

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY



## Implementation Framework

Ecotourism Facilities on Middle Peninsula Chesapeake Bay Public Access Authority Public Land

2017

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# INTRODUCTION

Experiencing nature is a primary motivator for visitors in the Middle Peninsula, Virginia. The Region has a natural competitive advantage in providing visitors with high quality ecotourism experiences because of a network of Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) properties throughout the region and their close proximity to water as well as open space access.

MPCBPAA properties are central to a thriving ecotourism industry. Underpinned by Middle Peninsula's unique natural diversity and the core values of leadership, authenticity, custodianship, innovation and conservation, the Commonwealth of Virginia welcomes visitors to experience freedom, a sense of adventure, and a personal connection with special places and people in nature.

In order to further leverage our competitive advantage the MPCBPAA is allowing low impact privately-owned ecotourism facilities to be established on the network of MPCBPAA properties. Recognizing the importance of ecotourism to the Middle Peninsula future in the highly competitive tourism marketplace, ecotourism facilities on MPCBPAA land must be constructed and operated to the highest environmental standards and industry practices. Ecotourism facilities on MPCBPAA lands will showcase and preserve the unique natural landscapes, cultural heritage and wildlife of MPCBPAA public lands by providing nature-based experiences delivered by tourism operators committed to and passionate about these unique areas. MPCBPAA is interested in growing and supporting local employment and desires to make the portfolio of holdings more accessible to small business development. Additionally the MPCBPAA is focused on the job creation aspects of implementing this eco-business program, particularly as the Middle Peninsula region of Virginia ranks last in the Commonwealth for average wage and has 71% of its workforce commute out of the region each day.

## “Special experiences in special places”

MPCBPAA land is most special places and there is dual focus on both their conservation and the provision of world class recreation and ecotourism experience for visitors. The MPCBPAA wants to engage with ecotourism partners, who will help in providing these “special experiences in special places”.

MPCBPAA is looking for:

### “Special Experiences”

Experiences and facilities that:

- enhance both the visitor experience opportunity and visitor appreciation for the values
- engage and benefit the local community and traditional owners
- deliver best practice in ecotourism
- are ecologically and economically sustainable.

### “In Special Places”

Experiences and facilities that:

- reflect and rely on the site's unique values
- conserve the ecological and cultural values of the site
- are appropriate in scale and nature to the condition of the site
- contribute back to the MPCBPAA property they are located within, and provide a fair and reasonable return to the MPCBPAA land
- complement public use.

Ecotourism means that the environmental values of MPCBPAA public lands are protected and preserved while being enjoyed. This document provides a framework to guide the consideration of proposals for ecotourism facilities that will both protect MPCBPAA public lands and offer new ecotourism experiences.

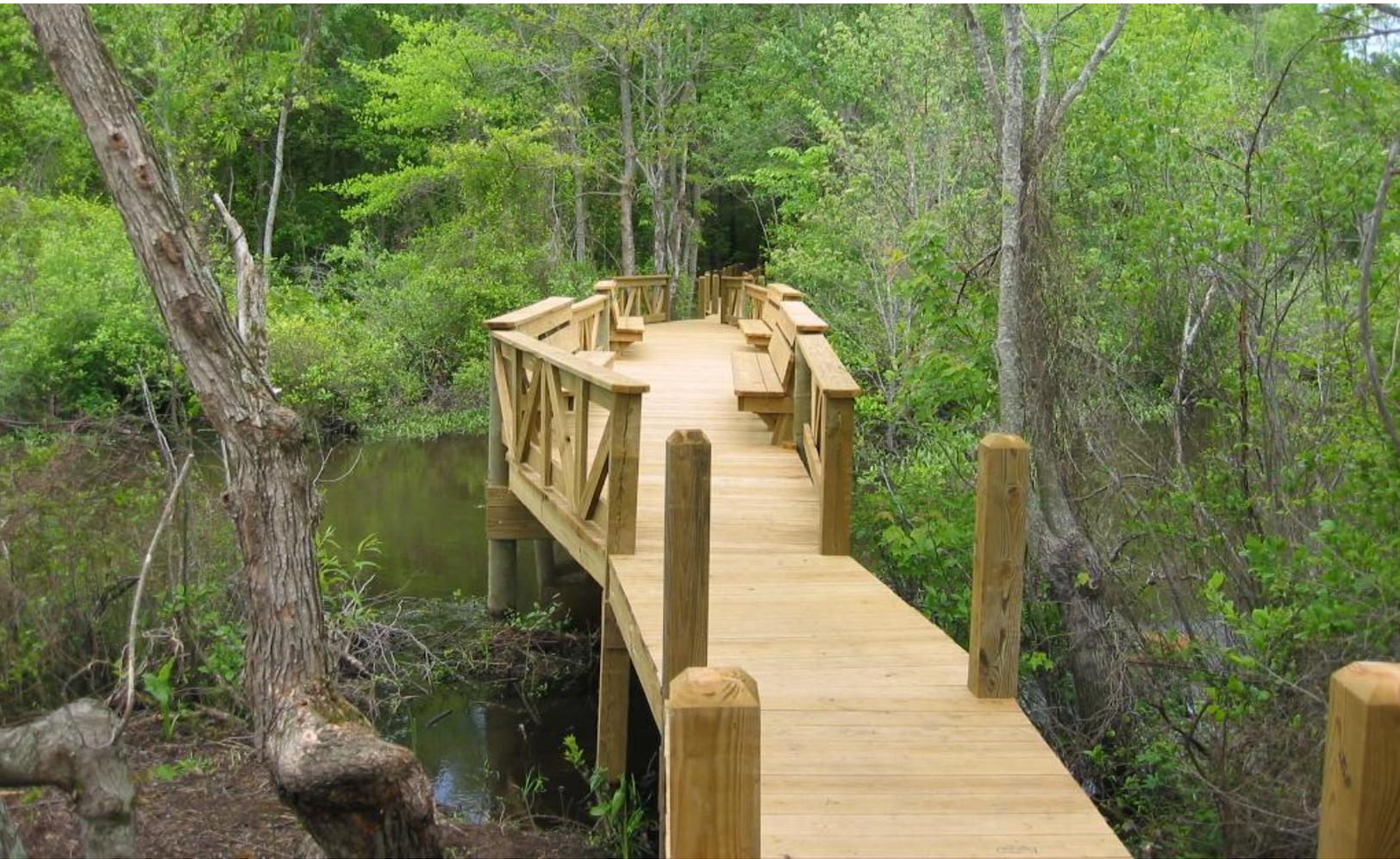
## BACKGROUND

The MPCBPAA has developed a range of policy to improve opportunities for sustainable ecotourism activities and visitor use in MPCBPAA public land network.

Each approved facility will be designed and managed sensitively to ensure it is compatible with the nature and character of the site and complements the management of the MPCBPAA public land in which it is located.

The nature and scale of ecotourism facilities may vary from relatively small, simple structures— such as walker’s huts—to larger campgrounds or low impact eco-lodges. Acknowledging the differences of scale and location between proposals, the department will apply a common assessment and approval process consistent with the legislative requirements.

The process for attracting investment in ecotourism facilities will also vary—the MPCBPAA may initiate opportunities through competitive tendering; and investors with independent proposals can make direct approaches.



*Photo of the bridge on the Brown Tract crossing the Dragon Run.*

## PURPOSE AND SCOPE

This implementation framework (the framework) provides a robust and transparent model for the assessment and approval of proposals for ecotourism facilities on MPCBPAA public lands. It recognizes that any proposed ecotourism facilities will have environmental, social and financial benefits and costs that need to be considered when assessing each proposal, and that assessment needs to occur in the context of the governing legislative provisions.

The framework informs potential investors and the broader community on how the MPCBPAA will assess ecotourism facility proposals, the matters that will be considered, and the approval and leasing arrangements for successful proposals.

