waters and shorelines belong to the public for recreation purposes, including bathing, swimming, and fishing (Office of the Governor, 2019). However, many environmental advocates argue that the state’s Beach Access law does not go far enough because it promotes public access without protecting it in any tangible way (Gonzales, 2019). As a result, New Jersey needs legislative amendments that clearly protect public access and encourage meaningful accessibility accommodations, including updated municipal beach websites, accessible beach mats, entrances, wheelchairs, and parking.

Additionally, New Jersey has several nonprofit and community-based organizations that are stakeholders in disability coastal access. These stakeholders include initiatives to provide coastal programs to people with developmental disabilities, including Heart of Surfing, Surfers Healing, Best Day Foundation, and Autism NJ. Other stakeholders include organizations that increase access to coastal resources for people with physical disabilities, such as the Pinelands Preservation Alliance and Access Asbury. New Jersey could also collaborate with long-serving disability service organizations that are already trusted, utilized resources in the disability community, such as Centers for Independent Living. These considerations are important for New Jersey, given that our previous research indicates that equitable outdoor accessibility policies start with state governments having robust nonprofit and community partnerships.¹²

10 The Public Advocate prepared this report from 2006-10, as a result of beach access court cases that this organization either brought up or co-litigated.– including *Van Ness v. Borough of Deal*, *Matthews v. Bay Head Improvement Association*, and *City of Long Branch v. Liu*.

11 Each New Jersey municipality has at least one accessible beach entrance, which is the minimum requirement under the Americans with Disabilities Act; however, accessible beach mats at each entrance vary regarding whether the mat goes to the end of the dune or all the way to the low tide line.

12 Our findings on this topic are available in the State Policy Strategies Research Report, located at policylab.rutgers.edu

In order to increase accessibility and inclusion in coastal areas for people with disabilities, states need to use a myriad of strategies and priority areas. Our research team conceptualizes these strategies into five categories: communication, underlying public access protections, organized programs and passive accessibility, partnerships and inclusion, and environmental restoration. Through each strategy, disability coastal access strategies are linked with other state and local coastal priorities; this helps embed disability coastal access in the infrastructure of coastal states and communities. Lastly, inclusion is a critical component of state policy initiatives; by creating more spaces for the disability community to share their insights and directly work on committees, future state policies and programs can reflect a realistic, working definition of what universal accessibility means in coastal areas.

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Appendix A: Communication

Florida Coastal Mapping Program: In a partnership between various federal and Florida state agencies, the Florida Coastal Mapping Program is an initiative to comprehensively collect and map coastal seafloor data. The federal partners are as follows: the U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration, U.S. Geological Survey, and the U.S. Bureau of Energy Ocean Management. The state partners on the project are the Florida Departments of Environmental Protection and Transportation, Florida Institutes of Oceanography and Fish & Wildlife Research, and the Florida Division of Emergency Management. The goal of the mapping program is to produce “accessible, high resolution seafloor data of Florida’s coastal waters to support infrastructure, habitat mapping, restoration projects, resource management, emergency response, and coastal resiliency and hazard studies for the citizens of Florida.” In 2018, the program produced a workshop report of the data collection, mapping, and analysis from this project.

Massachusetts CZM Coastal Access Guide: One of the educational materials maintained by the Massachusetts Public Access Program is the CZM Public Rights Factsheet. This digital factsheet, available on the state CZM website, is designed to provide the public with information regarding their legal rights to access the shoreline; this is accomplished by using state statutes and laws to explain and clarify who owns the state shoreline, and the limitations of both coastal property and public access rights regarding the shoreline (Massachusetts CZM, 2005). Through this factsheet, the end-user learns the meaning of the public trust doctrine, the history of this doctrine in Massachusetts, and the current incorporation of this doctrine into state law.¹³

Virginia Eastern Shore Coastal Trail Website: Virginia’s Coastal Plain contains 13 trail loops throughout various coastal landscapes, including the shoreline, cypress swamps, pine forests, and marshes (Virginia DEQ, n.d.). This Coastal Plain was developed in 2000 as an extension of the Virginia Birding and Wildlife Trail, in order to enhance public outdoor recreation specifically in coastal areas. From there, the Virginia CZM developed an Eastern Shore Seaside Water Trail in 2003, which runs through the Virginia National Wildlife Refuge, Chincoteague Island, Chincoteague National Wildlife Refuge, and the Assateague National Seashore and Canoe Trail (Virginia DEQ, n.d.). To accompany these trail enhancements, the CZM developed resources to accompany the Eastern Shore Water Trail, including an interactive map, trail safety tips, and an image gallery.

