

Stephanie Otts:

This podcast is brought to you by the National Sea Grant Law Center at the University of Mississippi School of Law, with funding support from the NOAA Sea Grant College Program. The views and opinions expressed are those of the host and contributors, and do not necessarily reflect the views of the National Oceanic and Atmospheric Administration, or the US Department of Commerce.

Zachary Klein:

Welcome back to season two of the National Sea Grant Law Center's Law on the Half Shell Podcast. I am one of the law center's ocean and coastal law fellows, Zachary Klein. And it is my pleasure and my privilege to be hosting Law on the Half Shell this season. In past episodes, our focus on the pandemic's impact on coastal communities has primarily touched on activities that are either entirely offshore in nature, or have a large offshore component such as cruise lines or fishing fleets.

Zachary Klein:

On today's episode, we'll be setting our sights closer to land to get a better understanding of COVID's onshore impacts in coastal communities. Law Center Senior Research Counsels, Cathy Janasie and Terra Bowling will take us on a tour of the legal issues that COVID created in beach towns across the country, ranging from restrictions on beach access to disruptions to tourism more generally. Along the way we'll be joined by Jeff Malarney, an attorney who sits on the Real Estate Commission of Dare County, North Carolina, and Bobby Outten, Dare County's attorney and county manager for an interview about some relevant litigation that took place in Dare County towards the beginning of the pandemic, as well as how things have changed since. So lay out your towel, pop open your umbrella, and put on your sunscreen. It's beach day here at Law on the Half Shell.

Cathy Janasie:

This is Cathy Janasie. I'm here with Terra from our office.

Terra Bowling:

Hey, this is Terra Bowling.

Cathy Janasie:

And so we're going to talk today a little bit about how COVID affected getting to beach locations last year, and then what actually happened in the towns once you arrived at the beach. So, Terra, do you want to talk a little bit about setting up the issue about traveling to beach towns?

Terra Bowling:

So we've touched on this a little bit in previous episodes. We've talked about how states have the authority to close their borders during these types of emergency situations. For example, going back to the cruise episode, where we talked about a few cases, some pretty old cases, where states prevented cruise ships from disembarking during the time of the plague, yellow fever, and cholera. And so the same legal precedents that applied then apply now. Essentially, states do have the ready to limit travel within and across their borders during these types of situations. So we're going to talk a little bit about an example of that in North Carolina. There's a county on the coast, Dare County. So we're going to talk to a couple of attorneys there, the Dare County Manager, Bobby Outten, and then a representative of the North Carolina Realtor's Association, Jeff Malarney.

Cathy Janasie:

What's interesting about the travel thing is that it was pretty present everywhere last summer. So when I was planning to go home to New Jersey for a few weeks to be with my family at the beach there, because I grew up there, as COVID progressed, it started out where New Jersey was the hotspot. And I was going to have to quarantine when I got back to Mississippi. But by the time I actually made it to New Jersey, it flipped. And so when I got to New Jersey, I actually had a quarantine for 14 days and couldn't go anywhere but my parents' house.

Terra Bowling:

What a way to spend your vacation.

Cathy Janasie:

Exactly. It was not a glamorous way to spend my vacation. So tell me a little bit Terra, about the situation in Dare County.

Terra Bowling:

Yeah. So thinking back way back to March of 2020 is when things started to shut down around the country and Dare County, North Carolina, a beach community in the Outer Banks, they issued a state of emergency declaration that included a travel restriction, and they said that non-resident property owners and visitors were prohibited from entering the county. So they had official checkpoints. And of course, when this happened, some people in surrounding counties and some people who owned homes there and wanted to get away to the coast, they were pretty angry about this, because they weren't allowed in. And there were lawsuits filed saying they didn't have the authority to do this. So they're going to give us some perspective on how that went down.

Cathy Janasie:

That's really interesting because that's pretty drastic. Because at least when I got to New Jersey, I just got a paper that said I could be there, but not go anywhere. But to be told, I couldn't have gotten into the county where I wanted to go, I would've been upset.