On these lands, joint management arrangements will be created between the MPCBPAA and the private ecotourism business. The process of identifying opportunities and assessing and authorizing ecotourism facility proposals will be consistent with the MPCBPAA policies as well as state and local government policies.

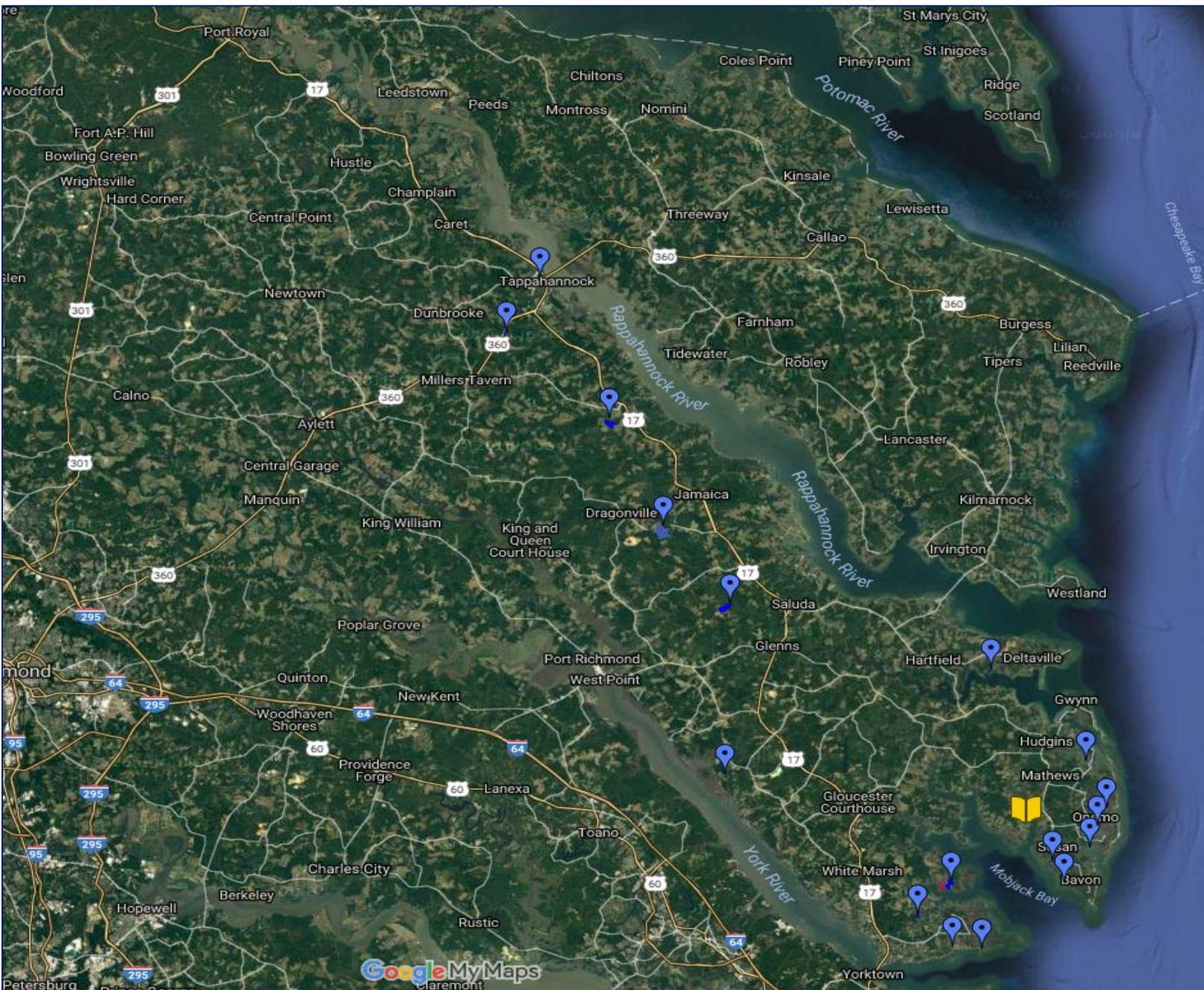


*Dragon Run through the Brown Tract (Essex and King & Queen County).*

## MPCBPAA LAND AND AMENITIES

Since 2003, the MPCBPAA has been an effective tool to improve public access throughout the region. From land acquisitions and to implementation land management tools the MPCBPAA as created a model for other local and regional governments and associations to develop a public access specific network.

To-date the MPCBPAA has acquired almost 1,000 acres of land through grant funding as well as through local land donations. The figure below shows the location of public access locations throughout the Middle Peninsula of public access locations as of June 2017. More donated lands are anticipated to be added.

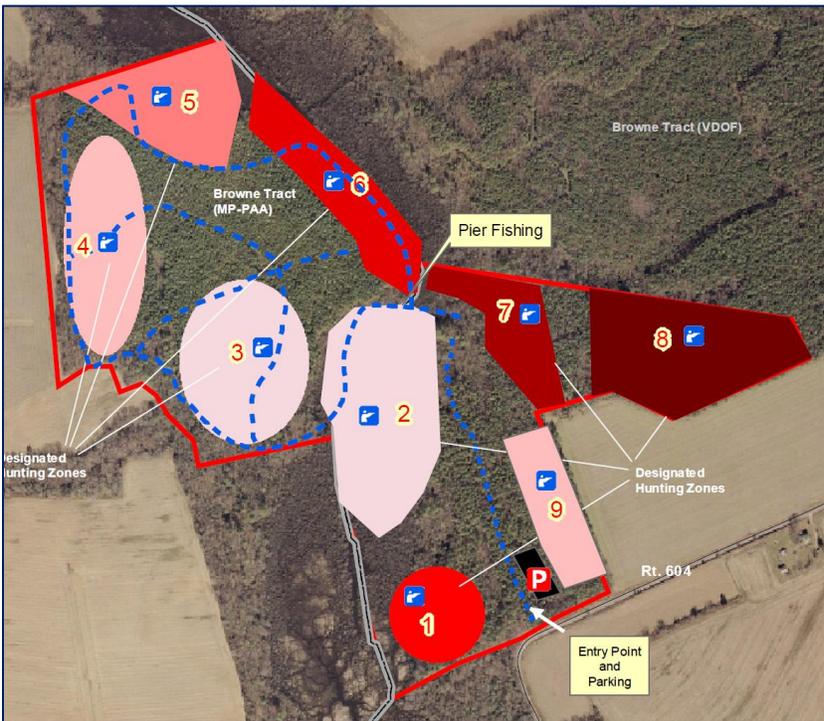


Map of MPCBPAA lands throughout the Middle Peninsula region.

Each MPCBPAA public access location offers unique amenities and are therefore managed uniquely depending on the property's environmental assets, accessibility, and public input. As many sites are already used by the public, below is a description of MPCBPAA locations available for eco-tourism businesses.

