



## MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY

### MEMORANDUM

**TO:** MPCPPAA

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

**DATE:** June 6, 2005

**RE:** June PAA Meeting

This announcement serves as notice to call a meeting of the Public Access Authority on Friday, June 10th, 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. Julie Bixby, Virginia Coastal Program will be attending to discuss CELCP Match issues. Lunch will be provided.

The agenda and related material follow. The April minutes will follow under separate email. 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 December minutes
3. Treasures Report
4. Public Comment
5. Old Business
  - a. Old business- all minutes and reports up on web site
  - b. Fellowship Update
    - i. apology letter
    - ii. appreciation letter
6. Browne Tract Update
  - a. Bulldozer division line
  - b. DOF installed new gate
  - c. AG's office still has issues with transfer
  - d. Infrastructure improvements- What's needed now
7. CELCP Update
  - a. Application Submittal to NOAA
  - b. Match discussion
    - i. TNC Role
    - ii. Coastal Program
    - iii. PAA responsible agent

#### MEMBERS

##### Essex County

Mr. R. Gary Allen  
*Treasurer*

Town of Tappahannock  
Vacant

##### 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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- iv. Out year match- TNC
- c. Contracts on additional sites
- d. Re-assessment of recreational use on Browne
8. Road Ending Protocol-
  - a. Site identification
  - b. Time line
  - c. Coastal PDC support letter- thank you
9. Discussion of need for on-call legal assistance
  - a. Prescriptive Easement
  - b. Expressed Easement
  - c. Easement by Necessity
10. TNC donation of sites in Gloucester, King William and Mathews.
11. Other business
12. Chairman observations
13. Next Meeting
14. Adjourn

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

**April 8, 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 noon on April 8, 2005. 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; David Fuss, Program Director of Dragon Run Special Area Management Program MPPDC; Tom Brockenbrough, Regional Planner MPPDC.

Chairman Whiteway welcomed everyone in attendance.

**2. Approval of February Minutes**

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

**3. Treasurer's Report**

The Treasurer's Report was reviewed by Mr. Lawrence. There have been no expenditures since the previous meeting. There will be upcoming expenses for insurance as well as 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. Pleva seconded; motion carried by unanimous vote.

**4. Public Comment**

There were no public comments.

**5. Browne Tract and New Point Brochures**

Mr. Lawrence provided the Authority with a draft brochure for the Authority to use in support of its activities at the Browne Tract. The brochure provides information on the

Authority as well as information specific to the Browne Tract. Comments should be submitted to Mr. Lawrence by the end of April. A brochure for the New Point site will be prepared after the Browne Tract brochure is finished.

## **6. Request from the River Country Tourism Council**

Mr. Kavanagh informed the Authority of a request from the River Country Tourism Council. The mission of the RCTC was highlighted with an emphasis on the travel guide which has been created for the Middle Peninsula and the importance of access to the water for tourism.

RCTC would like to have an internet presence to disperse information on public access to the public with information such as type of access and availability of other amenities such as picnic or restroom facilities. They have inquired as to whether or not the Authority has completed such an inventory or whether or not the two organizations can partner on a database of the information.

Several issues were raised and discussed such as ownership of the database, the existence of some sites which cannot accommodate many users at one time, and the role of the Authority in marketing sites.

Mr. Lawrence reminded the Authority that discussions at the first meetings of the Authority focused on some of these issues and that perhaps it is time to resolve some of these items such as the siting of facilities, carrying capacity, and the types of sites. Types of sites focused on regional sites, subregional sites, and sites solely for the local community. The Authority may decide to only market regional sites. Mr. Whiteway suggested these issues should be placed on the Work Plan for the Authority. In the interim, it should be suggested to RCTC to contact each locality to determine which sites they would like to have marketed.

The NOAA Coastal Fellow will be charged with developing similar information for a web site for the entire coastal zone and we should consider whether or not we want to do this locally in Middle Peninsula as it may provide an opportunity to have better control over the information being served out by the Coastal Program on sites in the Middle Peninsula.

