



MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY

MEMORANDUM

TO: MPCPPAA

FROM: Lewie Lawrence, Dir of Regional Planning 

DATE: August 8, 2005

RE: August PAA Meeting

This announcement serves as notice to call a meeting of the Public Access Authority on Friday, August 12, 2005 at **11:00 a.m.** At the April 2005 meeting it was decided future meetings would commence 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 June 2005 minutes
3. Financial Report
4. Public Comment
5. Old Business
 - a. Road Ending Protocol
 1. Site Identification
 2. Site selection
 - b. Coastal Experience Web Site
 - c. PAA Placards
 - d. Browne Tract Transfer
6. PAA Info Sheet
7. CELCP Update
 - a. Application Submittal to NOAA
 - b. Match discussion
 - c. Contracts on additional sites
8. Other Business
9. Chairman observations
9. Next Meeting
10. 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**

June 10, 2005

**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 11:00 on June 10, 2005.

Chairman Whiteway called the meeting to order. Members and Alternates present were Chairman, Stephen Whiteway; Vice Chairman, Frank Pleva; Treasurer, R. Gary Allen; Louise Theberge, Gloucester County Board of Supervisors; Ron Hachey, King and Queen County Administrator; Jimmy Sydnor, Town of Tappahannock Zoning Officer; and Trent Funkhouser, West Point Town Manager. Also present were Dan Kavanagh; Executive Director MPPDC; Lewis Lawrence, Director of Regional Planning MPPDC; Julie Bixby, Virginia Coastal Program; Pete Shepherd, Shepherd's Waterfront Properties; Andy Lacatell, The Nature Conservancy; David Fuss, Program Director of Dragon Run Special Area Management Program MPPDC; Tom Brockenbrough, Regional Planner MPPDC; and Sara Stamp, Regional Planner MPPDC.

Chairman Whiteway welcomed everyone in attendance.

2. Approval of February Minutes

Chairman Whiteway requested a motion to approve the April Minutes with minor revisions. Mr. Allen moved that the April Minutes be approved as revised; Mr. Pleva seconded the motion; motion carried by unanimous vote.

3. Treasurer's Report

The Treasurer's Report was reviewed by Mr. Lawrence. The only expenditures were in the amount of \$686 to send staff to the NOAA Coastal Fellows matching workshop in Charleston, South Carolina. Ms. Theberge moved to accept the Treasurer's Report subject to audit; Mr. Hachey seconded; motion carried by unanimous vote.

4. Public Comment

There were no public comments.

5. Old Business

Mr. Lawrence informed the Authority that all the meeting minutes and reports are on the MPCBPAA web site located at <http://www.mppdc.com/project/access.shtml>.

Mr. Lawrence detailed to the Authority efforts to select a NOAA Fellow. He attended the Fellows matching workshop in Charleston to interview Fellows for our program. The Authority project generated a fair amount of interest from the Fellows. When the initial matching was done Mr. Lawrence's first choice was matched to the Authority. Two fellows then dropped out of the program which changed the match and the Authority was left without a Fellow. NOAA has indicated the Authority can participate in next year's Fellows matching workshop without having to submit a new application for a NOAA Fellow. Mr. Lawrence feels the experience has raised some institutional issues which need to be addressed by NOAA in selecting candidates and in the matching process. Ms. Bixby felt the situation this year was a bit of an anomaly and she would be willing to attempt again next year to obtain a Fellow through the match process. Mr. Lawrence noted he had received a letter of apology from the applicant who backed out as well as a letter of appreciation from another candidate who liked the project but wished to remain on the West Coast.

A draft brochure for the New Point Comfort site was provided to the Authority for its review. The brochure follows the same basic format as the one previously completed for the Browne Tract with information on the Public Access Authority, information specific to the New Point Comfort project, as well as some historical images of the site. Mr. Lawrence requested the Authority review the draft and inform him of any necessary changes.

6. Browne Tract Update

The Virginia Department of Forestry has bulldozed the property line between the portions designated for the MPCBPAA and the Department of Forestry (DOF) at the Browne Tract. In addition a gate was removed and a new gate and sign were installed on the portion of the property designated for DOF. The person responsible for the maintenance work on DOF property was unaware the Authority still holds title to the entire tract. Before doing future work DOF will coordinate with the Authority or wait until the agency has taken title to the property.

Ms. Bixby reported the final deeds for the Browne Tracts had received approval from the Department of General Services. Approval is still needed from the Attorney General's Office.