### Browne Tract

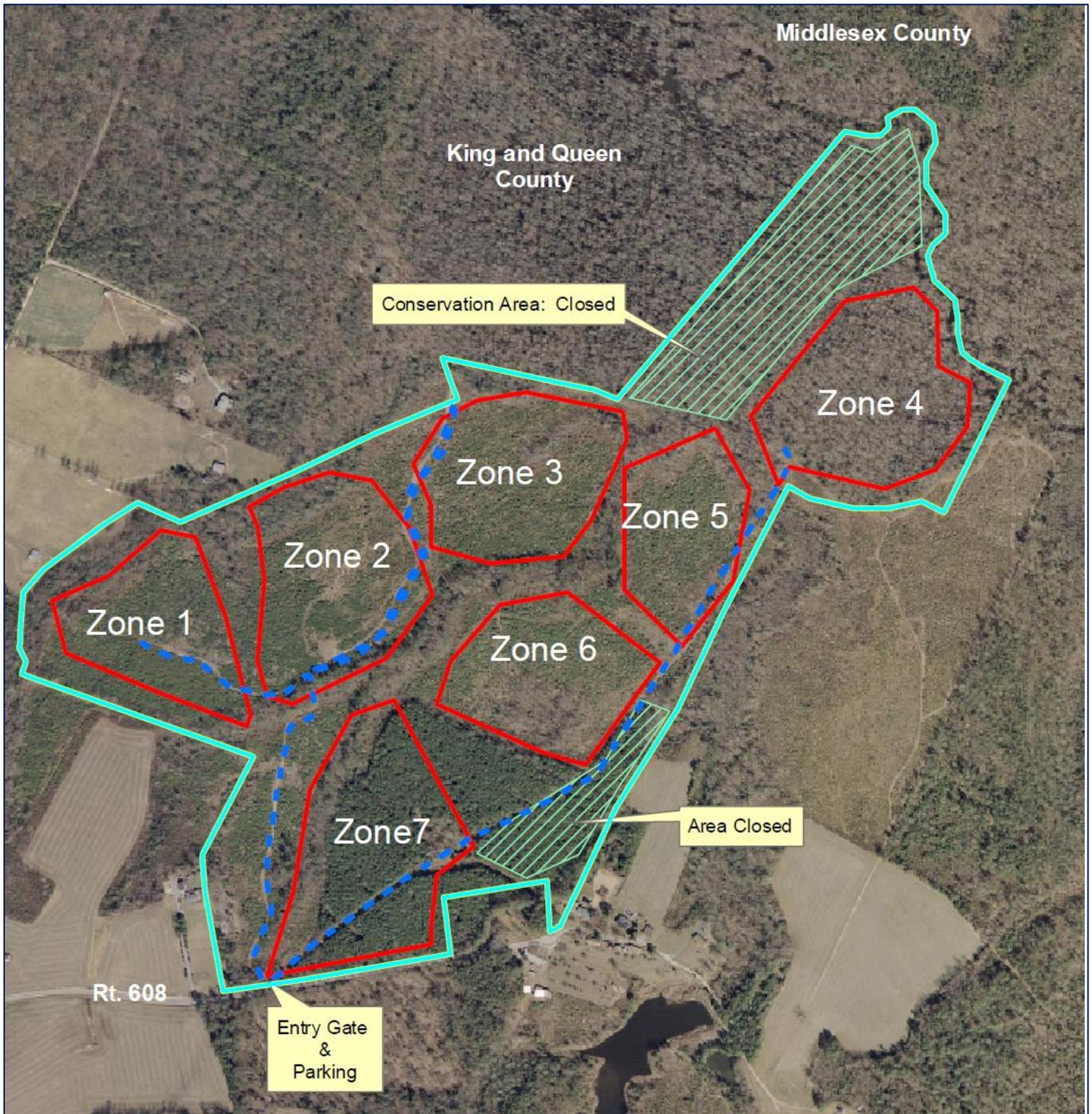
Acquired in 2003, this 274 acre-parcel of land straddling Essex and King & Queen Counties and located within the Dragon Run Watershed was purchased with funds from Virginia Coastal Zone Management Program. The MPCBPAA manages 137 acres of the tract as public open space, while the Virginia Department of Forestry (VOF) manages the remaining 137 acres as a state forest. The MPCBPAA land is managed for long-term, passive and low impact public access; natural resource protection and sustainable, traditional uses, such as forestry and hunting. There are 9 public hunting zones available for big game, small game and waterfowl hunting. There is also a small boardwalk that provides access to the Dragon Run for car-top boat access.



From left to right (top): Map of hunting zones on Brown Tract; and Trails on tract. From left to right (bottom): Dragon Run; and bridge crossing the Dragon Run photos.

## Thurston Haworth Tract

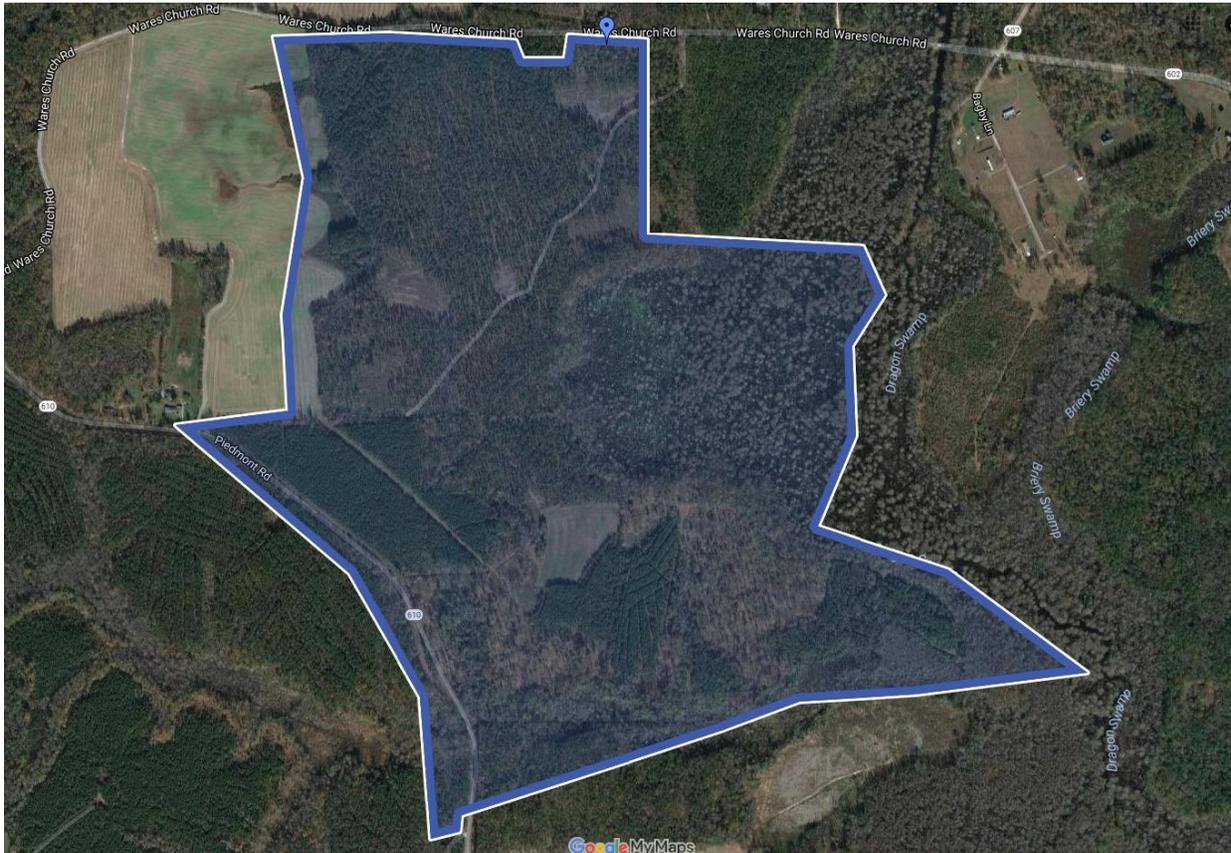
Acquisition of this 167-acre property was funded by a Coastal and Estuarine Land Conservation Program (CELCP) grant from the National Oceanic and Atmospheric Administration (NOAA). This property, located on State Route 608 in King and Queen County, is open to the public for passive and low-impact use, as well as non-motorized outdoor recreation and nature appreciation. In particular, this tract offers 6 zones for bow hunting. Of the 167 acres, 69 acres are forested wetlands and greater than 88 acres are timberland forest.



Map of Thurston Haworth Tract hunting zones.

## Clay Tract

The Dragon Bridge, Jackson and Clay tracts were acquired by the MPCBPAA under a 2005 NOAA federal grant award under the CELCP. Collectively, these three parcels are managed as a 400 acre holding referred to as the “Clay Tract”. This tract, located on Route 610 in King and Queen County, abuts the Dragon Run and has one water access site. The majority of the property is mixed hardwoods, but there is a field that offers great feeding grounds to deer, turkey, quail, and a variety of other animals. Two nature viewing platforms are under construction. One will be ADA (Americans with Disabilities Act) compliant both platforms will extend into the Dragon Run cypress swamp.



