

WATER ACCESS PROPOSAL & SUPPORTING MATERIALS

Proposed Agenda For a Meeting to Discuss Water Access For Local Boardsailors

Here are some ideas to consider before or during an initial organizing meeting held to discuss a beach access problem. These thoughts should help form a proposed agenda to facilitate a fast and productive meeting.

- 1) Who is doing the complaining and from where did the issue arise from? While it is difficult to turn a person's mind around once they have made a complaint, it is still a good idea to know the source and the possible motivations of the complaints against boardsailors.
- 2) What are the grounds for the complaint? Are they well founded?
- 3) Who will make the ultimate decision on the water access issue? Oftentimes there are several parties involved in one area such as the town, state, Department of Environmental Management, Department of the Interior, and private land owners. What will these people want to hear to make them change their minds?

In general, you will have a lot of good arguments. Yet this can mean that you will come on too strong in the beginning, a definite turn-off to a public or bureaucratic official. We suggest allowing them to think that it is they who are coming up with the solution. This means a very subtle approach. There are still a lot of things that should be done behind the scenes to get things going though. It would therefore be advisable to outline our strategy and split up some of the duties.

Here are just some quick ideas to organize the meeting.

- 1) Re-activate or form your local sailboard club. Chapters of US Windsurfing can be formed with as little as five members or clubs may become affiliated by joining (annual association dues are \$50). Who is going to get the club organized and collect the US Windsurfing individual memberships dues, \$30?
- 2) How are you to present our arguments to the board? Who is going to be the spokesperson? Is there a lawyer who is willing to represent you "pro bono" (without charge)? Often the lawyers have an inside track on what civic leaders' thoughts are.
- 3) How many people can you enlist as support for our cause? The more the better.
- 4) What is to be your proposal? Are you going to offer a compromise? Do you have anything to trade for continued water access at an area?
- 5) How much publicity do you want? The press loves controversy and will seek to portray a real fight between you and the authorities. This will make it much harder to reach a reasonable compromise with officials. If things get hard anyway, bring in the press to rally popular support BEHIND your cause.

At the end of your meeting be sure that someone has been charged with typing up the minutes of the meeting and sending them to all of the people who attended the meeting. Also the next date of the meeting should be set at the close of the meeting so that the momentum can be kept. With internet and email, this information can be easily passed along.

Be sure that everyone has a clear idea of what they are to accomplish before the next meeting. Be sure that this is outlined in the minutes. This will serve to keep everyone as productive after the meeting as they have been during it.

sample petition

***** PETITION *** PETITION *** PETITION *** PETITION *****

They are eliminating windsurfing/boardsailing (an Olympic sport) at the local beach. Your signature will help the "local" Windsurfing/Sailboard Club establish a safe access to this beach.

We, the undersigned, support the "SAILBOARD CLUB" in its proposal for a safety corridor at the local beach area. A safety corridor, 200' wide, would separate sailors from swimmers for maximum safety while still providing safe access to the water/ocean for boardsailors. Simply banning the sport will force boardsailors to continue sailing amongst swimmers on the unregulated beachside.

Help the Sailboard Club keep our local beach open and safe for boardsailing.

NAME	ADDRESS	TOWN
------	---------	------

sample format for an information sheet

ANSWERS TO SOME FREQUENTLY ASKED QUESTIONS ABOUT THE PROPOSAL TO BAN WINDSURFING AT ANYTOWN BEACH

Q. WHO WANTS TO BAN BOARDSAILING AT BEACH.

A. A majority of the ANYTOWN Beach Commission, an appointed body which makes recommendations to the ANYTOWN City Council concerning ANYTOWN City Council concerning ANYTOWN's section of Beach.

Q. WAS A COUNTER-PROPOSAL MADE?

A. Yes. The ANYTOWN Sailboard Club proposed a safety corridor of buoyed lines to allow sailboards to have access to the ocean. The corridor would be placed at the least used section of Beach for 200 feet west from the creek.

Q. WHO IS THE ANYTOWN SAILBOARD CLUB?

A. A club of windsurfers and sailors interested in sailboard recreation as a safe, healthy, and non-polluting sport. Of prime concern to the club is safety for sailboarders and other watersport participants and water access rights to our favorite sailing locations.

Q. WHY IS ANY PROPOSAL NECESSARY?

A. Although no accidents have ever been reported, the ANYTOWN Sailboard Club agrees that windsurfers and swimmers need to be separated from each other in order to increase safety at the beach.