¹³ While the public trust doctrine originally dictated that coastal property rights ended at the mean high water line, the Colonial Ordinances extended these property rights to the mean low water line. Today, the mean low water remains the boundary between public and private rights, but laws have been put in place in recent years to preserve the types of coastal activities that property owners cannot restrict or prohibit. These public activities that are permitted on “private tidelands”, or the space between the mean low tide and high tide line, are: fishing, fowling, and navigation. As a result, the public trust doctrine still remains in order to protect public access.



Washington Department of Ecology Puget Sound: The state Department of Ecology maintains an up-to-date website about Washington’s Puget Sound, an inlet located on the northwestern coast of the state (Washington Department of Ecology, n.d.). By maintaining an accessible, interactive website, the Department of Ecology enables users to proactively seek information about the Puget Sound. The website information includes ways for residents to get involved in preserving the Puget Sound, learning more about current Puget Sound projects, protecting current endangered species that rely on the Puget Sounds ecosystem, and strategies to prevent potentially negative human impacts to the Puget Sound.

Washington Coastal Atlas Map: The Washington Department of Ecology maintains a Coastal Atlas Map, an interactive map that includes shoreline, ocean resource, wetland, administrative, and land cover data in shoreline communities throughout the state (Washington Department of Ecology, 2014). The atlas combines information from the Department of Ecology’s Beach Environmental Assessment, Communication, and Health (BEACH) Program Shoreline Access Project. From a public access perspective, mapping this data gives end-users the ability to find a lake, a public beach, or learn information about public beach closures ((Washington Department of Ecology, 2014). Additionally, the map includes information about SMA jurisdictions (the municipality boundaries of Washington towns that are required to abide by Washington’s Shoreline Management Act). This map is available in two forms: first, as an ArcGIS map, which allows end-users to map additional data of their own choosing, and second, as a searchable web-based resource.

Appendix B: Public Access Protections

Oregon Beach Bill: Oregon is one example of a state that has staunchly defended the public right of beach access in the face of legal constraints with property ownership. In response to an incident where private beachfront owners attempted to block beach access in 1966, Governor West, in collaboration with the State Highway Commission, introduced two new bills to recognize beach access, even on private land, as a public right (ORPD, n.d.). More specifically, the first bill established permanent public easement for access and recreation along the ocean shoreline seaward of beach vegetation, regardless of public versus private ownership. The second bill designated the Oregon Parks and Recreation Department (ORPD) with the responsibility of providing public access to the beach at routine intervals. Collectively, these two bills are known as Oregon’s “Beach Bill” and mimic Texas’s Open Beaches Act, which was also established in the legislature in the 1960s, because it also relies on the public trust doctrine. Further, the Oregon Department of Land Conservation and Development maintains 19 Statewide Land Use Planning Goals. These function as guidelines to inform planning in this department. According to Goal 17, local governments in Oregon are required to maintain coastal access inventories, which provide the public a record of public access points to oceans, estuaries, and coastal lakes.

Massachusetts Coastal Access and Mediation Services: In 1988, Massachusetts started a pro bono and mediation services program to assist in conflicts about public access to coastal properties (Goranson, 1998). The program provides resources and assistance for citizens to identify historic rights of way to the shoreline that are not recognized or enforced in the state legislature around shoreline access issues. The goal of this program is to increase public access to state beaches and awareness to state residents about their legal rights regarding public coastal access. The program is a joint effort between Massachusetts Office of Environmental Affairs, CZM Office, and the Attorney General’s Office (Goranson, 1998).

Washington Shoreline Management Act: In 1972, the Washington legislature formally passed the Washington Shoreline Management Act (SMA). This state law is designed to encourage organized, coordinated development of the state’s shoreline (RCW 90.58.010). According to the state law, this prevention is ensured by requiring shoreline towns and cities to implement Shoreline Masters Programs (SMPs). This law applies to Washington’s 250 towns and cities with stream, river, lake, or marine shorelines. Shoreline Masters Programs (SMPs) are shoreline policies, programs, and practices that guide public and private land use planning of Washington shorelines, including lake, stream, wetland, and marine shorelines. There are three overarching areas of SMPs: shoreline use, environmental protection, and public access; each SMP must include these three elements. Specifically regarding public access, every SMP is required to

include provisions for preserving and enhancing recreational opportunities (Washington Department of Ecology, n.d.). Further, this component of the SMA relies on the public trust doctrine.