In dedication to the former MPPDC Executive Director, the J. Dan Kavanagh Family Hunting Zone was developed. These forty acres of land offer access to a high quality hunting areas with controlled access designed to ensure a safe and positive outdoor experience for families.



From top: Aerial view of the Clay Tract. Photos at bottom from left to right: Trails on the Clay Tract; and the Dragon Run on the Clay Tract

## Shenk Parcel

In 2006, the PAA Board of Directors accepted a gift of real property from Donald Shenk. This 14-acre property consisted of a large pine plantation and wetlands. The property fronts the South West branch of the Severn River in Gloucester County. As the property is conveniently located near a marina, campground and several public access sites, this holding has enhanced the MPCBPAA's mission of providing access opportunities to the waterways of the Middle Peninsula.



*From left to right: Photos of the Shenk Parcel.*

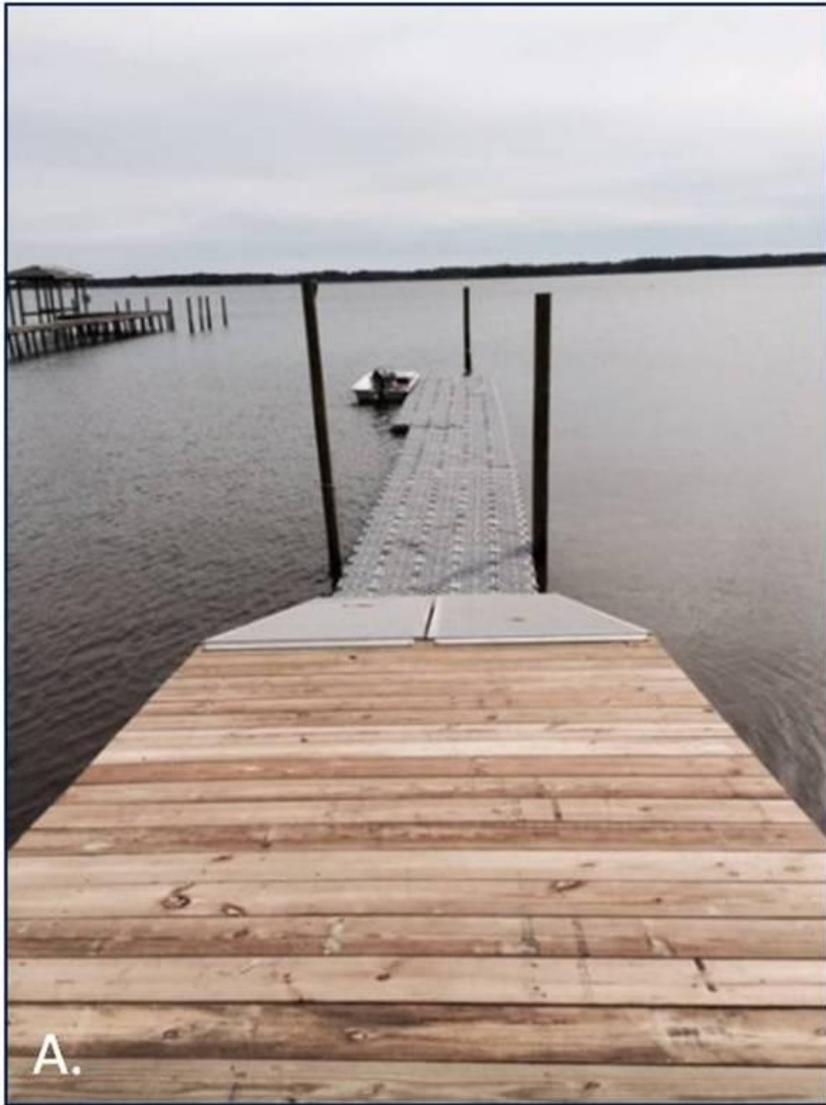
## Captain Sinclair's Recreational Area

In February 2013, the PAA was gifted 96.81 acres of waterfront property located on the Severn River in Gloucester County. Later renamed the Captain Sinclair's Recreational Area, this property consists of twenty-one parcels. While much of the property is pristine coastal ecosystem, including densely forested mixed hardwood and pine trees, and tidal wetlands, there are three dwellings on the land. The main house on the property is 8,000 square foot manor house; which is ideal for meetings and small events. The property also includes a pool, boat ramp, two docks, floating pier, pool house, horse pastures with paddocks and water ponds as well as three water fowl blinds. The site also has a 2,000 square foot rancher

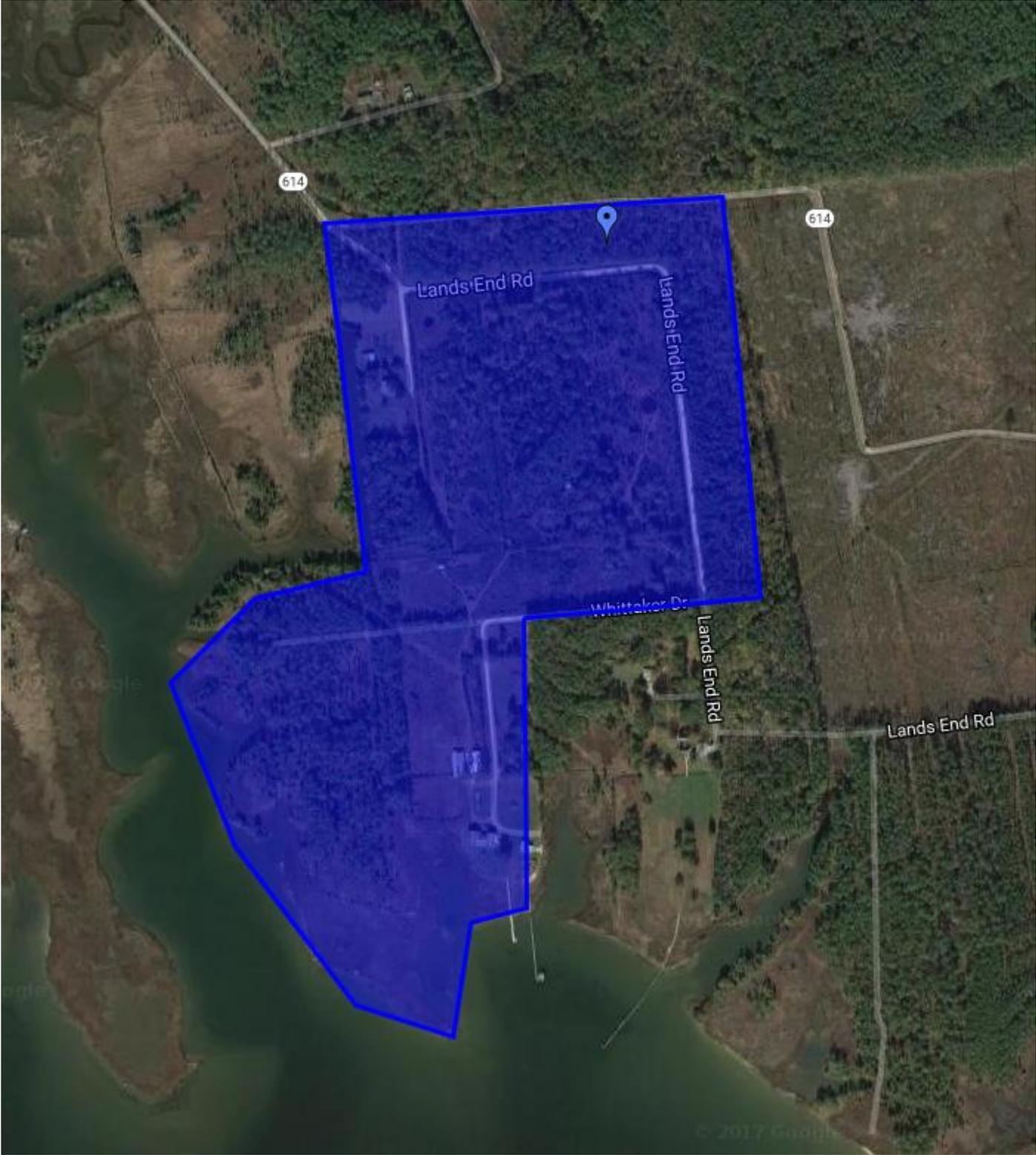
Currently the property is managed and is used in a variety way. Part of the property is set aside as a Family Outdoor Gathering Area. This area is available to reserve for picnics, birthday parties, and small gatherings on a 1/2 day and full day basis with a max capacity of 25 people. Permitted uses in this area include outdoor grilling, roasting of marshmallows in a fire pit, and yard games. Uses not permitted in this area include alcohol, loud music, and excessive partying. Also on this property there are four hunting blinds/zones as well as a car-top boat launch on the canal with parking on the west end of the property. Finally, the Gloucester High School Crew Team utilizes access to the Severn River as well as the barn on the property to store their boats. Also in recent publically funded efforts a new pier was constructed to offer a kayak launch site.