Terra Bowling:

I wanted to kind of get into what Dare County did during the pandemic. On March 16th, there was a state of emergency declaration that included a travel restriction. Before we talk about that, will y'all just kind of talk about what a typical spring and summer season looks like in Dare County? I imagine there's a lot of tourism.

Bobby Outten:

In a normal non-COVID time a spring tourism season is relatively busy, but it's mostly getting ready for the summer tourism season. For the most part second homeowners are coming to use their homes a little bit while the weather's nice and also get them ready for the rental season. So we're busy, but not bursting at the seams. When school gets out in June, we're bursting at the seams. We go from a county that has a population of about 35,000 to a county that'll have a population of now at upwards, probably 300, 350,000.

Terra Bowling:

And then when COVID hit and it started to become clear that it wasn't going to be a typical spring and summer season. Dare County decided to close its borders to travel. What did that mean? Who was allowed to enter and exit?

Bobby Outten:

Let me preface that with a little bit of context. In March, everybody was in the infancy if you will, of COVID, and nobody knew really what was going to happen or where things were going. And we have a hospital here that has 20 beds or less doesn't have any acute care, doesn't have any ventilators. We have an EMS system that has about 10 or 11 trucks that can transport people. And the statistics we were seeing at that time were that we were going to get thousands of COVID cases in Dare County and that we were going to need thousands of ventilators and we were going to need to treat these people. And that was impossible. At that time the state had not come up with the plan that they had later, where you would have information from surrounding hospitals. So you would know where to get them, where there were beds, where there weren't, and all that.

Bobby Outten:

And they had a plan for that. But in March they didn't have any of those plans in place. And so we were stuck with having to deal with that. And our job as emergency managers is to protect the public's health, safety, and welfare. And it was going to be impossible to do that. When COVID came, the visitation picked up dramatically. We were having summertime visitation numbers in March which had never occurred before. And so with those people coming and our inability to treat them and the statistical numbers that we were receiving from the health officials of the thousands of people that were getting it, we had to do something to protect the public, not just the local public, but the people that were traveling here. And the only thing we could do was reduce numbers. We had to find a way to reduce the number of people here so that we could take care of what was here.

Bobby Outten:

And we did that the way that we do in hurricanes and other emergencies that we have, is we restricted entry into the county because that was the only way to get the numbers down to a level that we could manage. We know how to manage an emergency because we have hurricanes often. We know how to do that and we know what our capacities are, and what was projected to happen was so far above our capacities, that there was no other choice, but to do what we did.

Terra Bowling:

That makes sense. A lot of communities were struggling with the same thing and no one knew what was going on.

Bobby Outten:

Right. And yeah, I think you asked about what did that mean? What we did is restricted entry into the county for anyone except a resident of a county or a critical person that worked. And so if you were a resident of a different county, but you worked in the hospital or you worked as a policeman or whatever, then you had a pass to come into the county. But if you were here to visit or you were here as a non-resident property owner, and there wasn't any reason for you to be here, then we restricted entry from those people simply because we had to keep the numbers down.

Terra Bowling:

And what was the reaction from the community and the non-resident property owners?

Bobby Outten:

The reaction from the community for the most part was favorable. The community was pushing for that. The community understood it. The community was afraid because, again, if we had gotten the numbers, they were going to be part of those numbers and we couldn't treat them or we couldn't care for them. So for the most part, the community got it, and the community supported it. The non-resident property owners did not support it. They felt like they should be allowed to come to their homes. They didn't care about the risk associated with that. They didn't care about whether we could take care of them or their family or any of that sort of thing. They just felt like they had rights, because they had property ownership here. I understand how they felt, but from our perspective, that wasn't the safest thing to do. And so yeah, we took a lot of heat from the non-resident property owners.

Terra Bowling:

And then how is it regulated? Did you have checkpoints?

Bobby Outten:

North Carolina has an emergency management statute, 166 A. That statute says when you have a declaration of emergency, there are number of things that you can do. Among those things or closing roads and bridges and doing things like that to protect the public and the public safety and welfare. And so using the authorities in that statute, we did that similar to what we would do when we have a hurricane, when we evacuate and close the borders and all that sort of thing. Again, all of it's to protect the health and welfare of the public.

