

*In a true spirit of compromise, and with the earnest goal of a workable, fair solution for increased public access on the Gulf-front beach of Perdido Key, **Save Our Beaches** requests this proposal and its accompanying cover letter be placed on the agenda for discussion at the next regular BCC meeting (March 5th 2026).*

Position Paper

Issue 1: Strength of Customary Use

- A. Historical accounts through testimonials date back to at least 1945. It is undeniable that public historic and customary use of the entirety of Gulf-front Perdido Key beaches, from the water's edge to the dune line, was ongoing and unrestrained for 73 years, from the end of WWII in 1945 to a legislative attempt to hinder Customary Use in 2018. The 2025 legislation repealing attempts to limit customary use (SB 1622), and the identical House bill (HB 6043), reaffirmed the historical existence of "The Recreational Customary Use of Beaches" and reinserted its legal recognition into State statute.
- B. There is oral and recorded history that dates back far prior to 1945 of daily fishing, fish camps, beach recreation, and entertainment venues.
- C. The 2025 Legislative Action SB 1622 recognizes the public has standing in Customary Use by "providing a legislative declaration of public interest" (13-14).
- D. Customary use far precedes any development and parceling of Perdido Key.
- E. The conflicting use exists in private property parcels overlain on beach areas customarily used by the general public.
- F. Development parceling has now conflicted with orderly beach use and customary historical recreation use.

Solution: 75' Perpetual Easement

- A. As compromise to full beach access up to the dune line, all Gulf-front condominium owners shall adopt and the County shall establish a limited, uniform, and perpetual 75-foot public easement. This easement shall exactly mirror the existing federal perpetual easement binding the Gulf Beach subdivision area, which was based on historic

customary use by the public. The combined easements shall run from the Gulf Islands National Seashore boundary on the East, westward to the Florida/Alabama state line. This includes the crucial language “The Southerly 75 feet of above-described lot “XX” being subject to a perpetual general public use easement.

- B. The purpose of a perpetual easement versus customary use ordinance is to provide a local solution and remove control from future legislative and court actions, establishing peace of mind for all stakeholders.

Issue 2: Retain Access 1

- A. It has been discussed to abandon Public Access 1. This is unproductive to resolving the conflicting uses of public access and development parceling.
- B. Access 1 is the only free county public access for 1.8 miles.
- C. There is no walkable public access for the adjacent neighborhoods other than Access 1.
- D. Public Access 1 contains approximately 40 parking spaces, often occupied by guests of private owners.
- E. If closed, Customary Use would be pursued from the waters edge to the dune line to compensate for the loss of public accessibility and privatization of a previous public asset.

Solution: Limit Access 1 to Existing 40 Parking Spaces and 75’ Easement

- A. Escambia County would guarantee no additional parking spaces would be developed to increase automobile traffic to the access point.
- B. Public Access 1 would continue to serve pedestrian access from nearby neighborhoods north of Johnson Beach Road and the 40 parking spaces.
- C. These limitations will balance retaining access for resident pedestrians and a small number of vehicles with adequate beach space compensating for any spill-over from Johnson Beach.

Issue 3: Public Nuisance

- A. Condominium owners express concerns of the public violating the dunes and trespassing on their swimming pools, restrooms, and other facilities.
- B. Other property owners have concerns over similar issues to above.
- C. Further concerns exist per nuisance activities such as large parties and weddings, dune trampling, litter, noise, and camping.

Solution: County Management and Enforcement

- A. A 75' easement would provide a crucial buffer that enhances private owners' sense of safety and their enjoyment, while protecting the dunes.
- B. The buffer would also provide a uniform standard across the Gulf-front Key, simplifying enforcement and compliance for beach vendors, the public, and adjacent owners.
- C. The County shall establish regulation and licensing of beach vendors, and plan to commit resources for enforcement of beach activities against illegal and nuisance behaviors.
- D. The County will agree to commit resources spared by avoidance of litigation for (a) maintenance of the easement area, including a regular and sufficient schedule of trash pickup; and (b) increased Code enforcement.

Issue 4 Signage

- A. Signage necessitated by perceived trespass, illicit and undesired activities, and dune trampling have caused public discord, dune destruction, and wildlife and turtle entrapment and deterrence.
- B. Signage and cordoning are unsightly and a blight on visitors' and residents' beach experience.

Solution: County Ordinance, Permitting and Management

- A. The County will improve their sign ordinance on the Key to add prohibition of (1) sandwich type signs on and in the sand; (2) fences; (3) restrictive tape, rope or cordoning, or any other form of barrier; and (4) beach chair or any other barricade lines within the 75-foot public easement.

- B. Educational, property, and dune and wildlife protection signage will be allowed at private boardwalks, the dune line, or other permitted improvements landward of the dune line.

Issue 5: Johnson Beach Local Accessibility

- A. Johnson Beach provides public parking and full beach access for a fee but has eliminated day passes.
- B. The National Park Service and National Seashore under the Federal Lands Recreation Enhancement Act (FLREA), which regulates individual park units including national seashores, may:
 - a. Charge entrance fees,
 - b. Charge expanded amenity fees (campgrounds, boat launches, parking, etc.),
 - c. Charge special use permit fees, and
 - d. Adjust rates based on local conditions (costs, demand, maintenance needs).
- C. Each park proposes fee changes locally, but they must:
 - a. Conduct public notice and comment,
 - b. Present to a regional Recreation Resource Advisory Committee (RRAC), and
 - c. Receive approval within the NPS structure.

Solution: Negotiate Local Discount

- A. The County shall commence the Federal Lands Recreation Enhancement Act process, including Public Notice and Comment, to adjust fees, present to the Recreation Resource Advisory Committee, and request NPS approval of the new fee structure.
- B. GINS Perdido Unit shall propose to adjust rates based on local conditions such as the following:
 - a. limited public amenities, prohibition on camping, very limited historic structure accessibility, and serviceable limitations on user/automobile accessibility; and
 - b. continued recognition of the historical nature of Johnson's Beach as the area's only beach to allow Black citizens during

segregation, a legacy that should ensure that fees are set at a level accessible for all Escambia citizens, regardless of demographic.