*Left to right (top row): Photos of manor house, view of Severn River on the Captain Sinclair Property, (middle row) murals in manor house, main barn on property, (bottom row) pool house and pool.*



Figures above: (A & B.) New kayak pier and signs on the Captain Sinclair property; (C) Original pier on property (D) Canal on property for kayak access; and E) Concrete boat ramp to access the canal.



*Aerial view of the Captain Sinclair property.*

## Adams Creek

This is a 2-acre property in Gloucester County on the York River (Adams Creek) located off Route 684, Starvation road (Figure 20 & 21). The site has a small entrance road and parking, with views of Adams Creek. Paddling of Adams Creek is available with a short walk to the water for a kayak launch.



*From left to right (top): On the ground photos of Adams Creek including pine stands and wetlands  
From left to right (bottom): Photo of wetland on the Adams Creek and map of Adams Creek in Gloucester County.*



### Sloop Landing Tract

Sloop Landing is located in the unincorporated community of Susan, VA in Mathews County. The Sloop Landing waterfront property sits on the Mobjack Bay and is about 3 acres large. The site is undeveloped with a common deeded access to the water.

### Dutchman's Point

This property is located on Dutchman Point in Mathews County, VA. The Property sits at the mouth of the Mobjack Bay. This site is open for passive recreation only. There's no access for parking. Walk-in access and water access allowed.



### Healy Creek

The property is located in the unincorporated community of Hardyville, VA in Middlesex County. The 9-acre property sits on the Piankatank River, and is located just south of Healy Creek. Community based meetings are scheduled for the fall of 2016 to assist Middlesex County with understanding how the public could enjoy this site moving forward.



*Photos above: Sloop Landing in Mathews County; Location of Dutchman's Point in Mathews County and Photos at Healy Creek, including deciduous forest as well as a look out Deck*

*Photo to left: Wood stand on Healy Creek.*

### Winter Harbor (North)

The nearly 9-acre property is located in the unincorporated community of Onemo in Mathews County, VA. Just across the street (Route 609) from Winter Harbor North are a series of narrow tributaries that lead to Winter Harbor and eventually the Chesapeake Bay. Water access is gained by crossing the VDOT road and launching into a small narrow channel and paddling to Winter Harbor. Visitors should check tide tables to ensure that there is enough water to return to the parking spot. Limited onsite parking is available. The site is open for nature viewing.

### Winter Harbor (South)

The 5-acre waterfront property is located in the unincorporated community of Onemo in Mathews County, VA. The property is located on the south-most part of the Winter Harbor known as the Winter Harbor Haven. This property is currently only by water. The site is open for water based nature viewing.

### Horn Harbor

This is a 0.2-acre property on Horn Harbor in Mathews County. This is a small donation site that does not have current plans for recreational use.

### Horn Harbor

This is a 0.26-acre property in Mathews County on Horn Harbor. This is a small donation site that does not have current plans for recreational use.

### Horn Harbor

This is a 0.34-acre property in Mathews County on Horn Harbor. This is a small donation site that does not have current plans for recreational use.



*From top to bottom: Aerial of Winter Harbor North. Aerial of Winter Harbor South. Aerial of Horn Harbor in Mathews County.*



### Perrin Wharf Pier

Perrin Wharf is a 320 ft publicly owned wharf located in Perrin, Virginia. The wharf offers a variety of public uses. The wharf has been traditionally used by commercial watermen for vessel moorage and seafood offloading; however upon acquisition of the land there are now more recreational opportunities at the site. The PAA reorganized the first 100 feet of the pier by installing 15 new slip poles and 3 finger piers to create 9 slips for boat moorage and seafood offloading (Figure 29). The pier is available for commercial uses as well as limited recreational opportunities, such as crabbing, sightseeing, and boat-launching (i.e. large and small craft and car-top). The boat launch is an unimproved gravel ramp and there's a small parking lot for parking for 8 cars. Handicapped access and bathroom facilities are permitted, but funding is not available.

Slips can be rented by waterman and/or the general public. Commercial watermen are given the first right of refusal. Slips may be leased on a monthly, quarterly, semiannual and yearly at a rate of \$100 per month. Any slip not reserved by watermen may be leased on a monthly basis for recreational use at rate of \$100 month.

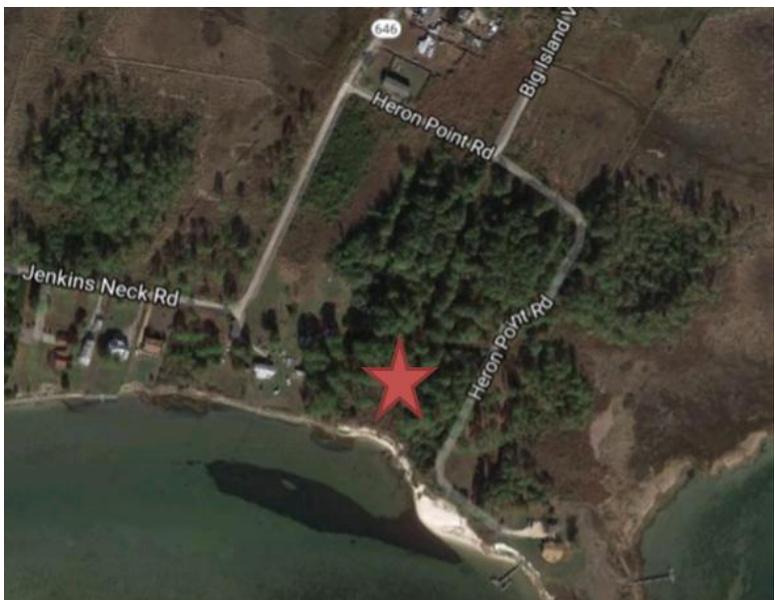


### Redd Donation

This is a 9.2-acre property in Gloucester County on the York River (Figure 28). It has a small sand beach and access to this site is only allowed by water.

### Mathews Heritage Park

The MPCBPAA acquired a 9.119-acre parcel of land in Mathews County as a gift from Mr. Conrad Hall in December 2010. The majority of this waterfront property is upland consisting of densely forested mixed hardwood and pine trees; the land transitions to wetlands and gradually into a narrow sandy beach. The beach abuts Billup's Creeks on eastern boundary which stretches approximately 800 feet. Also structures on the property include a 1,178 square foot dwelling and the framework of a pier at the water's edge. Currently this property is closed to the public.



*From top to bottom: Slips at Perrin Wharf Pier. Aerial view of the Redd Donation in Gloucester County. Aerial of Mathews Heritage Park on Billup's Creek.*

### Deshazo Donation

This is a 30 acre property located in Essex County located off Route 360. Current the land is open for passive recreation purposes.