Terra Bowling:

How long did the closure last? How long was the state of emergency?

Bobby Outten:

45 days. Over that 45 days, a number of things happened. One is everybody became smarter at the health level about what their projections were. And some of the projections that we had early proved not to be true. Similarly, there was a statewide plan developed, to take people from one area and move them to another; if you had a hotspot and you had open bed somewhere else, they had a management plan that you were able to keep up with that. And then working with our hospital, there became a comfort level that given the new estimates and given a plan that we had the capability now of taking care of problems, and the need for that closure didn't exist any longer. And so we lifted the closure once we knew that we could take care of the people that were coming here. And it proved to be true because after we lifted the closure, we didn't have the problems that we anticipated, thankfully, because one, we had systems in place and two, the results weren't as dire as the projections had been in March.

Terra Bowling:

So with the Delta variant coming around and things seems like they're picking up a little bit again, would you say maybe the county would make different decisions now with that knowledge they have now, it sounds like?

Bobby Outten:

Well, I would say on the information that we have right now, we would probably not change what we're doing right now restriction wise. If the Delta variant created problems on the level that was anticipated last March, then we would have to look at what are we going to do about that? Because again, we've got to protect the public's health and safety, however we can do that. We haven't seen anything and wouldn't anticipate having anything close to those kinds of numbers, those thousands and thousands of numbers, because that hasn't occurred at any point or even anything close to that in Dare County. So, given what we've seen, given what's been going on, even with the Delta variant, we believe we could probably manage and maintain. And again, we're a lot smarter now. We've got a lot more systems in place, the hospitals and the doctors and the nurses, and those folks are a lot smarter. They know how to treat it better. And so the problems and the unknowns that we had March a year ago don't exist now, even with the variant.

Terra Bowling:

And just to circle back to the closure in March of 2020, I did see there was a lawsuit filed by some of the non-resident property owners. They sued Dare County. So can you talk a little bit about that?

Bobby Outten:

Well, I told you they were upset, and those property owners sued. The issue is there's case law out there that goes way back into the 1800s that talks about health, safety, and welfare and closures. And during pandemics and yellow fever scares and all that, areas of cities and towns and things like that were closed, similar to what we did. And the Supreme Court upheld those things. And so we felt like we were on solid ground. There are some cases that talk about the Privileges Immunities Clause, the Constitution, allowing free travel among the states, and all that. And that's what they were relying on, that even though that emergency management statute gave us the authorities, they were saying they weren't constitutional the way that we did it. And that we couldn't do that. They had the same rights as everybody else under that Privileges and Immunities Clause. There's no cases on it. There's no decisions on it. There's no guidance on it. We and our attorneys felt like we were on solid ground. Supreme Court's never ruled a point on this. And so we did what we thought was right. And they sued because they didn't like it. And we ultimately got it resolved, and we still think we were right. But we don't have an answer yet. It's because it's not been through the courts yet.

Terra Bowling:

Okay. Well, let's move on to talk about people who rented vacation homes in Dare County during this closure. They were unable to access the rentals too. And then Jeff, I know you're on the North Carolina Real Estate Commission, they issued an opinion about it. What was the stance there for these people who wanted to come and vacation, get away from all the COVID stuff?

Jeffrey Malarney:

Sure. So the commission looks again, what Bobby just described was not unique to Dare County. There were other coastal communities that were facing similar governmental acts. And of course there were renters from all across the country who had deposited their funds with vacation rental management companies for the vacations that they had previously booked. So the Real Estate Commission in conjunction with a number of vacation rental management companies issued guidance, both for the mountains, but mainly for the coast at the time, to ask property management companies to refund renters. And they thought they had some prior precedent for that under Chapter 42A which is the vacation rental act in North Carolina, to request that licensees return rental funds. And the license

vacation rental management companies complied with that. Some of our out of state owners were upset with that for various reasons, primarily fiscal, to return funds. But in the end, the North Carolina Real Estate Commission comes down on the side of the consumer, and it's duty and obligation and charge is to protect the consumer from harm. So they issued that regulatory opinion, and looking back that went really well, actually.