Q. WON'T THE BAN OF BOARDSAILING BE THE SAFEST SOLUTION TO THE SAFETY PROBLEM?

A. No. Windsurfers will still be able to sail amongst swimmers on the OTHER side of the Beach because the ANYTOWN ban on windsurfers will apply only to the ANYTOWN side (to the west) of the creek.

Q. WHAT CAN BE DONE TO INCREASE SAFETY AT THE BEACH?

A. Establish a safety corridor between buoyed ropes on the ANYTOWN side of the beach so that there will be a physical separation between the swimmers and the windsurfers.

Q. WHY CAN'T THIS BE DONE ON THE MIDDLETOWN SIDE?

A. The lack of a responsible civic authority on the privately owned OTHER side of the creek makes ANYTOWN the only group which can make the corridor system work. The essential element in making the system work is that lifeguards tell swimmers not to swim in the buoyed access corridor.

Q. HOW WOULD WINDSURFERS KNOW THAT THE ACCESS AREA IS THE ONLY PLACE FROM WHICH THEY CAN SAIL TO THE OCEAN?

A. Since they would all be entering through the parking lot main gate they could be given a copy of the rules when they pay the parking lot fee. Also, metal signs on steel posts could inform sailors and swimmers on the beach as to the use of the access area. Additionally, local windsurfers would vehemently enforce the access area rules in order to preserve their access area to the ocean. A sailboard patrol could enforce the rules on the water in the same way that a ski patrol deals with skiers in violation of the mountains rules.

Q. WASN'T A SYSTEM TRIED BY A LOCAL WINDSURFER LAST YEAR?

A. Yes, but "The system" wasn't instituted until mid-August and consisted only of a sign telling windsurfers on the OTHER side to stay away from swimmers. This prevented any injuries. Unfortunately the corridor was ignored by swimmers who still swam in front of the windsurfers' access area since there was no one to tell *them* not to. No sign was posted telling windsurfers to stay out of the ANYTOWN area. No municipal assistance was given at all. ANYTOWN must be a active partner if any system is to be effective.

Q. THE BEACH COMMISSION SAYS THAT SOMETIMES THE AREA, PROPOSED BY THE ANYTOWN SAILBOARD CLUB IS THE ONLY AREA FREE OF SEAWEED. WOULD THIS MEAN THAT SWIMMERS WOULD HAVE TO SWIM IN SEAWOOD?

A. No. The ANYTOWN section of Beach is 3,400 feet long. The access area, proposed by the N.S.C., is only 200 feet long or 5.9% of the total beach. It is highly unlikely that the 94% of the water available for swimming would ever be choked with seaweed while the access area would be the only area clear of seaweed. Besides, seaweed is subject to currents, etc. and will move up and down the beach naturally.

Sample Proposal

TO: THE ANYTOWN BEACH COMMISSION
FROM: THE ANYTOWN SAILBOARD CLUB
SUBJECT: PROPOSAL TO CONTINUE LAUNCHING SAILBOARDS FROM A DESIGNATED AREA AT FIRST BEACH

PURPOSE

This proposal is in response to the Anytown Beach Commission's proposal to the Anytown Council to ban windsurfers from using Anytown's Beach. It is for submission to the Beach Commission on *date*..... We understand that if it is accepted by the Beach Commission it will be presented to the Town Council on *date*..... at 0:00 pm.

ANYTOWN SAILBOARD CLUB'S HISTORY AND CONSTITUENCY

The CLUB was formed in 1979 (originally as "Windsurfer" fleet 10 of the I.W.C.A.) as an association of sailors interested in the sport of boardsailing in this area. Its purpose is to promote participation and enjoyment in the sport of boardsailing throughout the Anytown and Aquidneck Island areas. Meetings are held semiannually or as new business comes before the club. A newsletter is published and dues are collected.

The CLUB's other concerns include assuring that (1) all boardsailors will be provided with suitable access to launching sites; (2) the quality of our sailing waters is maintained or improved where necessary; (3) the rights of other watersport participants are respected by sailboarders; and (4) that safety rules and considerations are promoted in order to keep boardsailing the safe sport that it unquestionably is.

THE CASE FOR WINDSURFING

The CLUB presents the following relevant facts about windsurfing for the consideration of the Commission and the Council.