### Prince Street

Prince Street public access location is a road ending in the Town of Tappahannock. At this location there is one ramp with limited parking and no pier facilities.



Top right photo: Ariel photo of Dehazo Donation. Bottom photos (from left to right): Photos of Deshazo Donation.

**Table of MPCBPAA properties and amenities.**

PUBLIC ACCESS POINT	COUNTY/TOWN	WATERWAY	ACRES	AMENITIES																							
				Signs	Water Access Only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap	Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier	On-Top Launch	Unimproved Ramp	Cement Ramp	Swim Beach
Sloop Landing Tract	Mathews County	Mobjack Bay	3			X	X																				X
Dutchman's Tract	Mathews County	Mobjack Bay	5.5		X															X							X
Bethel Beach	Mathews County	Chesapeake Bay	21				X		X					X		X											X
Horn Harbor	Mathews County	Horn Harbor (*3 small lots and one water access)	.56		*X									*													X
Winter Harbor	Mathews County	Chesapeake Bay	5.06		X									X													X
Thurston-Haworth Tract	King & Queen County	Dragon Run	167			X								X													
Clay Tract	King & Queen County	Dragon	400																						X		
Browne Tract	Essex/King & Queen County	Dragon Run	274	X				X		X				X		X		X				X	X				
Deshazo	Essex County	Piscataway	30			X								X													
Prince Street	Tappahannock (Held in trust for the Town)	Rappahannock	.1																								
Middle Peninsula Chesapeake Bay Public Access Authority Kennsbury Road Tract	Middlesex County	Healy Creek			X																						
Shenk Parcel	Gloucester County	Severn River	14			X																		X			
Captain Sinclair's Recreational Area	Gloucester County	Severn River	96.81							X														X			X
Adams Creek	Gloucester County	Adams Creek	2																					X			
Healy Creek	Middlesex County	Piankatank River	9																					X			
Redd Donation	Gloucester County	York River	9.2																								
Perrin Wharf Pier	Gloucester County	Perrin River																			X						
Mathews Heritage Park	Mathews County	Billup's Creek	9.119		X																						

# GUIDING PRINCIPLES

Seven overarching principles guide the consideration of ecotourism facilities on MPCBPAA public lands. They are:

## Principle 1

**Ecotourism facilities on MPCBPAA public lands are located, designed and managed sensitively to ensure compatibility with the natural and cultural values of the MPCBPAA land.**

MPCBPAA public lands represent the highest level of conservation protection of Middle Peninsula, Virginia landscapes and biodiversity. Therefore, ecotourism facilities on MPCBPAA land must be ecologically sustainable, accredited and be located and designed to protect the natural and cultural values of the land. MPCBPAA is looking to leverage waterfront land holding for compatible business development.

Ecotourism facilities will only be considered if the proposal is reliant on the natural and cultural values of the site in which they are proposed to be located. That is, the proposal is all about the special features of the MPCBPAA land.

Where available preference should be given to previously disturbed sites within MPCBPAA land rather than intact natural areas. We encourage the adaptive re-use of redundant or underutilized departmental buildings (such as old homesteads, workers quarters and lighthouses) to provide memorable, unique MPCBPAA public land experiences with a point of difference.

## Principle 2

**Ecotourism facilities on MPCBPAA public lands should offer unique or innovative visitor experiences**

New ecotourism facilities on MPCBPAA public land will demonstrate best practice systems and services, and offer unique or innovative experiences that add to the existing tourism opportunities available in the region.

Alternatively, new facilities could provide infrastructure necessary to support an existing ecotourism activity or enhance the experience or operation of an existing ecotourism activity.

## Principle 3

**Diverse experiences and settings are promoted**

The diverse landscapes and settings in MPCBPAA public lands offer a wide range of visitor experiences. The type of ecotourism facilities developed and the scope of the associated activities should be sensitive to and compatible with the current or desired future settings and visitor experiences at MPCBPAA public lands.

Where a public land contains high-use visitor facilities, ecotourism facilities are encouraged that offer new, innovative visitor infrastructure experiences that complement the existing facilities.

## Principle 4

**Facilities will provide for the public interest**

Privately owned ecotourism facilities on MPCBPAA public lands should be clearly determined as the best use of the proposed site in relation to public interest. Alternative sites offering an equivalent experience should not be reasonably available outside of the MPCBPAA public land. The ecotourism facilities should provide the greatest net public benefit considering the environmental, social and economic outcomes of the use.

## Principle 5

**Successful ecotourism operations are characterized by commercial operators who have commitment to environmental best practice**

Environmental best practice is demonstrated through other ecotourism initiatives. Operators demonstrate sound commercial viability and sound business practice that is based on a triple bottom line approach.

As a primary element of the ecotourism proposal, ecotourism operations should make a fair and reasonable contribution back to the conservation and management of the MPCBPAA land and also to the local community.

### Principle 6

**The authorization of ecotourism facilities will be consistent and transparent while protecting the intellectual property of the proponent**

The process of assessing and authorizing proposals for ecotourism facilities will consider all principles and be fair, open and impartial.

The level of assessment will be appropriate to the nature, scale and location of the proposed facility. The approval process will not compromise the intellectual property of the proponent.

### Principle 7

**The type and duration of authorities granted will recognize the level of investment and rate of return on investment**

A lease, agreement, license, permit or authority may be granted to authorize ecotourism facilities. The type and duration of authority granted will consider the nature of the facility, level of capital investment, rate of return on investment and the financial return to the state.

*Photo below: Dragon Run access from the Clay Tract*



## ECOTOURISM REQUIREMENTS

The MPCBPAA has several specific provisions for considering proposals for ecotourism facilities on MPCBPAA public land.

MPCBPAA may grant a lease, agreement, license, permit or other authority for an ecotourism facility but must be satisfied that use of the land for this purpose:

- will be in the public interest
- is ecologically sustainable; and
- will provide, to the greatest possible extent, for the preservation of the land's natural condition and the protection of the land's cultural resources and values.

For the purposes of the MPCBPAA, the term 'ecotourism facility' specifically means a facility that:

- is designed and managed to facilitate the presentation, appreciation and conservation of the land's natural condition and cultural resources and values (the primary purpose); and
- is managed in a way that does not allow an activity to be carried out on the land that:
  - is inconsistent with the primary purpose; and
  - would require a significant change to the land's natural condition or would adversely affect the conservation of the land's cultural resources and values.

These requirements are explored in further detail below.

### Definition of 'ecotourism facility'

Ecotourism encompasses a broad spectrum of responsible, nature-based activities that increase visitor appreciation and understanding of natural and cultural heritage, and are managed to be ecologically sustainable. Ecotourism facilities should focus on presenting and appreciating an area's natural and cultural values, and not involve modification of the natural environment for activities contrary to this purpose.

The MPCBPAA has determined that ecotourism opportunities incorporating ziplines are not considered as appropriate for MPCBPAA public lands.

In deciding whether a proposed ecotourism facility meets the definition, the MPCBPAA will consider:

- how, and to what degree, the facility will contribute to presenting, appreciating and conserving the land's natural condition and cultural resources and values (the primary purpose)—the facility should make a fair and reasonable contribution to the MPCBPAA public land network, including the land in which the facility is located
- whether or not the facility involves activities that are consistent with presenting, appreciating and conserving
- the land's natural condition and cultural resources and values; and
- if some of the activities are inconsistent, whether or not they would have significant impacts on the land's natural condition or adversely affect the land's cultural resources and values.

Each proposal for an ecotourism facility will be assessed on a case-by-case basis to ensure the requirements of the definition are met.

## Public interest

MPCBPAA properties are lands in public ownership, set aside and managed by the MPCBPAA to protect and conserve their special natural and cultural values, and to provide a place for people to visit and connect with nature. In this way, MPCBPAA public lands provide important environmental, social and economic benefits to the public.

