



## MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY

### MEMORANDUM

**TO:** MPCBPAA

**FROM:** Lewie Lawrence, Director of Regional Planning

**DATE:** April 6, 2011

**RE:** April 8<sup>th</sup> PAA Meeting

This announcement serves as notice to call a meeting of the Public Access Authority on Friday, April 8th, 2011 at or about **11:00 a.m.** The meeting will be held in the MPPDC Regional Board Room in Saluda.

Staff from the Army Corps of Engineers will provide an update on the Middle Peninsula Shallow Water Dredging and Regional Sediment Management Plan. Following this update the remainder of the meeting will include normal PAA agenda items. If you have any questions, please call (804-758-2311) or e-mail ([LLawrence@mpppc.com](mailto:LLawrence@mpppc.com)) me at your convenience.

### AGENDA

1. Welcome and Introductions
2. Approval of March 2011 Minutes
3. Financial Report
4. Public Comment
5. Update- Middle Peninsula Shallow Water Dredging and Regional Sediment Management Plan:
  - I. Overview of Study Purposes (Lewis Lawrence)
    - a. Shallow Draft Navigation
    - b. Sediment Management
  - II. Discussion of Background (Doug Stamper)
  - III. Interrelated Aspects with the Northern Neck Chesapeake Bay Public Access Authority (Mark Mansfield)
  - IV. Open Discussion & Questions
6. Update on Legal Issue: CELCP ROW
7. Adoption of 2011-2012 Annual Work Plan (Time Permitting)
8. Other Business
9. Chairman Observations
10. Next Meeting
11. Adjourn

#### MEMBERS

##### Essex County

Mr. David S. Whitlow

##### Gloucester County

Hon. Louise Theberge  
Chairman

##### King and Queen County

Hon. Doris H Morris

##### King William County

Mr. Trenton Funkhouser

##### Mathews County

Mr. Steve Whiteway

##### Middlesex County

Hon. Carlton Revere

##### Town of Tappahannock

Mr. G. Gayle Belfield, Jr.

##### Town of Urbanna

Vacant

##### Town of West Point

Bill Porter

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## **MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY MINUTES**

**March 11, 2011  
Middle Peninsula Planning District Commission  
Saluda, Virginia**

### **1. Welcome and Introductions**

The Middle Peninsula Chesapeake Bay Public Access Authority held its meeting in the Middle Peninsula Planning District Commission Board Room in Saluda, Virginia, at 11 a.m. on March 11, 2011.

Chairman Louise Theberge called the meeting to order. Members and Alternates present were Trent Funkhouser, King William County Administrator; Carlton Revere, Middlesex County Board of Supervisors; Doris Morris, King & Queen Board of Supervisors; and Jimmy Sydnor, Tappahannock Assistant Town Manager. Also present were Lewis Lawrence, Acting Director of the Middle Peninsula Planning District Commission; Jackie Rickards, Regional Projects Planner II; Ms. Holly McGowan, Town of West Point Planner; and Scott Hardaway, Virginia Institute of Marine Sciences .

### **2. Approval of December 2010 Minutes**

Chairman Theberge requested a motion to approve the December 2010 minutes. Mr. Revere moved that the minutes be approved. Mr. Funkhouser seconded the motion. Motion carried by unanimous vote.

### **3. Financial Report**

Chairman Theberge requested a motion to approve the February 2011 Revenue and Expenditure Report. Mr. Funkhouser moved that the Report be approved. Ms. Morris seconded the motion. Motion carried by unanimous vote.

### **4. Public Comment**

None

### **5. Legal Issue: CELCP ROW (Virginia Code § 2.2-3711 Subparagraph 7)**

Please refer to Appendix 1 which reviewed the actions taken for a closed session.