Terra Bowling:

So they refunded if these renters weren't able to access the rentals during that 45 day period. They received their refunds following that. I imagine some people didn't quite feel comfortable traveling yet, because there were so many unknowns. Maybe they didn't want to take a road trip. So how was that handled if renters just didn't want to fulfill their rental? Were they refunded also? Was there any official stance on that?

Jeffrey Malarney:

There was some bleed over, so Dare County and other, New Hanover and some other counties took some similar positions with regard to the entry of residents or vacationers. And then there were many, many individuals who had rented homes or other units that were concerned about catching COVID and going on vacation. And in those cases, the licensed vacation rental management companies, I think almost a 99% buy into that, refunded guests their rental funds. Because we're a vacation destination, and we want folks as a public policy matter to feel comfortable investing their vacation dollars along the coast of North Carolina.

Terra Bowling:

So what would y'all say are some of the lessons learned for the county or homeowners, vacationers during this period?

Jeffrey Malarney:

You've got to react to these things. You've got to make decisions quickly. Frankly, we had never planned for a pandemic. It never occurred to anyone that a pandemic would occur, but many of us didn't even know really what that was. We now do. We've learned some lessons. We understand impacts. And so as we manage that type of emergency, we do know that you can't manage it exactly like you would a hurricane. And we've learned that you've got to have some plans in place to deal with those kinds of things in the future. And those plans are now in place. And then if we were to have another one, then there'd be a lot smoother transition. We wouldn't be on a learning curve for the first six months of the pandemic trying to figure out what's going to happen and what's going to respond to it. We kind of know some of that now.

Jeffrey Malarney:

We revisited the Force Majeure clause, clauses that were contained in the leases, and also the ownership agreements with the vacation homeowners. So we attempted, I think with a lot of vacation rental managers to clean up that language, revisit Force Majeure, and provide some clarity for the consumer and also the owners as to exactly the refund mechanism for funds that were held in trust.

Terra Bowling:

So for non-legal people, can you talk a little bit about the Force Majeure and what that means?

Jeffrey Malarney:

Generally, I'm not an expert, but generally Force Majeure springs into life when there's an event such as a hurricane or a fire that would interrupt the obligations of folks that are party to a contract. And in this case, there were leases that were sent out for vacation weeks or stays with guests. And there were also contracts between licensed vacation rental management companies and owners as to what happens in the event of a flood or a hurricane. And with regard to a hurricane, as Bobby mentioned, we're very familiar with hurricane and the procedures that we use. Owners understand along the coast, what it means for evacuations. There's travel insurance that guests can purchase in the event of hurricanes. And I would say that's standard business up and down the coast of North Carolina. With regard to a pandemic, sometimes that language was contained in Force Majeure clauses, but no one had ever, as Bobby said, I don't think anyone was prepared for, that I know of. And so how the conduct of the parties was going to operate once there was a pandemic and governmental acts that were shutting down accesses to homes. We attempted to clarify that language so that consumers, potential vacationers, as well as owners to know how the funds flow would work in the event of limited access or even fear of contamination within a home or vacation rental.

Terra Bowling:

Everyone had to think about a lot of things that never even considered before. Crazy times.

Cathy Janasie:

So we've been talking a little bit about restrictions in Dare County, North Carolina. And if we go down the coast a little, it was like exact opposite situation in Florida as to welcoming people into the state. And so Governor DeSantis, there did not put any restrictions on people coming to the beach on a statewide basis. But then, obviously there was opposition to that in the state. And so a pretty colorful one was that attorney from Santa Rosa Beach actually filed a lawsuit trying to force them to close the beaches in Florida, because he thought it was such a public safety issue. And the reason why it got some attention is because he actually came to court dressed as the grim reaper, which was a pretty good visual for the effect he was trying to say for public health.

