



## MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY

### MEMORANDUM

**TO:** MPCPPAA  
**FROM:** Lewie Lawrence, Dir of Regional Planning  
**DATE:** April 10, 2006  
**RE:** April 14<sup>th</sup> PAA Meeting

This announcement serves as notice to call a meeting of the Public Access Authority on Friday, April 14<sup>th</sup>, 2006 at **11:00 a.m.** The meeting will be held in the MPPDC Board Room. Lunch will be provided.

The agenda and related material follow. If you have any questions, please do not hesitate to call or e-mail. I can be reached at 804-758-2311.

### AGENDA

1. Welcome and Introductions
2. Approval of February 2006 minutes
3. Financial Report
4. Public Comment
5. Gloucester Gazette PAA Article
6. Report from Gary Heiser- DOF  
DOF Maintenance Equipment  
Sandy Point – King William County Update
7. Browne Improvements Update
8. Road Ending Protocol Update  
5 Priority Sites Update  
VDOT Grant Application Denial- Road ending project concept not transportation related
9. CELCP Update
10. NOAA Section 309 Status
11. Virginia Outdoors Plan  
Regional Project needs and wants
12. Budget Amendment Update
13. NOAA Fellow Matching Workshop April 24-28
14. VACO Liability Renewal – Premium Lowered
15. Other Business-
16. Chairman Observations
17. Next Meeting
18. Adjourn

#### MEMBERS

Essex County  
Mr. R. Gary Allen  
*Treasurer*

Town of Tappahannock  
Mr. Gayle Belfield

Gloucester County  
Hon. Louise D. Theberge

King and Queen County  
Mr. Ronald A. Hachey

King William County  
Mr. Frank Pleva  
*Vice Chairman*

Town of West Point  
Mr. Trenton Funkhouser

Mathews County  
Mr. Steve Whiteway  
*Chairman*

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

**February 10, 2006  
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 11:30 on February 10, 2006.

Chairman Whiteway called the meeting to order. Members and Alternates present were Chairman, Stephen Whiteway, Mathews County Administrator; Vice Chairman, Frank Pleva, King William County Administrator; Terri Hale, King William County Assistant Administrator; Ron Hachey, King and Queen County Administrator; Gary Allen, Essex County Administrator; Louise Theberge, Gloucester County Board of Supervisors; Trent Funkhouser, West Point Town Manager; and Jimmy Sydnor, Tappahannock Assistant Town Manager. Also present were Lewis Lawrence, Director of Regional Planning MPPDC; Dan Kavanagh, MPPDC Executive Director; Tom Brockenbrough, Regional Planner MPPDC; and Sara Stamp, Regional Planner MPPDC.

Chairman Whiteway welcomed everyone in attendance.

**2. Approval of December Minutes**

Chairman Whiteway requested a motion to approve the December Minutes. Mr. Hachey moved that the Minutes be approved; Ms. Theberge seconded the motion; motion carried by unanimous vote.

**3. Treasurer's Report**

The new format of the Treasurer's Report was reviewed by Mr. Lawrence. There were no expenditures during the reporting period. Mr. Hachey moved to accept the Treasurer's Report subject to audit; Mr. Pleva seconded; motion carried by unanimous vote.

**4. Public Comment**

There were no public comments.

## **5. Browne Improvements Plan**

Mr. Lawrence reported he has been looking for a way to begin implementing the recommendations of the Browne Tract Management Plan. He has been in communication with David Harmon, Middle Peninsula Regional Security Center Superintendent, concerning using inmates of the facility to improve the site. A work plan for the site was developed and includes repairing and rebuilding the pedestrian bridge, cutting trails on the King and Queen side, locating Access Authority placards around the property, establishing a parking area, and assembling and siting the hunting stands/houses.

## **6. Road Ending Protocol**

A Request for Qualifications has been issued to secure legal services to develop protocols for transferring road ending rights of way from VDOT ownership. The RFQ was issued three weeks ago and will close next week.

## **7. CELCP Update**

Mr. Lawrence has received a contract from the Department of Environmental Quality in the amount of \$162,750 to close on the Haworth Tract in King and Queen County. The Authority can anticipate closing on the property in the next 60 – 90 days. Andy Lacatell of The Nature Conservancy has provided Mr. Lawrence with a match plan for the Haworth acquisition. Ms. Theberge moved the Authority approve to contract with DEQ for the purchase; Mr. Pleva seconded; motion carried by unanimous vote.

The Department of Forestry is acquiring the Friends of Dragon Run property on Rt. 603. Noting the amount of time it took for DOF to complete the transfer for their portion of the Browne Tract, Mr. Lawrence indicated he felt the Authority may be approached to assist with closings on other DOF acquisitions towards the end of the grant period. Presently, there is approximately \$300,000 remaining in funds that have not been committed to other acquisitions in the watershed. A concern remains over the amount available for administrative costs for closing on the properties. The Authority costs are less than those of DOF for acquisition and there may be insufficient funds to cover administrative costs at the end of the grant.