1. Windsurfing is a sport that was invented in the United States in 1967 and has since become increasingly popular world wide.
2. It entails mild to strenuous exercise, depending on the wind conditions, thus providing an enjoyable method of enhancing physical fitness by strengthening both arms/shoulders and legs and improving agility of the participants. In short, it is a good, clean, healthy sport that attracts dedicated athletes from every age group.
3. Skill at windsurfing can be learned rapidly by both sexes and, as skill is acquired, the sport provides a compelling integration of body and mind with the elements of wind and waves and with the craft itself.
4. Windsurfing is an Olympic sport. The United States won a silver medal in the 1984 games. Several of the U.S. team members, such as Scott Steele, the Olympic silver medalist, Michael Gebhardt, and (_____) have trained at the Beach. They consider it to be one of the best locations on the Coast for sailboard training. [OR something to that effect]
5. The sport is inherently safe for all participants for the following reasons:
 - Sailboards and their rigging (sail, mast, and booms) are very light in weight, and thus have little inertia.
 - Should the sailor fall from the board, the rig falls slowly into the water and acts as a brake or sea anchor. Sailboards drift very little when this happens.
 - Sailboards are more maneuverable than sailboats and speed can only be attained by mastering the sport. Beginners, less adept at maneuvering the sailboard, move very slowly.
 - All sailboards are foam-filled and unsinkable. Several cases exist in Europe of sailboarders saving swimmers and boaters from drowning. While vacationing in Hawaii one of our members, Platt Johnson, saved the lives of two swimmers at Hookipa State Park by using his sailboard.

•As a result of the above factors, the U.S. Coast Guard does not require windsurfers to wear a PFD in waters under its jurisdiction. The sailboard itself is considered an excellent lifesaving device.

•The following facts from a recent industry survey further testify to the safety of the sport in the United States, since its inception.

-No fatalities caused by sailboards.

-No reported serious (i.e. disabling) injuries.

-No reported lawsuits or damage claims.

THE CASE FOR BOARDSAILING AT FIRST BEACH [From RI Proposal]

Besides the aforementioned reasons for the sport's safety in general, there are several reasons that we would like to put forward to the Commission for the continuation of windsurfing at First Beach.

1. First Beach is a natural windsurfing location. It is there to serve a multitude of uses, including sunbathing, surfing, swimming, as well as boardsailing. It allows safe access to the ocean for the best windsurfers in the area. If it is closed it will be as if a ski area is closed because of some vague possibility that a skier might run into a hiker, for example.

2. Windsurfing serves the needs of Anytown's less affluent sailing enthusiasts. A good sailboard can be purchased for about half of what even the smallest sailboat would cost. The windsurfers of today is the yachtsman of tomorrow. A town that welcomes and profits from yachtsmen should not at the same time strike an anti-windsurfing pose. Yacht club membership is not necessary to enjoy the benefits of windsurfing. It's truly a sport for the masses.

3. Windsurfing is a scenic sport that provides visual pleasure to the spectators on the beach. Its visual appeal is one reason why it is featured in so many television advertisements. In an informal poll by our membership, we have found that the typical beachgoer is curious about the sport, asks questions of the sailors, wants to know if it's difficult, and comments on how lovely it is. We have never heard a disparaging word about the sport. It is a welcomed aspect of the beach scene.

4. Besides the scenic beauty of the sport, it is also important to note that we create no exhaust, no noise, no trash, no drinking (it is very hard to windsurf while intoxicated), and no pollution. Our favorite saying is that the only thing we leave behind is our wake. In fact several of our members pick up trash, particularly broken bottles, so that we don't cut our feet while carrying our equipment.

5. Anytown is a tremendous sailing area. The Olympic sport of windsurfing is in harmony with the vacation, upscale image of Anytown and should be actively encouraged.

6. Typically swimming and windsurfing are not in conflict. The majority of swimmers prefer a day with small waves, light winds and sunshine. The majority of windsurfers prefer a day with bigger surf, heavy winds, and don't care if it is sunny or not. Therefore the two groups generally prefer opposite conditions thus significantly reducing the number of days when large numbers of windsurfers and swimmers share the water or access site.

7. With respect to the safety of participants in other watersports on the beach the CLUB instituted a voluntary program of self policing this past summer.

At one of our member's own expense, signs were made and posted at the beach asking sailors to stay clear of swimmers. This program was successful in so far as no incidents were reported. However, the cooperation of the municipality is also required to keep the two activities separate. Perhaps corresponding signs may be posted warning the swimmers to stay clear of the windsurfers.