Hawaii Coastal Access Assessment Reports: While public access protections are important, certain states accompany these protections with evaluations that their practices are consistently maximizing public access in coastal areas. In 2010, the Hawaii CZM Office produced an assessment and strategy report (Hawaii CZM, 2010). The goal of this report was to assess the effectiveness of their coastal zone enhancement grants program, which was created in federal law to fund state and local efforts to improve coastal zone management projects in nine enhancement areas: wetlands, coastal hazards, public access, marine debris, cumulative and secondary impacts, special area management plans, ocean and Great Lakes resources, energy and government facility siting, and aquaculture. Regarding public access, the report identifies several emerging issues in Hawaii that are currently or anticipated to impact public coastal access in the future.¹⁴ These include limitations regarding economic development required to maintain public coastal access, exclusionary practices from private beachfront property owners, a loss of plantation roads as public walkways, and a loss of lateral shoreline access due to human induced vegetation directly inland of the shoreline (Hawaii CZM, 2010).

In a follow-up report focused on public access more broadly outside of the grant program, the Hawaii CZM Office published a shoreline public access report in 2015. The goal of this report is to explain legal protections to public shoreline access, particularly the public trust doctrine (Hawaii CZM, 2015). However, the report also explains the gaps in public shoreline access, such as the legal right to access the beach but limited legal mechanisms to ensure public access to walkways and transportation routes to travel to the shoreline, as well as neighboring public facilities and other resources.¹⁵ As a result, the report provides recommendations to further protect public shoreline access by expanding the definition of access to inland areas lateral to the shoreline that provide necessary resources that ensure public safety and access. Further, the report explores strategies to finance the acquisition, development, and maintenance of inland lateral access ways to the shoreline, highlighting specific opportunities in state law that could be developed to enhance funding. Importantly, the report also recommends developing a forum of state/local government leaders and community interest groups to champion shoreline access protection in Hawaii.

14 One state law in Hawaii (HRS § 205A-2) establishes public coastal recreational resources as a state priority. More specifically, this priority entails improving coastal recreation planning and management, providing diverse coastal recreation opportunities in coastal zones, providing and managing coastal recreation consistent with coastal conservation, and encouraging public coastal recreation on local, state, and federally-owned lands.


15 Through two laws (HRS §115-5 and HRS §205A-1), the Hawaii legislature established that shoreline public access is ensured for residents and visitors alike, and that transit both along the shoreline and within beach corridors is encompassed in the state's definition of right-of-access. Beach transit corridors are defined in state law as areas extending seaward of the shoreline, and these are protected in public shoreline access. However, the state has faced limitations to public access in beach transit corridors, due to overgrown shoreline vegetation in these areas.

Appendix C: Partnerships

Florida Coastal Partnerships Initiative: Florida manages a grant program that encourages local governments and nonprofit groups to increase coastal access on the local level. This program– the Coastal Partnership Initiative (CPI)– is managed by the Florida Coastal Management Program and funds coastal development projects to the state’s 35 coastal counties. CPI grants are made possible through federal funding provided by the National Oceanic and Atmospheric Administration. Organizations that are eligible for funding through the Coastal Partnership Initiative include are mainly local governments in Florida’s 35 coastal counties– however, public universities, regional planning councils, and nonprofit groups may apply for a CPI grant, if a local government agrees to sign onto the grant proposal as a signatory partner (Florida CZM, 2022). Further, eligibility for funding depends on your agency’s project meeting one or more of the four priority goals for the CPI: resilient communities, coastal resource stewardship, access to coastal resources, and working waterfronts. Specific to the access to coastal resources priority, these projects can include land acquisition and development, planning sites for nature trails, and developing recreational water use policies. Importantly, these projects must both encourage public coastal access while protecting natural resources (Florida CZM, 2022).

Massachusetts Public Access Program: Massachusetts establishes partnerships with its coastal communities by providing a plethora of community resources about public coastal access that are designed to visitors of the state’s various coastal sites. The Massachusetts Public Access Program, managed by the Massachusetts CZM Office, promotes public coastal access in several ways, including: providing information to communities about coastal access, using educational materials to inform the public about their coastal access rights, and supporting regulatory efforts to increase and enhance coastal access opportunities (Massachusetts CZM, n.d.). Through the Public Access Program, the Coastal Management maintains the following public educational materials: the Coastal Guide Online, Massachusetts Coast Guide to Boston Harbor and the North Shore, Coastal Trails of Massachusetts, Public Rights Along the Shoreline, and a webpage that informs the public of reports and published materials authored by the Coastal Zone Management Office.

Virginia Ecotour Certification Program: Virginia has a program that combines a unique group of stakeholders. The Virginia CZM has assisted in the development of an ecotour guide certification program, which originated in 1992 as part of Northampton County’s Special Area Management Plan (Virginia DEQ, n.d.). Since then, with the most recent developments culminating in spring 2014, the program has expanded to include all coastal counties in Virginia,



made available in an online format, and encouraged collaboration between tour operators and outdoor enthusiasts throughout the Eastern Shore, Middle Peninsula, and Virginia Peninsula. The purpose of this program is to bring guided eco-tours to coastal areas throughout the state, encouraging coastal education and recreation to Virginia residents and visitors alike. Currently, the program is managed by the state CZM in conjunction with the Virginia Tourism Corporation, local coastal planners, community colleges, and other stakeholders (Virginia DEQ, n.d.).