### **6. Shallow Water Dredging Master Plan Scope of Work Discussion**

**a. Adoption of the proposed project outline** – Mr. Mansfield, US Army Corps of Engineers had asked Mr. Lawrence to review the Table of Contents for the Shallow Water Dredging Master Plan with the Board and have the Board adopt the Table. Upon review of the table, Mr. Revere suggested that a timeline of dredging activity be included within the report. Therefore Chairman Theberge requested the adoption of the proposed Table of Contents with amendments. Mr. Funkhouser moved to adopt the Table. Ms. Morris seconded the motion. Motion carried by unanimous vote.

**b. Discussion and action on identified receiving areas** – Mr. Hardaway explained his approach to identifying dredging sediment receiving sites within the region. He explained that these receiving sites have generally been defined within a 1 mile radius of the dredge site. Receiving

sites outside of this radius will add additional costs and may require different equipment. Also he explained that there are factors that contribute to the placement of the dredging sediment.

**c. Discussion of Private Benefit from Public Trust Dredge Sediment** – Ms. Rickards explained that over the next couple of months, PAA staff will begin to research the regulatory issues encountered when a private entity dredges public trust resources. As the model of dredging changes and moves away from a federally funded effort, regulatory questions regarding the “public” dredging spoil needs to clearly be understood.

## **7. Working Waterfront Focal Area: Program Suspended**

**a. Impact Perrin Creek Project** – Mr. Lawrence shared that he met with Virginia Sea Grant and was able to get funding to studying issues surrounding the Perrin Creek, through the development of a Perrin Creek Harbor Master Plan.

**b. Limit dialog on regulatory and tax relief from working waterfront** – Due to funds being cut from the Coastal Zone Management Program, dialog on regulatory and tax relief for working water waters may be limited.

## **8. Other Business –**

Mr. Lawrence asked the Board whether the regularly scheduled meetings of the PAA need to be changed to better suit the Board member. The Board agreed that the current schedule is conducive to everyone’s schedule.

## **9. Chairman Observations**

None

## **10. Next Meeting**

The next meeting of the Middle Peninsula Chesapeake Bay Public Access Authority is scheduled for Friday, April 8, 2011 at 11:00pm.

## **11. Adjournment**

Chairman Theberge requested a motion to adjourn the meeting. Mr. Revere moved that the motion be approve; Mr. Funkhouser, seconded the motion. Meeting was adjourned.

**Appendix 1:**

Chair Theberge requested a motion to go into closed meeting.

Mr. Trent Funkhouser moved that the Commission convene in closed session to discuss issues concerning litigation permitted by Virginia Code §2.2-3711 Section 7

Ms. Doris Morris seconded the motion; motion carried.

Chair Theberge requested a motion to return to open session.

Mr. Carlton Revere moved to return to open session.

Mr. Trent Funkhouser seconded the motion; motion approved.

Mr. Trent Funkhouser moved that the Commission certify that to the best of each member's knowledge: (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

Ms. Doris Morris seconded the motion.

**Lewis Lawrence, MPPDC Acting Executive Director, took Roll Call vote**

David Whitlow			
Hon. Louise Theberge	✓	✓	✓
Hon. Doris Morris	✓	✓	✓
Trent Funkhouser or alternative Terri Hale	✓	✓	✓
Steve Whiteway			
Hon. Carlton Revere or alternate Jack Miller	✓	✓	✓
Gayle Belfield or alternate Jimmy Sydnor	✓	✓	✓
Vacant- Urbanna (per Mayor Richwine)			
Vacant- West Point			

