Exploring Waterfront Access and Traditional Use Issues in Public Trust Waters

Walter Clark, Legal and Policy Specialist
Joseph Kalo, UNC School of Law
NC Coastal Resources, Law, Policy and Planning Center
Coastal Law, Planning and Policy Center

- What: Collaborative effort between Sea Grant, UNC Law and the UNC Department of City and Regional Planning.

- Goal: Provide coastal communities and local and state policymakers with legal and land use planning information.
What the Center will do:

(1) Examine “incentive-based” tools that will help provide waterfront property owners and businesses continued access to public waters.

Present Use Value Tax or Deferred Tax
What the Center will do:

(2) Examine techniques, such as planning and zoning, that could be used to enhance shoreline diversity.

These techniques generally require the political support of local government.
What the Center will do:

(3) Examine techniques that might be used to generate and/or direct funding to purchase waterfront access.
A final report including:

• A description of the issue and its magnitude.

• Three “tool kits” that can be used by waterfront property owners, state and local governments.

• Legislative or administrative actions necessary to add new tools.

• Additional research needs.
Our States Waterways

• They are our aquatic highways. Their importance to trade and commerce dates back to the founding of the nation.

• They might also be analogized to a large state park – areas that are owned by the state and open to the public for their use and enjoyment.
• Proposed definition of *waterfront access* in North Carolina.

“Recreational and commercial waterfront access means a parcel or parcels of real property that provide access to *water-dependent* commercial or recreational activities to the public trust waters of North Carolina.”
Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public, offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels.
Definition Continued

• *Examples* include: Docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities and other support structures over the water.