Discussions continued on the Browne Tract. With the acquisition of CELCP sites, some of the uses designated for the Browne Tract might shift to other sites. Needed improvements at the Browne Tract were evaluated such as parking, trails, and repairs to the boardwalk. The consensus was to deal with parking before groups go onto the site in great numbers. The boardwalk can be blocked to prevent its use until it has been repaired. Mr. Pleva commented on the need for consistency on signage as well as signs marking the property line. Mr.

Lawrence passed out a sample received as part of the logo design competition which would make an appropriate sign to mark Authority property.

7. CELCP Update

The Authority received new maps for properties under consideration for acquisition using CELCP funding. Some of the sites previously under consideration have already been sold. Ms. Bixby is putting together the NOAA application and hopes to be able to begin acquisitions in July or August and finalize initial purchases by December.

The acquisitions require a 1:1 match either through cash, bargain sales, easements, or bargain sales on other properties in the watershed. The match is allowed to be from sources other than the Authority but ultimately the Authority will have responsibility for the match. The Nature Conservancy has firm match on \$180,000 in bargain sales. There is also an additional \$360,000 based on easements on five properties to the Virginia Outdoors Foundation completed during December of 2003. Mr. Lacatell is willing to write a letter providing these items as match for purchases. There is a possibility of an additional \$270,000 from the Friends of Dragon Run who hope to receive funding from Virginia Land Conservation Foundation in September for two tracts. The Middle Peninsula Land Trust has a purchase pending in Dixie on the Piankatank which should be investigated as to whether or not it will qualify for use as match.

The Authority discussed the risk tolerance level it is willing to accept for acquiring property and securing the match as well as how much it will rely on outside sources for match. Mr. Shepherd suggested making any purchase contract contingent on obtaining matching within a specified time frame which would serve to take the property off the market and prevent the property from changing ownership. It was also noted the Authority should only commit to purchases with matched funds and the Authority may purchase the others on option.

Mr. Lawrence informed the Authority the Holmberg Tract has already been sold. Another property, the Spencer Tract may be available. The eight acre site is on the Dragon Run about three hundred yards upstream from the Rt. 17 Bridge in Gloucester County and has 650 feet of waterfront access. The asking price is \$150,000 and there is a minor structure on the parcel. Mr. Lawrence has visited the site and feels it is one of the best sites on the lower Dragon for deep water access and placing the property under public use would take demand off the Rt. 17 site owned by Pitt's Lumber.

Although Mr. Lawrence was able to gain access to the property there is an expressed right of way in the deed from Rt. 17 to the site but no description on where it is located. The Authority would need an unrestricted right of way for access to the property. There is a second right of way which may provide easier access to which the Authority may acquire use. The Nature Conservancy will pay for a limited appraisal on the property. Ms. Bixby indicated the Virginia Coastal Program is very interested in securing this parcel. Mr. Funkhouser moved the Authority issue a contract for the Spencer site; Mr. Hachey seconded; motion carried by unanimous vote.

Mr. Lawrence mentioned to the Authority that they may want to revisit the recreational uses allowed on the Browne Tract once additional sites have been secured.

8. Road Ending Protocol

The Authority has secured funding from the Virginia Coastal Program to hire an attorney to determine how to transfer property from the Virginia Department of Transportation. The funding begins October 1, 2005. The Authority will need to narrow down sites for the attorney to complete transfers. There is an opportunity for the Authority to reassess the sites selected for consideration in each locality. It is uncertain how many sites will be able to be transferred under the funding. It will be less expensive to transfer a fee simple easement than to transfer a prescriptive easement. The Authority members were requested to review their sites and be prepared to recommend sites during the August meeting. Mr. Lawrence noted the support of other coastal PDCs were instrumental in the Authority obtaining the funding and indicated a message of appreciation will be sent to those Commissions.

9. Discussion of need for on-call legal assistance

Mr. Lawrence reported on the complexity of legal issues being faced by the Authority which is becoming beyond the ability of staff to handle. There is a need to have legal assistance for the Authority on an as needed basis. Discussion focused on how to fund the legal expense. Mr. Lawrence will study the possibility of having an attorney on retainer.

10. TNC donation of sites in Gloucester, King William, and Mathews

Mr. Lacatell and Mr. Lawrence are continuing to discuss the possibility of the Authority taking over the New Point Comfort Preserve, the Guinea Marshes, and Island Marsh from The Nature Conservancy. They will focus on this area in more depth once some of the CELCP purchases have been completed.