It was noted that the for sale signs are down at the Spencer property in Gloucester County. Mr. Lawrence will direct Pete Shepherd, Shepherd's Waterfront Properties, to check on the status of the property to determine if it is still on the market. It may be possible that savings achieved during the Haworth purchase will allow a second federal audit to be performed on the property if one is not paid for by the Middle Peninsula Land Trust as had been mentioned during previous meetings.

There is a possibility of acquiring additional property on the Dragon Run in King and Queen County. The land is situated between Big Island and Mascot. The property is currently

owned by Frank Herrin and he may be interested in selling the property either fee simple or as a life estate. The property consists of 40 to 50 acres, has been improved and has no public road frontage. It is currently assessed around \$400,000. Discussion ensued concerning the right of way and the possible uses of the improved property. Mr. Funkhouser moved the Authority direct staff to further investigate purchasing the property; Ms. Theberge seconded; motion carried by unanimous vote.

Chairman Whiteway reported he had spoken with Marcia Jones, Assistant Middlesex County Administrator, to determine if there is any objection to using property located in Middlesex as match for CELCP funding. Ms. Jones indicated she did not see a problem with the transaction.

## **8. Browne Tract**

Ms. Stamp reported on hunting activity at the Browne Tract over the past few months. Information on registering for hunting was placed on the property the latter part of November. Since that time, over 40 hunters have registered to use the property. There was fairly heavy usage during the holidays as well as several repeat users. Most of the users were from outside the Middle Peninsula. Mr. Lawrence intends to conduct a follow up survey of hunters to determine how they heard about the program and what they liked about hunting at the Browne Tract and what improvements would enhance the hunting experience.

The grant application submitted by the Access Authority to the Middle Peninsula Disability Services Board was partially funded. Funding was secured for 8 double occupancy deer stands as well as 2 wheelchair accessible hunting houses at the Browne Tract. The units have been ordered and were received today. Mr. Lawrence raised the possibility of placing some of the equipment at the Haworth site. Mr. Hachey felt the equipment should not be placed at another site without first going back to the Middle Peninsula Disability Services Board for approval. The proposed funding for parking and trail improvements was not approved by the Disability Services Board although there are some remaining funds from the purchases which may be used for lumber or gravel at the Browne Tract.

## **9. NOAA Section 309 Status**

NOAA Section 309 funding is available for enhancement projects in any of nine identified areas. The Agency mandates that the Virginia Coastal Zone Management Program conduct a five year needs assessment to prioritize funding needs. Mr. Lawrence indicated to the assessment committee the interest of the Authority in exploring the possibility of creating wetlands bank sites. The committee reacted favorably to the concept and placed it in the coastal policy strategy; increasing the likelihood of funds being available for assisting localities and agencies in the creation of wetlands banks. The committee also reacted favorably to the region's public access strategy and hopes to extend the strategy throughout the entire coastal zone.

## **10. Budget Amendment Language**

Mr. Lawrence reported he had requested Delegate Morgan propose a state budget amendment providing \$70,000 to the Authority during the FY06-07 biennium. It is hoped that should the funding be approved, the Authority will be able to impress legislators with the performance of the Authority and that sustainable funds for public access will be provided to all areas through DCR.

## **11. VACO Liability Renewal Check List**

Mr. Lawrence reported receipt of the checklist for the renewal of the liability insurance policy for the Authority. Discussion continued on whether the policy was specific to the Browne Tract or an umbrella for all properties of the Authority as its holdings expand. New properties and associated uses will have to be added to the policy as the number of access sites increase.

## **12. Other Business**

Mr. Lawrence will approach Middlesex County and invite a representative to attend the April meeting of the Authority. Mr. Kavanagh noted they may be more interested in joining should the Authority start developing wetlands banks.

The workshop for matching NOAA Fellows will be held this spring. It is uncertain if the Authority and the Virginia Coastal Zone Management Program will encounter the same difficulties as last year. NOAA has indicated that publicity for Fellows this year has not been limited to science based educational programs. Policy based educational programs have been contacted as well to solicit applications for the fellowships.

Mr. Lawrence has been contacted by Andy Lacatell of The Nature Conservancy to gauge interest in land on Hoskins Creek within the Tappahannock Corporate Limits. The area is primarily marsh. Mr. Lawrence will continue to work on the possible transfer of this property as well as the properties in New Point and Guinea that have been mentioned at previous meetings of the Authority.