## Revenue and Expenditure Report by Project

Middle Peninsula Planning District Commission

Run Date: 04/04/2011  
Run Time: 3:34:41 pm  
Page 1 of 1

Period 07/01/10 to 03/31/11

Project Code & Description		Budget	Prior Year	Current	YTD	Proj Tot	Un/Ovr	% Bud
32007	PAA Administration				Project Period	7/1/2007	to 6/30/2010	
Revenues								
41700	VDCR	75,900.00	75,900.00	0.00	0.00	75,900.00	0.00	100.00
44010	MPLT/BFI Award	12,160.27	12,160.27	0.00	0.00	12,160.27	0.00	100.00
44012	PAA Prior Year's Un	9,782.58	-26,022.13	0.00	35,804.71	9,782.58	0.00	100.00
44200	Interest Income	8.15	5.13	0.16	1.57	6.70	1.45	82.21%
44300	PAA Hunting License	4,150.00	2,050.00	0.00	1,400.00	3,450.00	700.00	83.13%
44900	Miscellaneous Incom	1,342.25	1,342.25	0.00	0.00	1,342.25	0.00	100.00
Revenues		103,343.25	65,435.52	0.16	37,206.28	102,641.80	701.45	99.32%
Expenses								
50000	SALARIES	18,727.66	16,802.66	0.00	0.00	16,802.66	1,925.00	89.72%
50500	FRINGE BENEFITS	6,246.16	5,591.67	0.00	0.00	5,591.67	654.49	89.52%
52251	website	91.51	91.51	0.00	0.00	91.51	0.00	100.00
53100	Equipment	57.54	57.54	0.00	0.00	57.54	0.00	100.00
53400	Office Supplies	2,335.32	2,335.32	0.00	0.00	2,335.32	0.00	100.00
53500	Meeting Supplies	4,058.18	1,058.18	42.07	336.09	1,394.27	2,663.91	34.36%
54100	Private Mileage	385.19	385.19	0.00	104.50	489.69	-104.50	127.13
54500	Lodging/ Staff Expen	93.68	93.68	0.00	58.64	152.32	-58.64	162.60
54900	Travel Expense Other	2,000.00	0.00	0.00	0.00	0.00	2,000.00	0.00%
55150	Subscriptions/Publica	29.95	29.95	0.00	0.00	29.95	0.00	100.00
55300	Conferences	325.00	325.00	0.00	615.25	940.25	-615.25	289.31
56300	Legal Services	13,960.69	3,960.69	462.00	1,696.44	5,657.13	8,303.56	40.52%
56400	Consulting/Contractur	22,379.55	12,379.55	0.00	1,369.53	13,749.08	8,630.47	61.44%
56600	Construction	2,694.21	694.21	0.00	0.00	694.21	2,000.00	25.77%
56700	Contractural Other	500.00	500.00	0.00	0.00	500.00	0.00	100.00
57100	Postage	154.00	154.00	0.00	15.95	169.95	-15.95	110.36
57300	Promotion/Advertisin	47.50	47.50	0.00	0.00	47.50	0.00	100.00
57400	Public Officials Insur	5,472.00	4,216.00	0.00	1,256.00	5,472.00	0.00	100.00
57500	Miscellaneous Other	6,363.58	6,363.58	0.00	0.00	6,363.58	0.00	100.00
59700	INDIRECT COSTS	11,768.29	10,349.29	0.00	0.00	10,349.29	1,419.00	87.94%
Expenses		97,690.01	65,435.52	504.07	5,452.40	70,887.92	26,802.09	72.56%
Project Revenues:		103,343.25	65,435.52	0.16	37,206.28	102,641.80	701.45	99.32%
Project Expenses:		97,690.01	65,435.52	504.07	5,452.40	70,887.92	26,802.09	72.56%
Project Balance:		5,653.24	0.00	-503.91	31,753.88	31,753.88		

**MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY**  
**DRAFT OVERALL PROGRAM DESIGN**

**FY '11: July 1, 2011 – June 30, 2012**

PROGRAMS WILL BE OPERATED IN THE FOLLOWING GENERAL AREAS:

- (1) MPCBPAA ADMINISTRATION and LOCAL PUBLIC ACCESS TECHNICAL ASSISTANCE
- (2) PUBLIC ACCESS LAND TRANSFERS
  - a. Perrin Creek
  - b. Prince Street – RTP Funded
- (3) LEGAL COUNSEL
- (4) WATER ACCESS STRATEGIC PLANNING
  - a. Regional Shallow water dredging and Sediment management

## **1) Program: General PAA Administration and Local Technical Assistance** **\$3,800**

Description: This program allows the Overall Program to function by supporting the individual projects and operation of the Authority, as well as by responding to daily requests for assistance from local government staff. In order to properly manage the workload, requests should be channeled through Authority members to PAA lead staff.