Appendix D: Environmental Restoration

Texas Natural Resources Codes:

The first code ([Texas Admin Code Title 31.1.15A §15.6](#)) establishes state protection of public access by limiting shoreline development in ways that are not covered under the Open Beaches Act. With this code, the legislature states that local governments are not authorized to develop on Texas's public beaches in the form of coastal erosion control structures. The only type of development that government agencies are authorized to complete on public beaches are retaining walls, as long as the retaining wall is more than 200 feet landward of the dune/beach vegetation ([Texas Admin Code Title 31.1.15A §15.6](#)). This code is to preserve public access to Texas beaches; however, since the Open Beaches Act does not specifically prevent local governments from coastal erosion development, the provision in this state law is necessary to maintain the public access vision as communicated in the Texas Open Beaches Act.

Several sections of another Texas natural resources code ([31 TAC Section 501.26](#)) discuss the eligibility criteria for coastal erosion structures and shoreline development adjacent to Texas public beaches and coastal areas. As determined by the Texas Open Beaches Act, shoreline development is not allowed directly on public beaches; however, development is permitted on adjacent lands under certain conditions determined by this natural resources code. Specifically, shoreline development is only permitted under these conditions:

- The shoreline structure helps protect community development and public infrastructure
- The shoreline structure does not harm sea turtle nesting grounds or other endangered species
- Other non-structural approaches to coastal erosion and coastal hazard mitigation (beach nourishment, sediment bypassing, vegetation, etc.) are not possible. This preference to "soft" approaches to coastal hazard mitigation is reinforced by the Coastal Erosion Planning and Response Act ([31 TAC Section 501.26](#)).

Massachusetts Coastal Resilience Grant Program: the Massachusetts Coastal Management Office manages the Coastal Resilience Grant Program, which provides financial and technical support to better engage and educate communities on climate change and associated coastal hazards, coastal adaptation and resilience planning, and storm damage protection. Local governments and nonprofit organizations in one of Massachusetts's 78 coastal zone

municipalities are eligible for grants for coastal resilience projects (Massachusetts CZM, 2023). More specifically, projects must fall into one of five categories: detailed vulnerability and risk assessment, public outreach, proactive planning, redesign and retrofits, and shoreline restoration.

Massachusetts Coastal Habitat Grant Program: The Massachusetts Office of CZM manages the Coastal Habitat Program. The goal of this program is to conserve and protect Massachusetts coastal habitats through grant programs, accessible geospatial tools and data, research projects, and other materials that promote community outreach and education about coastal habitats. Current program priorities include Coastal Habitat and Water Quality Grants, the Salt Marsh Working Group, the SLAMM Viewer, and the Fellow Project on Resilient Coastal Habitats (Massachusetts CZM, n.d.). As the state works to implement coastal habitat restoration priorities and learn more about preserving coastal habitats, the Coastal Habitat Program allows Massachusetts residents to also learn more about coastal habitat initiatives in their state.

Michigan Creating a Culture of Resilience Capacity: the Michigan Department of Natural Resources (DNR) put out a call for grant proposals for a new grant funding opportunity, Creating a Culture of Resilience Capacity Building (Michigan DNR, 2023). This funding opportunity is focused on capacity building at the community level in areas of outreach, technical assistance, and training workshops that increase the knowledge and awareness of coastal hazards in vulnerable communities. Eligible applicants are regional and watershed councils, planning agencies, conservation districts, tribal nations, and community planning districts in Great Lakes jurisdictions. In conjunction with other criteria, eligible projects must promote diversity, equity, inclusion, environmental justice, and accessibility in coastal communities (Michigan DNR, 2023).

Washington Coastal Hazards Resilience Network: the Washington Department of Ecology maintains the Coastal Hazards Resilience Network, an interactive guide that teaches end-users about coastal hazards. This involves using educational content to explain what coastal hazards are, current projects and relevant issues about hazards along the Washington coast, and people who are involved with coastal resilience projects throughout the state (Washington Department of Ecology, n.d.). The website includes an up-to-date calendar on relevant public meetings on coastal resilience issues, particularly marine policy committee meetings in Washington municipalities. Further, the website provides information about the Washington Resilience Action Demonstration Project, a NOAA-funded partnership that provided assistance to coastal communities on projects that increased coastal resilience in that area (Washington Department of Ecology, n.d.). Other information provided on the website includes information about sea level rise, resilience projects case studies, and a resource library.



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