Mr. Pleva addressed changes at Sandy Point on the Mattaponi in King William County which has been transferred to the Department of Forestry. Mr. Lawrence will ask Gary Heiser of the Department of Forestry to attend the next meeting of the Authority to address public access at the site.

Mr. Hachey inquired as to whether or not regulatory approvals were necessary for work to be performed on the pedestrian bridge at the Browne Tract. Since the work being performed is repair of an existing structure and not construction of new or expanded facilities, no additional approvals should be necessary.

## **13. Chairman's Observations**

Chairman Whiteway chose not to comment at this time.

#### **14. Next Meeting**

The next meeting of the Middle Peninsula Chesapeake Bay Public Access Authority will be April 14, 2006 at 11:00 a.m. Chairman Whiteway noted he will be unable to attend the meeting.

#### **15. Adjourn**

Mr. Pleva motioned to adjourn, Mr. Allen seconded; meeting adjourned.

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Steve Whiteway, Chairman

## **Public Access Topic At Planning District Commission Meeting**

**by Quinton Sheppard**

The Middle Peninsula Planning District Commission (MPPDC) met Wednesday, March 22 in Topping to discuss the accomplishments of the Middle Peninsula Chesapeake Bay Public Access Authority (CBPAA).

The authority, which acts to serve the water access needs of the public, was created by the Virginia General Assembly in 2002, and later ratified by participating localities in 2003. Currently, the counties of Essex, Gloucester, King and Queen, King William, Mathews and the towns of Tappahannock and West Point are a part of the CBPAA.

Mathews County Administrator Steve Whiteway, who chairs the group, said the program began in 2003, when the General Assembly approved the framework to form the authority. Its basic principles are to identify public access sites, then determine ownership of those sites, and also determine appropriate public use levels for such sites. Additionally, it develops an appropriate mechanism for transferring title, develops appropriate acquisition and site management plans and determines which holdings should be sold to advance the mission of the authority.

Whiteway said the project is linked to the Public Trust Doctrine stemming from Roman law that involves the public's right to use public waterways. "It's also a fuel to our Middle Peninsula's economy," he added.

Currently, CBPAA is involved with 16 state-maintained public access sites, serving approximately 1,000 miles of linear shoreline in the Middle Peninsula, according to Whiteway. He emphasized that the public access provided by the state is not adequate, thus the need for the CBPAA.

One of the major issues the authority deals with is population growth in relation to development. In other words, people don't want the public access to infringe on their property. There is also the issue of development closing in on

## General MPPDC march 22 meeting

potential sites and garbage dumping on the sites. Whiteway said that often, it is very difficult to prove the exact boundaries of these public access sites.

Lewie Lawrence, director of regional planning for MPPDC, discussed some ongoing projects that CBPAA has been involved with, and current ones. The first project he discussed regards the New Point Comfort Lighthouse. Lawrence said that Hurricane Isabel inflicted significant damage to the structure. The Virginia Coastal Program paid for improvements to the site including a T-head access pier on the southwest side of the lighthouse island and a new security door.

Lawrence said that CBPAA's primary goal this site is to provide access for the continued work on the site.

Much of the group's effort has also been in securing Browne Tract, 274 acres of land that straddle Essex and King and Queen counties. The property was purchased with grants from the Virginia Coastal Program at the Department of Environmental Quality.

The authority will protect the geographical areas of particular concern in the coastal zone and provide passive public access, resource protection and sustainable traditional uses.

Lawrence also said that the authority is working with several road endings that have current public access. In Mathews, the county has asked the authority to work with the Roane's Landing site (Route 630) which gives access to the Piankitantank River. Lawrence said that in this case, there is confusion of deed rights between VDOT and the county.

In Gloucester, the authority is focusing on an area at the end of Kings Creek Road (Route 653). Here, the area has been traditionally used for trash-dumping. The authority hopes to promote better management of the area so that it will be better accessible to the public for the purposes of launching kayaks and to better enjoy the natural beauty the Middle Peninsula has to offer without trespassing on private property.

## General MPPDC march 22 meeting

Whiteway said that it is very important to note that, to date, no local funds have been required for the operation of CBPAA. Most of its funding has come from federal, state and private funding, and about \$10,000 from regional funding.

Lawrence said that CBPAA is very future-oriented. Meanwhile, Whiteway emphasized that one of his main points concerning the authority is that access to the shoreline greatly improves the quality of life for residents, since many are not able to live on or near the water. “The other issue is that localities must protect the access points that they have and look for opportunities to expand access for future generations.” Whiteway later said, “We need to make sure the children of the area get to the water without any problem.”

“We’re really willing to jump in and try to help,” Jay Scudder, planning director for Gloucester County, said. “This is one of the neatest plans I’ve ever seen in water-oriented communities. It’s a great initiative, and I think it’s done a lot of good work.”