Activities: Personnel administration; financial management; administrative grant reporting; and other general Authority functions. Consultation on public access related issues; review of local public access projects; GIS and other public access technical assistance provision as necessary.

- a. Liability Insurance FY12 (\$1,300 PAA General Fund)
- b. Direct project expense (\$500 PAA General Fund)
  - i. Site Maintenance (\$2,000)
  - ii. Professional Development (\$1,000 PAA)
- c. Direct PAA staff time (As needed- staff time from MPPDC Coastal Technical Assistance Program )

Responsibility: Director of Regional Planning, Regional Planner

Support: PAA General fund and DEQ Coastal Zone Management Program

## **2) Program: Public Access Land Transfer/Perrin River Commercial Seafood Harbor Master Plan** **\$44,800**

Description: This program will explore the planning needs to designate Perrin River, in Gloucester County, as a commercial seafood port. Specifically this plan will conduct a site analysis including existing harbor conditions. The plan will rely on community participation to identify and discuss future harbor improvements. Technical staff will develop cost opinions including discussion of ownership and management, capital improvement needs, capacity analysis for private and public facility. Perrin River has a Virginia Department of Transportation (VDOT) pier that provides ideal infrastructure for commercial vessel moorage. Additionally this program will respond transferring Prince Street from VDOT to the PAA. Land transfers and public donations will be assessed and coordinated with member localities to ensure compatibility with local planning initiatives, and administered. Strategic acquisition planning may also be included.

Activities:

- 1. Develop a Perrin River Seafood Harbor Plan; and
  - a. Virginia Institute of Marine Science (\$15,000)
- 2. Transfer of Perrin Creek wharf from VDOT to the PAA.
  - a. Coastal TA DEQ (\$19,800)
- 3. Prince Street Transfer (RTP) (\$10,000)

Responsibility: Director of Regional Planning, Regional Planner, PAA Legal Assistance

Support: Virginia Institute of Marine Sciences Marine Advisory Services

**(3) Program: Legal Counsel** **\$20,000**

Description: This program will respond to the claim of a prescription right-of-way (ROW) across the Haworth Tract for timbering. Since the parcel was acquired through the Coastal and Estuarine Land Conservation Program (CELCP), the PAA will need to protect the public investment on Haworth.

Activities: Defend the right-of-way on the Haworth Tract

- a. Legal Counsel
  - i. PAA General Fund (\$20,000)
- b. Harvest trees on Brown Tract in coordination with the adopted Habitat Management Plan
  - i. Hire timber crews (Cost part of Timber Contract)

Responsibility: Director of Regional Planning, Regional Planner, PAA Legal Assistance

Support: PAA General Fund

**(4) Program: Water Access Strategic Planning and Access Infrastructure Management** **\$ 73,000**

Description: Those activities, which promote and support efforts to study and plan for local and regional water access needs including: access studies; infrastructure planning and development; project coordination assistance to the Authority and local governments in public access grant funding programs; shallow water dredging and sediment management planning; as well as project administration and coordination of public access infrastructure improvement projects.

Activities: Ongoing Acquisition Planning and Management

- i. Regional Shallow Water Dredging Master Plan
  - MPPDC match (\$24,500)
  - VA Sea Grant (\$2,000)
  - Virginia Institute of Marine Science – Evaluation of potential sediment receiving sites (\$10,000 in-kind)
  - US Army Corps of Engineers (\$36,500)

Responsibility: Director of Regional Planning, Regional Planner, US Army Corps of Engineers, Virginia Institute of Marine Science

Support: MPPDC match, US Army Corps of Engineers, VA Sea Grant and Virginia Institute of Marine Sciences

**\*Note: Proposed reserve fund balance \$3,000**