Privately owned ecotourism facilities on MPCBPAA public lands should represent the greatest net public benefit for the land, considering the environmental, social and economic outcomes of that use.

In determining the net public benefit of a proposed ecotourism facility, the relative balance between public and private interest, and between competing public interests, will be considered.

This assessment may include public consultation to canvass views about the proposal.

In determining public interest the factors considered include:

- environmental outcomes:
  - ecological sustainability and the impact on natural and cultural values (see section Ecologically sustainable use)
  - environmental management plans
  - partnerships or contributions to MPCBPAA management activities or conservation programs.
- social outcomes:
  - enhancements of community access to existing public facilities, iconic places, waterways, beaches and foreshores of the MPCBPAA public lands or accessed through the MPCBPAA public land
  - interactions with existing recreational and commercial uses of the MPCBPAA public land and future opportunities for other recreational and commercial uses
  - how, and to what degree, the facility will limit or restrict public access. The MPCBPAA will ensure that exclusive use areas are restricted to only those areas that are necessary to operational requirements (that is, large sections of park are not to be excluded from public access)
  - general suitability of the proposed location for the purpose
  - advice received through public consultation
- economic outcomes:
  - the financial and managerial capability of the proponent to establish the facility, and sustain its long term viability
  - local job creation and support for existing jobs
  - economic benefits to the local community and traditional owners
  - flow-on benefits to local businesses, including existing tourism businesses
  - direct and indirect costs and benefits to the Middle Peninsula
  - financial return to the Middle Peninsula for commercial use of public land.



*Photo above: View of Severn River from the Redd Donation.*

## Ecologically sustainable use

The term ‘ecologically sustainable use’ refers to allowing the use of an area in a way that sustains natural processes and ensures that potential for future benefits from these natural processes are not diminished.

A sustainable approach to establishing facilities on land with high ecological and cultural values, such as MPCBPAA public land, requires structures and associated activities to be fully integrated and in harmony with the ecosystem and its environmental features and constraints.

When determining whether a proposed ecotourism facility is ecologically sustainable the following sustainability principles will be considered:

- preserving ecosystems, natural landscapes and special species
- minimizing habitat loss and weed and pest invasions
- site designs, layouts and construction materials that incorporate natural landscape features, minimize environmental impacts and suit the landscape
- efficient and sustainable use of water and energy
- waste minimization and recycling strategies
- minimizing impacts from noise and lighting sources, and on air quality.

## Minimizing environmental and cultural impacts

Ecotourism facilities must, to the greatest possible extent, preserve the land’s natural condition and protect its cultural resources and values.

When determining whether a proposed ecotourism facility preserves and protects natural and cultural resources and values, the government will consider the:

- natural condition of the land and extent of any existing disturbance to the natural condition
- conservation significance of the land and its natural and landscape components
- cultural resources and values of the land, including natural, historic and indigenous places
- extent and degree that the proposed use will impact on the above, and whether strategies that minimize, adequately manage, or offset these impacts can be implemented.

The required scope of impact assessment will vary with the nature, scale and location of each proposed ecotourism facility. Moderate or large scale proposals—or those in environmentally or culturally significant locations—will generally require an environmental impact statement (EIS) to be developed. Small-scale proposals will be more appropriately dealt with by a simpler environmental risk assessment (ERA) with terms of reference suitable for lower risk facilities.

Similarly, subsequent environmental management plans and auditing obligations will vary depending on the nature and scale of ecotourism facilities.



*Photo of Thurston Haworth Tract in King & Queen County.*

## Requirement to prescribe an ecotourism facility as a permitted use under a regulation

Before an approved ecotourism facility can be authorized through the granting of a lease or other authority, the use must be prescribed by regulation as a permitted use for the land. The MPCBPAA will arrange the required form of regulatory impact assessment and drafting of regulations for this authorization to occur.

## Associated activities and authorities

The operation of an ecotourism facility on MPCBPAA public land will usually involve activities on the property will be conducted outside of the facility area, such as guided interpretive walks or vehicle tours to nearby attractions. These activities require a separate commercial activity permit or agreement to be granted. These permits or agreements offer shorter term, flexible access to MPCBPAA public land for a wide range of activities and may be easily varied to suit changing operational needs.

For the majority of visitor sites these permits and agreements are readily available from the MPCBPAA through an established process. For a small number of popular sites, recreational and commercial tour activities may already be at full capacity and present potential limitations for an ecotourism facility operator. In these circumstances potential options include modifying the scale or timing of the proposed activities, using alternative sites, or negotiating with an existing operator to share or acquire capacity.

In order to streamline administrative processes, the use of MPCBPAA public lands outside of a proposed ecotourism facility will be dealt with when the proposal is being considered, and assessments and authorizations will be developed in one coordinated process. If a requested MPCBPAA site is already used at full capacity for a proposed activity, options will be negotiated with the proponent.

## Other approvals

Apart from MPCBPAA approval, and depending on the location and scale of the proposal, ecotourism facilities may also require additional third-party approvals under local authority, State and Federal regulations. These could include development approval under the Joint Permit Application Joint Permit Application (JPA) process and Standard JPA form are used by the United States Army Corps of Engineers (USACE), the Virginia Marine Resources Commission (VMRC), the Virginia Department of Environmental Quality (DEQ), and the Local Wetlands Boards (LWB) for permitting purposes involving water, wetlands, and dune/beach resources, including, but not limited to, major water supply and water withdrawals projects (as defined in DEQ Regulation 9 VAC 25-210).

An ecotourism facility proponent will usually be responsible for identifying and obtaining the other approvals necessary for a proposed facility and for the costs involved with these approvals. The MPCBPAA may assist the proponent with these processes, for example, by providing information to the proponent that is relevant to a required approval. The extent of this assistance will be determined on a case-by-case basis. For government-initiated ecotourism investment opportunities, the government may undertake and bear the costs of some of the additional approval processes (see 'Assessment and approval' below).

If other approvals are required, the MPCBPAA will, as far as practicable within its jurisdiction, streamline the approval process and avoid duplication. For example, the MPCBPAA may refer to, or draw upon, any suitable documents already prepared by the proponent for other approvals, rather than requiring the development of new documents containing the same or similar information.

## ASSESSMENT AND APPROVAL

The MPCBPAA has approved a dual approach for attracting investment for ecotourism facility opportunities in the form of:

- a MPCBPAA-led tender process where:
  - MPCBPAA identifies, assesses and prepares high quality sites with significant ecotourism potential on MPCBPAA public lands
  - MPCBPAA undertakes due diligence and preliminary assessments of environmental, heritage, infrastructure development, provision of utilities and planning issues to remove uncertainty and to release sites that are investor ready
  - sites released through a competitive expressions of interest (EOI) process aimed at attracting high quality innovative investors with the capability to realize the potential of the opportunity.
- an investor-led process:
  - investor responds to a government invitation for ‘general’ expressions of interest for ecotourism facilities on MPCBPAA public lands; or
  - investor identifies a site and a concept for an ecotourism facility and makes a submission to MPCBPAA for the proposal
  - the investor undertakes all due diligence and is responsible for all assessments and gaining all required approvals.

Although the different approaches to proposals for ecotourism facilities will require some differences in documentation, responsibility and timing for various parts of the assessment and approval process, all ecotourism facility proposals will be assessed and approved using the same broad criteria and model.

### Assessment criteria

All ecotourism facilities will be evaluated against a set of statutory and merit assessment criteria. The criteria requirements focus on commercial aspects of proposals and their suitability as tourism products at the location. The merit criteria may overlap with the statutory criteria in some cases, for example, regarding public interest.

The elements of the assessment criteria are:

- the MPCBPAA requirements—a proposed facility must:
  - meet the definition of ecotourism facility
  - be in the public interest
  - be ecologically sustainable
  - to the greatest possible extent, preserve the land’s natural condition and protect the land’s cultural resources and values.