Cathy Janasie:

But the courts didn't see it that way, and the courts actually ruled against him and said his case didn't really have any kind of real cause of action for the state to force a closure of the beach. So another issue we're kind of seeing with these travel restrictions or mandates on either a state or local level has to do with attention between who has the power in a state to make these restrictions. And so that has to do a little bit about how the state has decided to split that power. And so states are all different about who is going to have the authority to take certain actions. And so states that allow local governments to take more actions with public safety are known as home rule states. And so a lot of the cities who took action this past year either to have a travel restriction or even put in a mask mandate have cited that power for themselves to regulate on the local level as the source of the power for them to do so.

Cathy Janasie:

And so, as we're starting to see these lawsuits come in over the past summer and fall, that tension about, okay, who really has the authority? Is it the governor? Is it the local government? That's an issue that the courts are wrestling a lot. And so, so far we've seen decisions. So one just came out in South Carolina where the state Supreme Court struck down a mask mandate in the city of Columbia that was requiring students and city workers to wear masks, under that premise that the city didn't really have

the right to go against whatever the ruling was on the state level. And so they said that power really lied with the governor and in that executive branch's government. Another issue that the courts have talked about too, has to do with separation of powers. And so under our system with government in the United States, we have the executive branch where the governor is sitting in all the state agencies.

Cathy Janasie:

We have the legislative branch, which is the bodies that's making the laws. And then we have the judicial grant, which is the court. And so in some of these decisions that we're seeing with COVID restrictions, the courts have been very hesitant to step in and second guess the legislature, making that separation of power argument. Saying that that is a policy legislative decision that they've made, and it's not really the role of the courts to step in to fix what's happening legislatively in the state. So I just mentioned a couple cases where the courts were hesitant to step in and say that they weren't going to challenge what either the governor did or the legislature did, saying local school districts or governments couldn't put in mask mandates to get into buildings, but we do have other decisions coming the other way.

Cathy Janasie:

So recently in Iowa, they put in a ban on mask mandates in school, and a federal judge in Des Moines actually ruled that was not legal. The judge thought that it created an unfair risk for students with serious health conditions to attend class in person. And so it meant that school districts now could actually make their own mask requirements. And so it is a decision that goes the other way, because lot of these cases have been brought by people who do have vulnerable health conditions. And so the courts really are coming out both sides of the situation. So it's hard to say at this point in time, whether there's a clear rule of law, either way.

Cathy Janasie:

Terra has been talking about all these restrictions on traveling and tourism to get to the beach, but then what happens if you are in a town? So you are able to get there, you are able to stay in your beach rental, but you get there, and there's a restriction on actually getting to the actual beach to go swimming. And so we saw that throughout coastal areas in the country in the summer of 2020. I'm from New Jersey, so I paid attention pretty intently on what was happening from the coast of New Jersey, where I grew up. And so we had this interesting dynamic in all coastal areas where the towns who said, "Tourists, come on in, come to the beach." They had a real economic boom, because their beach badge sales went up. And so the revenue to those towns was a pretty big increase.

Cathy Janasie:

And then on the other side, there's the towns that said, "No, you can't come. And we're actually not going to let you come to the beach." And so that had that opposite effect of economics. And so when we talk about the right to go to the beach, does anyone really have a right to go to the beach in the United States? Or the flip side of that is do towns really have the ability to say who can and cannot come to the beach, lies in two really old doctrines under the law that go back to even when United States was a colony of England. So it's these two doctrines called the Public Trust Doctrine versus what's known as the Police Power. And so under the Public Trust Doctrine, it says that the state controls the submerged lands under coastal waters in trust for residents. So what that means is that the state is holding that in trust, and it's supposed to be holding it in trust so the residents can come and use that resource.

Cathy Janasie:

And so all states pretty much are saying, "Yes, you can get to the water" But how do you get to the water? So even in these states that were saying you can't get to the beach, technically you could have went in the water. But the restrictions on the beach really depends on how the state is looking at the Public Trust Doctrine and how broad it is. States like New Jersey have viewed it pretty broadly. And so New Jersey Courts in a series of rulings have said that the ocean is an important public resource for the residents of the states so not only do New Jersey residents have the ability to go into the ocean itself, but actually have the ability to go through the dry sand to get there. And in some situations they've even said on private property, they can go through the dry sand.