## **7. Funding Request to Virginia Coastal Program**

Mr. Lawrence elaborated on a grant application he is preparing on behalf of the Authority. The activity funded by the grant would assist the Authority in addressing some of the issues in transferring the VDOT road terminus points to the Authority. Several different terminus sites will be identified and legal counsel will develop protocols to transfer ownership to the Authority. These protocols will assist the Authority in transferring the remaining sites.

## **8. Informal Request to Coordinate Water Trail Activity**

The Gloucester County Director of Planning has made an informal request to Mr. Lawrence that the Authority become the lead organization in coordinating all water trail activity in the Middle Peninsula. Discussion focused on the several types of trails which feed into the water trails, such as birding and biking trails, gateways sites, the Captain John Smith Capture Route, and the Mattaponi and Pamunkey Rivers Association kiosks. Mr. Lawrence will respond that coordination sounds like a good idea and the Authority will be looking into the matter.

## **9. Discussion about Public Ingress and Egress**

There have been questions about the right of the public to use the waterways, particularly on Dragon Run. Mr. Lawrence provided the Authority with material developed by the National Organization for Rivers about ownership and use of the waterways. Generally, the state owns the waterway in trust for the public, regardless of the ownership of the surrounding lands. The public has the right to paddle up Dragon Run as far as they want to go. There are still issues, however, concerning ownership of the river bottom.

## **10. CELCP Update**

On April 4 Chairman Whiteway, Mr. Hachey, Mr. Lawrence, and Mr. Fuss attended a meeting to discuss sites to be acquired with CELCP funding. The tracts being considered for acquisition are the Hundley tract in Essex County, and the Dragon Bridge, Haworth, and Holmberg tracts in King and Queen County. The Dragon Bridge site may eventually be transferred to the Department of Forestry with the Authority retaining ownership over the remaining three sites. The planned acquisitions do not fully expend the CELCP funding. Approximately \$340,000 remains available for purchases in the Dragon Run Watershed.

## **11. The Nature Conservancy Donations**

Andy Lacatell of The Nature Conservancy has contacted Mr. Lawrence to discuss TNC's desire to divest of land holdings and turn them over to other entities who can manage the sites. TNC wishes to possibly turn over three sites to the Authority. The sites are the New Point Comfort Preserve in Mathews County, some of the Guinea Marshes in Gloucester County, and Island Marsh in King William County. At this time, some of the sites may be transferred to the Authority, some to the local governments. Mr. Pleva inquired as to restrictions placed on the properties which the new owners would have to enforce. Mr. Lawrence replied that the main issues of the property would be with respect to stewardship rather than other restrictions. Mr. Whiteway noted it is important to get the cemetery at the New Point Comfort site back under public ownership.

## **12. Other Business**

There was discussion on the meeting time for future meetings of the Authority. Most of the members of the Authority are already at the MPPDC offices on the meeting date for a separate meeting. Starting the meeting earlier would reduce the time members have to wait between meetings. The consensus was to move the meeting time from noon to 11:00 a.m.

Mr. Lawrence will be expending funds to have inmates at the Middle Peninsula Regional Jail perform cleanup along the road at the Browne Tract. It may be possible for the Authority to also use their services for needs such as trails and building picnic tables.

### **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 June 10, 2005 at 11:00 a.m.

### **15. Adjourn**

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

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Stephen K. Whiteway, Chairman

1. An EXPRESSED EASEMENT is one that is recorded in the deed records in the county clerk's office in the county the land is located. This is sometimes called a "deeded easement." An expressed easement is the kind you want to have if you pass through someone else's land to get to your property.
2. The other type, an IMPLIED EASEMENT, is just what it says. It is an easement where access has been granted or earned through use of a road for a period of time. The law governing this type of easement is very complicated and I recommend that you consult an attorney that has had considerable experience with easements