(The ‘Ecotourism requirements’ section provides details for these criteria and the Best Practice Ecotourism Development Guidelines provide relevant sustainability considerations.)

- the destination fit of the proposal—a proposed facility should:
  - align with the tourism destination focus and brand developed through the MPCBPAA’s destination management framework
  - provide new or innovative experiences for the destination
  - demonstrate a need to be located on a particular MPCBPAA public property within the destination.
- the commercial viability of the proposal—a proponent must demonstrate:
  - the long-term commercial viability of the proposed facility, including target markets
  - the financial capacity to fulfill the obligations, responsibilities and liabilities of establishing and operating the proposed facility
  - successful track record in delivering tourism infrastructure projects.

## Assessment process

Ecotourism facility proposals will be considered on a case-by-case basis with proposals lodged through a MPCBPAA-initiated expression of interest process, having the additional element of competitive selection. The nature, scale and location of proposals will influence the level of information that a proponent is required to provide to enable a properly informed assessment to be made. The department may request additional information from a proponent if it is necessary for an adequate assessment.

Assessment of proposals will move through two stages as an iterative process between the department and proponent, with finer levels of detail being developed as the proposal proceeds. During this two-stage process, the level of information required will be generally similar to that required in other business planning and development approval circumstances.

### Stage 1 Preliminary concept assessment

This stage requires the proponent to develop a concept proposal including:

- a description of the concept explaining the type, site location, size and capacity of intended facilities and due diligence of regulatory requirements
- the proposed services and activities to be provided
- a preliminary assessment of environmental or cultural values and an indication of likely impacts and mitigation measures
- a preliminary assessment of benefits to and impacts on the local community
- consideration of the best practice criteria outlined in the Best Practice Ecotourism Development Guidelines
- a description of the innovative or unique aspects of the proposal and how it fits the destination and fills an existing market gap
- identification of the target market and segment, market demand, and market competition
- an assessment of site suitability detailing why MPCBPAA land is required for the proposal
- demonstration of the financial and managerial capacity of the proponent to successfully establish and operate the proposed facility.

For competitive tender processes the initial expression of interest stage represents the preliminary concept assessment.

The proponent's requirements for Stage 1 will be reduced in the case of MPCBPAA-led investment opportunities. Prior to a competitive tender process, the department will conduct site assessments, environmental and cultural risk assessments, and due diligence for the site and present this information to prospective proponents.

If a concept proposal satisfies the criteria in Stage 1, the proponent will be invited to develop a full proposal for further consideration. If a concept proposal does not satisfy the criteria it may be rejected or the proponent may be advised to significantly modify the concept and seek re-evaluation.

### Stage 2 Full proposal assessment

This stage requires the proponent to develop a detailed proposal. The content for this stage will be determined on a case-by-case basis, informed by the assessment in Stage 1. The required information will include:

- a site master plan detailing layout, design and function
  - an appropriate form of environmental impact assessment and a proposed environmental management plan (EMP) for the facility:
  - for some proposals a full environmental impact statement (EIS) will be required
  - proposals with a lower level of risk may require a simpler environmental risk assessment (ERA) rather than a full EIS—the MPCBPAA will advise suitable terms of reference for an ERA
  - all proposals will require an EMP to be maintained for the life of the facility—EMPs for most projects will be comprehensive while those for minor facilities with low risk may be minimal

- an appropriate form of cultural heritage impact assessment and, if required, a cultural heritage management plan
- details of how the proposal meets environmental, economic and social sustainability outcomes in the Best Practice Ecotourism Development Guidelines
- a full business case with financial projections including evidence of the long term commercial viability of the proposal
- information to allow for due diligence assessment of proponents.

The assessment process in Stage 2 is a more iterative process and will require discussion between the MPCBPAA and the proponent regarding key requirements and processes. The MPCBPAA may request additional information from the proponent at certain points if necessary for adequate assessment.

For competitive tender processes the second request for proposal stage represents the full proposal assessment.

### Public consultation

Public consultation and/or notification on proposals for ecotourism facilities will be required at one or more points in the assessment process. This will usually occur during Stage 2 assessment.

Public consultation may also be needed to gain other required statutory approvals, such as environmental impact statements or local government development approvals. The MPCBPAA will, as far as practicable within its jurisdiction, avoid duplication of public consultation actions and, if feasible, consider the results of other public consultation processes in assessments.

### Owners consent

Following an assessment of an ecotourism facility proposal and prior to an authority being granted, a proponent may be granted owners consent in order for the proponent to proceed with applying for any additional environmental, planning or development approvals.

Owners consent will only be given if a proposal has been assessed as compliant with the requirements for ecotourism facilities and having the proper permits from federal, state and local governments, if applicable.

# AUTHORITY TYPE, TERM AND CONDITIONS

## Type and term of authorities

The type and term (duration) of authorizations will be appropriate to the nature and scale of the proposed ecotourism facility and the individual level of capital investment, risk profile and rate of return on investment for each proponent.

The MPCBPAA provides for a variety of authority types that can be granted for ecotourism facilities, including a lease, agreement, license, permit or other authority.

Most ecotourism facilities will be authorized through leases which provide a long-term investment security. Leases may be granted for a term of 5 to 10 years with the ability to renew for a further 5-10 years. Applicants may also propose longer lease periods. Appropriate lease terms will be negotiated on a case-by-case basis and in exceptional circumstances a lease may be granted for a term longer than 30 years.

A license, permit or agreement may be granted for some types of ecotourism facilities. These will usually be for small scale, low impact infrastructure that supports commercial tour activities on MPCBPAA public lands. Permits or agreements will be granted for a period consistent with the tour operator's commercial activity permit or commercial activity agreement.

## Determining rental arrangements

A flexible approach to setting rental returns to the MPCBPAA will be adopted and rental arrangements will be negotiated on a case- by- case basis. This approach recognizes the likely variation in the nature and scale of different facilities and the individual level of capital investment, risk profile and rate of return on investment for each proponent.

High start-up costs may be recognized and concessions in the form of early lower rental rates or graduated rate increases may be granted. Significant contributions to MPCBPAA management activities or benefits to local communities may also be considered in determining rental rates.

Rental options that can be adopted include:

- a scale of designated fees (e.g. for small, simple facilities)
- revenue sharing based on a proportion of the profit or turnover of the facility
- fee based on an independent valuation of the land to be used
- a combination of the above two options
- a negotiated fee (for any proposals that do not readily fit the other rental options)
- the highest acceptable bid received for a competitive tender process (for a specific high value opportunity).

## Conditions and auditing of leases, permits, agreements, and insurance

Leases, permits or agreements (authorities) granted for ecotourism facilities will be performance-based with conditions that hold the lessee accountable for delivering the agreed environmental, social and economic outcomes. Ecotourism facilities will also need to carry the necessary insurance to cover their operation.

Authorities will be supported by appropriate environmental management plans, cultural heritage plans and/or facility operational plans. The authority will also include conditions that relate to operational compliance with these provisions such as enforcement actions and/or remedial actions for breaches of conditions.

All ecotourism facilities will undergo auditing of compliance with authority conditions at regular periods. Non-compliance with conditions will be subject to remediation processes or enforcement action.

Authority conditions will clearly identify the obligations for site rehabilitation, should an ecotourism facility cease to operate. In these circumstances, and where a facility is not taken over by another operator, the authority holder will be required to remove all traces of development and rehabilitate the site. These conditions may be supported by a requirement for the authority holder to lodge a rehabilitation bond or hold a bank guarantee at a level appropriate to the scale of the facility and required rehabilitation works.

### Accreditation

Ecotourism accreditation provides an assurance that a certified product is backed by a commitment to best-practice ecological sustainability and the provision of quality ecotourism experiences.

In order to achieve best-practice ecotourism standards, ecotourism facilities and associated activities will be required to be accredited under a suitable accreditation scheme and this requirement will be included in authority conditions.