Cathy Janasie:

So what happens when something like COVID happens? And so we have this huge public health emergency, but we also have this legal right to get to the beach. And so that's where the Police Power comes in. And so while the Public Trust Doctrine is saying residents have access to go use those resources of the water, Police Power says that the government has the ability to regulate to protect the public health safety and general welfare. And so those two doctrines were in clear conflict with COVID, because we have people wanting to go to the beach. They have the right to go there. And we have these towns saying you can't come to the beach, because it's not safe. And so how the different towns viewed their role in that public Police Power and regulating public safety really dictated some layers, the kind of different restrictions that we saw.

Cathy Janasie:

And so in New Jersey, the towns were all over the map on what they were doing. And so Belmar actually used drones to monitor the situation of the beaches. And then based on what the pictures were showing shut down beach sales. Other ones said we're not going to sell season badges. And so a season badge is when you can just go any day. You just pay a price. And the town said, "no, we can't control who's coming if we have season badges." So they said no. And so that created some issues for the states for those towns, but the ones who opened their beaches like Belmar, they actually had a \$1.4 million increase in sales to the town based on their beach badges. Long Branch didn't limit beach sales. They just said, "we're going to limit where people could get on the beach to control who was coming on." They made 1.7 million dollars. And so those towns who were saying, we're going to restrict, but were not going to completely ban really did get an economic boom from those situations.

Terra Bowling:

That was really the wild wild west back then. No one knew what was right, what was wrong, what to do really.

Cathy Janasie:

Yeah, exactly. Real mix. It was a real mix. And so that was really the choice of the towns to do what they wanted to do. The governor of New Jersey, so we talked a little bit about that split of power between the state executive branch and local government. And so governor Murphy in New Jersey actually did put down an executive order that said beaches and lakefronts had to limit visitors so people could properly socially distance to six feet apart. But an interesting caveat he put in there was he said that the towns got to decide how to do that. And so that's why we saw this array of towns saying they were going to limit the number of beach badges a day and shut things down if it got too out of control. But because of that Public Trust Doctrine, that New Jersey pretty much decided they couldn't limit beaches

completely or to beaches of people from another town. So we did see that traveling throughout the coast of going town to town, but we did get this hodgepodge of issues going on.

Terra Bowling:

And it was probably really different from 2020 to 2021, what was open and what wasn't.

Cathy Janasie:

Yeah.

Terra Bowling:

Cause we had the vaccine in 2021, think the rules changed a little bit.

Cathy Janasie:

Yeah, the rules did. So in the beginning we saw some towns still having those restrictions, but we did see a big opening up, I think, where we all traveled this summer. It was a big difference on the coast. So when I went home last summer, all the restaurants were closed. The boardwalks with the arcades were closed. There was no rides. There was no games.

Terra Bowling:

Sad.

Cathy Janasie:

It was really sad. Everything was open this year. And so because of the vaccine and the thought that the numbers were back down, things opened back up. And so it was a big difference between the two summers from what we saw.

Terra Bowling:

Well maybe summer 2022 will be even better.

Cathy Janasie:

It will. Summer 2020 was sad. I mean, we had all games, contact sports, concerts, festivals, fireworks were all banned. The state New Jersey did say that the rides and arcade games were going to be closed. And when we're thinking about beach towns and coastal towns on lakes and the oceans, this tourism is a huge driver for them economically. So if you think about taking that away from those towns through the summer of 2020, that was a huge economic impact. And so there was that also driver to open things back up to help keep the area viably economically. So I'm a proud Jersey girl, and despite what you see in popular culture, beaches are a big business in New Jersey, though what you see on TV, hasn't always put us in the best light. So the show the Jersey Shore made it seem like a party place focused on GTL-gyms, tans, and laundry. But there are a few towns there in New Jersey that exist, but a lot of it is also very calm, pristine beach towns.

Terra Bowling:

They'll never believe it.