11. Other Business

Mathews County has several significant projects dealing with access and expressed a need for a Public Access Facility Master Plan.

Mr. Lacatell inquired if the Authority was addressing the carrying capacity for access sites on the Dragon. Mr. Lawrence noted the Authority was taking an approach at securing sites for access on the upper, middle, and lower reaches on the Dragon. Mr. Fuss indicated the cost to pursue a recreational capacity assessment was too prohibitive at this time in light of other needs. Ms. Bixby reported the issue of capacity had been one of the tasks for the NOAA Fellow.

Mr. Lawrence indicated the Authority is applying for funding which would create a web based relational database where people can obtain information on the Middle Peninsula Coastal Experience. The information would be housed on the Virginia's River Country Tourism web site.

Mr. Pleva expressed an interest in touring the sites the Authority owns.

12. Chairman's Observations

Chairman Whiteway expressed thanks to Ms. Bixby, Mr. Lacatell, and Mr. Shepherd for attending the meeting and expressed appreciation for their roles as partners to the Authority.

13. Next Meeting

The next meeting of the Middle Peninsula Chesapeake Bay Public Access Authority will be August 12, 2005 at 11:00 a.m.

14. Adjourn

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

Stephen K. Whiteway, Chairman



Mission

The Authority recognizes that shorelines are high priority natural areas and that it is critical to set aside access sites for all types of recreational activities that are important to our economy and to the citizens of the Commonwealth of Virginia.

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

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Mr. Frank Pleva
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Town of West Point

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Mathews County

Mr. Steve Whiteway
(*Chairman*)

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At the Water's Edge

Regulatory Barriers to Public Access

The Middle Peninsula Planning District Commission's Public Access Site Inventory was completed in 1999 under NOAA grant #NA87ozo253-01. This study identified upwards of 300 potential Virginia Department of Transportation maintained road terminus points, defined as any primary or secondary road that ends in or near proximity to any tributary that could yield access to public waters.

A new project will be initiated this fall named Regulatory Barriers to Public Access. This project, managed by the Access Authority, will assist Middle Peninsula local government by facilitating direct access to the waterways of the Commonwealth by the establishment of protocols to facilitate the transfer of terminus points to the Ac-

cess Authority or directly to participating local governments. This project will identify four or five significantly different examples of terminus points and develop a protocol to facilitate the transfer of each to site.

The protocol will be developed by legal counsel specializing in land use law. The protocol will characterize each site, identify obstacles to determining ownership interest, describe an effective process to resolving ownership obstacles, describe a process to mediate clouds that prohibit full access by the public, and characterize potential claimant positions.

The outcome will be a standardized protocol that the MPCBPAA may use on the remaining 300 plus access

sites. The protocol will be usable by other groups within the coastal zone desiring to provide public access to the Commonwealth's waterways.



Mathews County Example



Gloucester County Example

Middle Peninsula Coastal Experience Enhancement

Trip planning to coastal communities is primarily conducted via the internet. When a trip is planned, generally the first tool used for many travelers is GOOGLE. Virginia Coastal Communities, especially the Middle Peninsula are losing ecotourism travelers.

The region does not have a web based trip planning tool to assist travelers with planning coastal experience opportunities. The goal of this project is to improve access to coastal experience opportunities and information resources as well as encourage on the ground nature-based

ecotourism opportunities within the Middle Peninsula.

A comprehensive web based guide to public access and coastal experiences will be developed and housed on the Virginias River Country website

www.visitrivercountry.org



Public Access Authority Project Revenues FY 2004—2006

Project	Federal/State	Regional	Local	Private
Brown Tract	\$ 392,000	\$ 0	\$ 0	\$ 0
Multi-modal Study	10,000	10,000	0	0
Brown Mgmt. Plan	8,000	^569	0	0
PAA Support	10,000	0	0	0
New Pt. Lighthouse	10,000	^223	0	0
BFI	0	0	0	37,500
Road Ending Study	60,500	0	0	0
PAA Insurance	1,661	0	0	0
CECLP*	989,477	0	0	**1,000,000
Coastal Experience*	35,000	0	0	0
TOTAL	\$ 1,516,638	\$ 10,792	\$ 0	\$ 1,037,500

* committed funding **TOTAL FUNDS RECEIVED TO DATE \$ 2,564,930**

^ Overmatched project funds

** TNC pass through match for CECLP

