



MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY

MEMORANDUM

TO: MPCBPAA

FROM: Lewie Lawrence, Director of Regional Planning 

DATE: December 1, 2010

RE: December 10th PAA Meeting

This announcement serves as notice to call a meeting of the Public Access Authority on Friday, December 10th, 2010 at or about **11:00 a.m.** The meeting will be held in the MPPDC Regional Board Room in Saluda. Lunch will be provided.

At the last meeting of the PAA, staff was directed to develop draft rules for lands managed by the PAA. These rules can be found on page 13 of the meeting packet.

If you have any questions concerning material for the meeting, please call (804-758-2311) or e-mail (LLawrence@mppdc.com) me at your convenience.

AGENDA

1. Welcome and Introductions
2. Approval of October 2010 Minutes
3. Financial Report
4. Public Comment
5. Shallow Water Dredging
6. Update on the Hall Donation
7. Update Sportsman Hunt Club agreement
8. Delegate Morgan Draft Legislation
 - a. Working Waterfront Easements
 - b. Tax credit for working waterfront infrastructure
 - c. VDOT Piers and Wharfs
9. Brown Tract Timber Harvest
10. General Rules for Use of PAA Lands
11. Other Business –
12. Chairman Observations
13. Next Meeting
14. 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

Ms Terri E. Hale

Mathews County

Mr. Steve Whiteway

Middlesex County

Hon. Carlton Revere

Town of Tappahannock

Mr. G. Gayle Belfield, Jr.

Town of Urbanna

Hon. Beatrice Taylor

Town of West Point

Mr. Trenton Funkhouser
Vice Chairman

Saluda Professional Center

125 Bowden Street

P. O. Box 286

Saluda, VA 23149-0286

Phone: (804) 758-2311

FAX: (804) 758-3221

email:

PublicAccess@mppdc.com

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY MINUTES

October 8, 2010

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 October 8, 2010.

Vice Chairman Trent Funkhouser called the meeting to order. Members and Alternates present were Terri E. Hale, King William County Assistant County Administrator; Steve Whiteway, Mathews County Administrator; Carlton Revere, Middlesex County Board of Supervisors; Tom Schwartzwelder, King & Queen County Administrator and David Whitlow, Essex County Administrator. Also present were Lewis Lawrence, Director of Regional Planning MPPDC; Jackie Rickards, Regional Projects Planner I; Dan Kavanagh, Executive Director of the MPPDC; and Mike Mansfield, US Army Corps of Engineers.

2. Approval of August 2010 Minutes

Vice Chairman Funkhouser requested a motion to approve the August 2010 minutes. Mr. Whitlow moved that the minutes be approved. Ms. Hale seconded the motion. Motion carried by unanimous vote.

3. Financial Report

Vice Chairman Funkhouser requested a motion to approve the August 2010 Revenue and Expenditure Report. Mr. Whiteway moved that the Report be approved. Mr. Whitlow seconded the motion. Motion carried by unanimous vote.

4. Public Comment

None

5. Shallow Water Dredging Master Plan Scope of Work Discussion

Mr. Mark Mansfield, US Army Corps of Engineers, joined the PAA for their monthly meeting to discuss how to proceed in developing a Shallow Water Dredging Master Plan Scope of Work for the Middle Peninsula. Mr. Mansfield explained that the Corps has recently worked with the Northern Neck PAA and developed a draft plan for their region. Within three localities, including Westmoreland, Lancaster, and Northumberland counties, 13 dredging sites were identified, all in which are currently maintained by the Corps. Information provided by the Corps on these thirteen sites focused on the physical, operational, usage and financial characteristics of each dredging site. Additionally the NN PAA had the option to identify sediment management locations within the study, however chose not to include this. Therefore the final total shallow water dredging master plan budget for the NN PAA amounted to \$50,000. With a 50/50 cost share the NN PAA will be spending \$25,000 from funds remaining from the General Assembly.

Mr. Mansfield explained that there are 15 sites within the Middle Peninsula that would be included in the report:

Essex County – Hodkins Creek; Part of the Rappahannock
Gloucester County – Aberdeen Creek
King & Queen County – Part of the Mattoponi River
King William County – Part of the Pumunkey River; Part of the Mattoponi River
Mathews County – Davis Creek; Horn Harbor; Queens Creek; Winter Harbor; Milford Haven
Middlesex County – Broad Creek; Jackson Creek; Mill Creek; Parrots; Part of the Rappahannock;
Whitings; Urbanna

Overall the plan will include (1) the current cost of maintaining a shallow water dredging & sediment management plan (ie. How is the project?), (2) a matrix of information including the physical, operational, financial and usage characteristics of the dredging sites as well as the sediment needs for certain sites, and (3) the Pros and Cons of funding scenarios. Mr. Mansfield also suggested that the MPCBPAA consider the cost efficiency of coordinating the mobilization – demobilization of equipment amongst projects as well as the long term funding for these project particularly since the future federal funding for these projects is unlikely.

Mr. Mansfield explained that this project would be complete within 6 months, and with regards to funding there is a 50/50 cost share for this project, but there are match opportunities (ie. In-kind services and cash). After much discussion about funding, it was determined that the Middle Peninsula Planning District Commission may provide funding for the localities portion of the project. With that determined, Mr. Mansfield will begin develop a scope of work for this project over the next couple of weeks and budget. In conjunction with this project, Mr. Lawrence mentioned his interest in researching dredging sites that are not included on the current list of creeks/rivers. Research conducted on these alternative sites will be funded through the Virginia Coastal Zone Management (CZM) Program Coastal TA grant and would help supplement the Corps report.