CONSIDERATION OF CITY RESPONSIBILITIES

The CLUB proposal that follows takes into account the following responsibilities of the city. These were summarized for us by attorneys advising the Mass. Boardsailors Coalition, a sister group working with the M.D.C. in Boston.

1. Like any municipality, the city must use its power rationally to further public safety. Concern about potential litigation against the city is not a valid reason for exercising its enforcement powers.
2. Similarly, the city cannot deny equal protection or application of the laws to windsurfers vis-a-vis participants in other watersports.

Even though no incidents were reported this past summer or in any previous years, the CLUB realizes that it needs the help, guidance, and cooperation of the Anytown Beach Commission and the city of Anytown to further safeguard the sport and other users of the beach.

We agree that the Beach needs regulations, and we wish to assist the Commission in preparing a workable solution to the needs of all concerned parties. To that end, the following recommendations are presented.

1. Sailboards, like other sailcraft and surfboards, should not be launched, sailed or ridden in close proximity to swimmers. To avoid the possibility of a collision a separation of 25 yards between windsurfers and swimmers provides a comfortable margin of safety in our view.
2. An area, marked off by signs on the beach and buoys in the water, would provide safe access from the beach to the ocean for windsurfers. An area placed at the _____ end of the Beach would use the area of the beach least traveled by swimmers. The area would also be leeward and downwind of the swimmers. Drifting sailboards would be less likely to go into the swimming area.
3. The Beach is _____ feet long. The surfers use an area _____ feet long, at the west end of the beach. Of the remaining _____ feet we would like to have an area of _____ feet.
_____ feet of beach would suit us well. The area should extend east from a buoy line centered between the ramp and the first set of stairs and demarked by a lifeguard tower. Placing the area here would have several advantages to all concerned.
 - It would clearly delineate the lifeguard's area of concern between what is in Othertown and what is in Anytown. A clearly marked entrance area would ???
 - It would safely separate swimmers from windsurfers at the point where they are most likely to encounter one another.
 - It would also provide us easy access from our cars to the beach. Increased use of the parking facility would increase parking revenues to the city. Also the beach's windsurfing rules could be passed out to windsurfers entering the parking lot as they pay their parking fee.

SUMMARY

Windsurfers are anxious to prove to the city that they are good citizens and can abide by the rules and regulations of its administrative bodies. The proposed ban on windsurfing seems like a solution in search of a problem, particularly in light of the fact that there were no incidents justifying such an extreme measure as the ban of windsurfing at the Beach. If overuse of the area is the problem then all users, swimmers, sunbathers, surfers, and windsurfers should share equally in any regulatory measures necessary to provide for the publics' safety and the enjoyment of all.

Sample letter that can be sent on your behalf

City Council
Anytown, RI 02840

Dear Honorable Councilors:

As you may already know the Beach Commission has voted to eliminate windsurfing at the beach. We are looking forward to the day when we can meet with you and have a workshop about this question. If the council agrees with the Beach Commission, windsurfers will be banned from using the section of the beach in the best summer months between Memorial Day and Labor Day from 9 am to 5 pm.

The Sailboard Club has presented the Beach Commission with a proposal (copy enclosed) to establish an access area to the beach through a corridor of buoyed lines. We hope that you take the time to read and study this proposal. It deserves serious consideration.

Chief reasons given by the commission for going ahead with the plan to ban windsurfing were summed up by the beach manager. They are as follows: (1) windsurfers would take up an area of the beach now used by families; (2) mooring the buoy lines in the surf would be impossible; and (3) windsurfers would fall outside of the access area and drift back into shore, perhaps into the swimming area.

The Sailboard Club takes exception with the Beach Commissions decision. In brief, we rebut their three points as follows: (1) We also have families. Five percent (200 feet) of the total beach is not an awful lot to give in order to allow windsurfers, their families and friends to use the beach. Also windsurfers, we assume, would also be charged a parking fee when they entered the public parking lot thereby "paying their way". There are over 500 windsurfers in this area. (2) The club's treasurer, a mechanical engineer, says he can engineer a system that will stay in place, even through a hurricane. Many municipalities in Europe and America use the buoy corridor system to increase safety. Signs, coupled with the safety corridor, will truly allow windsurfing and swimming to coexist safely. (3) Sailboards drift very slowly and do not present a danger when capsized.