Cathy Janasie:

You have to see it to believe it, I guess. But another thing that really put New Jersey beaches in the spotlight, and so we want to talk on this episode about closing beaches down and restricting access, but you all might have remembered a meme from a few years ago of Chris Christie sitting in a beach chair on the beach. And since that picture's been taken, it's spurred on thousands of memes. So if you haven't seen one, do yourself a favor and Google Chris Christie in a beach chair. How that meme got spurred was that on the 4th of July weekend, a few years ago, we actually had a government shut down in New Jersey. And so what that meant was the state beaches had to be closed because the government was shut down and they couldn't be operated. But what happened is, so Island Beach State Park, which is a really beautiful miles and miles long state park on the ocean, right by where I grew up, was shut down.

Cathy Janasie:

But it's also where the governor mansion happens to be located. And so when he shut beaches down, the reporters asked him are you going to the beach? And he said, "yes, I'm going." And so then of course the media had helicopters fly over. And he was pretty brazen about his comments that he got to go to the beach and the rest of the New Jerseyans didn't get to. And so the journalists did fly over his home, which was the governor's home and took a picture of him on the beach. And as I said, it was the picture that birthed a thousand memes. It's just another situation where we had a beach shut down, but it was for a very different reason for why that happened. So with COVID when the beaches started to get shut down, residents of these coastal states had a similar reaction to what New Jerseyans did when Governor Christie said, "you can't go to the beach, but I can go." So we talked a little bit about the beach itself, but what about other recreational activities that are available in areas that have water. So Terra, didn't your family take a boating trip?

Terra Bowling:

We did. We rented a pontoon boat at a nearby lake. Had a great day out there. It wasn't quite the beach like we usually go to every summer that we can, but we had a good time.

Cathy Janasie:

Yeah. And so with COVID and all these restrictions on being inside people really did look to go outside. And with beaches were hard to get to because of travel restrictions or just fear of traveling in general, a lot of people took to boating as an alternative. But what's interesting is we're talking about these towns where the town is actually controlling the beach itself. But what about places like fishing piers and boat launches and marinas that are private property? And so obviously the legal framework that's going to surround those businesses as compared to state owned or town owned beaches is a little bit different. So obviously those private property owners can't do something that a broad mandate is going to say no, you can't do. But besides that, they got to make their own choices about who they were going to let in and rent their boats or use their boat launches in a different way. And so that's what's making them a little bit different than the public beaches themselves. So we've been talking a little bit about towns themselves being able to say who can come and travel. And we saw that even on the state level. And so states saying you have to quarantine, say, for 10 or 14 days, once you get into the state, just to make sure you don't have COVID or didn't contract it with of traveling. But I seem to remember Hawaii having some pretty drastic restrictions, Terra.

Terra Bowling:

Yeah, that's right. Right in the beginning, Hawaii had a 14 day quarantine for all arriving travelers. So that's a huge chunk if you're going for your vacation. You get out of quarantine, you have to turn right back around and go home. Things have loosened up a little bit. Back in July, they said those who are fully vaccinated in the United States or the territories can enter Hawaii on domestic flights without any pretesting or quarantine, at least 15 days after you're fully vaccinated.

Cathy Janasie:

Yeah. With us all working from home an extended trip to Hawaii sounds pretty glamorous. So yeah, I could stay there for 14 days and then go outside.

Terra Bowling:

That's true. Not as bad place to quarantine.

Cathy Janasie:

How I'm going to pay for the hotel room, I'm not exactly sure

Zachary Klein:

Whether it's impacts on beach access or tourism and coastal towns, it's clear that COVID has wrought just as much legal havoc shoreside as it has for some of the more seafaring activities that we've covered so far this season, like cruises and commercial fishing. A huge thanks from all of us at the National Sea Grant Law Center to our guests for taking the time to join us for the interviews you heard in this episode. And thank you to all of you for continuing to tune in to season two of the Law on the Half Shell Podcast. Be sure to subscribe to us on Apple Podcasts, Spotify, or wherever you listen to podcasts and like us or follow us on Facebook, Twitter, and LinkedIn to keep up with all the latest at the Law Center. Until next week.