The city is the only authority on the beach which can create a safety corridor for windsurfers to go to and from the ocean. A municipality is the only power which can establish a small area of the beach for windsurfers to safely use. windsurfers and swimmers must be separated by a rope and buoy line corridor and we need the help of the city to accomplish that.

As to the ban itself, it is the city's responsibility to use their enforcement powers rationally, and in such a way as to equally protect the rights of all watersport participants.

Sincerely,

Sample letter US Windsurfing can wrtite on your behalf

(US Windsurfing LOGO here)

US Windsurfing Association
PO Box 978
Hood River, OR 97031

Town Beach Committee

Dear Members of the Committee:

It has come to my attention that you are considering water access for the sport of windsurfing at the town beaches. I know that you are primarily concerned with the safety of the bathers and windsurfers when they are sharing the same area. This is also a concern of the United States Windsurfing Association, and the general concern of windsurfers everywhere. Without considering the safety of all concerned, the sport cannot be pursued in a responsible manner. Windsurfing and swimming can coexist given enlightened public management and cooperation between the citizens who windsurf and the people who regulate the beach. The primary objective is to separate the swimmers from the windsurfers. This can be easily accomplished with a rope buoy system installed by the local windsurfing club or windsurfers. With the cooperation of the windsurfers, a set of rules can be drawn up and publicized to inform all who use the beach as to the proper use of the access area.

For example, the Beach Commission in Newport has established a separate launching area for windsurfers. It is based on many similar programs around the world. It works, it is easy to manage, and it allows all of the citizens to enjoy beach access.

I encourage the town to give this system a try. It is a reasonable accommodation to allow citizens, who pursue the safe and healthy sport of windsurfing, an equal opportunity to use town facilities to gain access to the water. Knowing that this system works elsewhere should be encouraging to you and helpful in making a decision.

Sincerely,

USWA National Director

Workshop Meeting

A POSSIBLE FORMAT FOR A FIRST MEETING

PURPOSE

The purpose of tonight's meeting is to make a presentation directly to the City Council in support of the safety corridor access method. If such a corridor is accepted then windsurfing will be allowed to continue at the Beach in a safe and controlled manner.

OUR THREE MAIN ARGUMENTS

SAFETY

Safety will not be improved if windsurfing is banned. Simply banning the sport at Newport's section of First Beach will not stop windsurfers from sailing amongst swimmers on the unregulated side of the beach. The Sailboard Club knows that if windsurfers continue to sail in this area an accident will happen. That an accident has never happened in the 18 years of the sports existence is a credit to the safety of the sailboard and its operators. A safety corridor is the only safe solution to the problem. Only the city has the ability to make a safety corridor work because the other side of the beach is privately owned and unregulated. Safety concerns of all the swimmers on the beach, not just the town swimmers, are best served by a safety corridor.

COOPERATION

The actual act of enforcing any rule or regulation is best accomplished with the help and assistance of the citizens being regulated. A safety corridor would have the enthusiastic support of all of the local windsurfers using it. They would actively participate in enforcing the rules of the corridor. Banning windsurfing on the Newport side of the creek would communicate an anti-windsurfing message to the local windsurfers. It is then both obvious and predictable that no cooperation would be forthcoming from local windsurfers.

FAIRNESS

Any rule or regulation that is passed by a governing body has to afford equal protection to all without unreasonably restricting the rights of any one group. It has been said that our use of the beach would displace swimmers and families. However, we too have families and want just 6% of the total available swimming area to be able to enjoy the ocean. We are happy with a small and less popular part of the beach. To completely exclude us from using the beach is discrimination. To give us a safety corridor is to be just and fair.

(US Windsurfing LOGO here)

DATE: _____

TO: _____

FROM: United States Windsurfing Association

SUBJECT: Windsurfing Safety

Windsurfing has proven itself to be a very safe sport. Since its beginning in 1967, windsurfing has become more and more popular. This increase in popularity is beginning to cause some problems, especially where windsurfers meet other watercraft. In the interest of public safety we offer the following in the hope that it may be of assistance to you in helping keep our sport safe.

One piece is designed to be used in literature that is distributed to visiting yachtsmen who may not have a chance to heed shoreside signs while windsurfing off of their yachts.

Another is designed to be handed out to people attending a beach where access has been a problem in the past. It can also be used as part of a windsurf shop's local literature or in local guides to the area's sailing spots.

The final piece is copy for a sign. It can be taken to a printer, enlarged, laminated in plastic, and then taped or glued to a sign post.

All of the above can be edited to fit your exact specifications.