Mr. Funkhouser requested a motion to allow the PAA Chairman to sign a conditional cost share agreement with the US Army Corps of Engineers to develop a Shallow Water Dredging Master Plan. M. Mr. Whiteway moved that the motion be approved. Ms. Hale seconded the motion. Motion carried by unanimous vote.

6. Policy consideration – PAA lands without management framework

Mr. Lawrence presented a draft of an Application for Organized Community Groups in order to gain access to PAA land currently without an adopted management plan. The Board requested that corrections to the application, and suggested that a PAA staff draft a document of general properties rules. Mr. Whiteway moved that Application for Organized Community Group be approved subject to amendments. Ms. Hale seconded the motion. Motion carried by unanimous vote.

7. Consideration- Approval of Deed of Gift: Hall Donation

Mr. Lawrence shared that a Deed of Gift between Conrad Mercer Hall and the PAA has been received. Legal counsel was sought, and although the document was found to be uniquely constructed, there were no changes to be made to the document. Mr. Lawrence also presented a resolution to the Board to accept the deed of gift. Mr. Whitlow requested a motion to pass the resolution and authorize the signing of the Deed. Mr. Whiteway moved motion be approved. Ms. Hale seconded the motion. Motion carried by unanimous vote.

8. Sportsman Club Obligation

To date the King & Queen Hunt Club has not fulfilled its contractual obligations for habitat improvement on the Clay Tract. The Board advised Mr. Lawrence to send a letter of notice to the hunt club stating that their obligations have not been fulfilled for the 2009-2010 hunting season. Therefore without contractual compliance the hunt club will be unable to hunt the Clay tract during the 2010-2011 season.

9. Working Waterfront Conference

Mr. Lawrence shared that PAA staff attended the Working Waterfront and Waterways 2010 Symposium in Portland, ME to support continuing efforts and gather more knowledge as is relates to coastal access, working waterfronts, as well as funding opportunities. Also at the conference, Mr. Lawrence participated in a conference session to present information about the Middle Peninsula Chesapeake Bay Public Access Authority and the work that has been completed to date.

10. Other Business – Change in PAA officer status

None

11. Chairman Observations

None

12. Next Meeting

The next meeting of the Middle Peninsula Chesapeake Bay Public Access Authority is scheduled for Friday, December 10, 2010 at 11:00pm.

13. Adjournment

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

Revenue and Expenditure Report by Element

Middle Peninsula Planning District Commission

Run Date: 11/08/2010

Period 07/01/10 to 10/31/10

Run Time: 2:31:29 pm

Page 23 of 35

32007 PAA Administration

Project Period 7/1/2007 to 6/30/2010

Element Code & Description	Budget	Prior Year	Current	YTD	Proj Tot	Un/Ovr	% Bud
Revenues							
41700 VDCR	75,000.00	75,000.00	0.00	0.00	75,000.00	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 Unspe	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	0.42	0.90	6.03	2.12	73.99%
44300 PAA Hunting License F	4,150.00	2,050.00	475.00	1,075.00	3,125.00	1,025.00	75.30%
Revenues	<u>101,101.00</u>	<u>63,193.27</u>	<u>475.42</u>	<u>36,880.61</u>	<u>100,073.88</u>	<u>1,027.12</u>	<u>98.98%</u>
Balance:	<u>101,101.00</u>	<u>63,193.27</u>	<u>475.42</u>	<u>36,880.61</u>	<u>100,073.88</u>		

320070 Administration

Revenues

44900 Miscellaneous Income	1,342.25	1,342.25	0.00	0.00	1,342.25	0.00	100.00
Revenues	<u>1,342.25</u>	<u>1,342.25</u>	<u>0.00</u>	<u>0.00</u>	<u>1,342.25</u>	<u>0.00</u>	<u>100.00</u>

Expenses

50000 SALARIES	3,361.74	3,361.74	0.00	0.00	3,361.74	0.00	100.00
50500 FRINGE BENEFITS	1,120.16	1,120.16	0.00	0.00	1,120.16	0.00	100.00
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	1,380.22	1,380.22	0.00	0.00	1,380.22	0.00	100.00
53500 Meeting Supplies	4,058.18	1,058.18	94.89	170.10	1,228.28	2,829.90	30.27%
54100 Private Mileage	303.13	303.13	25.00	25.00	328.13	-25.00	108.25
54500 Lodging/ Staff Expense	88.51	88.51	0.00	0.00	88.51	0.00	100.00
54900 Travel Expense Other	2,000.00	0.00	0.00	0.00	0.00	2,000.00	0.00%
55150 Subscriptions/Publicatio	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	438.00	438.00	0.00	60.00	498.00	-60.00	113.70
56400 Consulting/Contractural S	10,000.00	10,000.00	0.00	840.00	10,840.00	-840.00	108.40
56600 Construction	2,694.21	694.21	0.00	0.00	694.21	2,000.00	25.77%
57100 Postage	154.00	154.00	0.00	0.00	154.00	0.00	100.00
57300 Promotion/Advertising	47.50	47.50	0.00	0.00	47.50	0.00	100.00
57400 Public Officials Insuranc	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	2,102.86	2,102.86	0.00	0.00	2,102.86	0.00	100.00
Expenses	<u>40,088.09</u>	<u>31,832.09</u>	<u>119.89</u>	<u>2,966.35</u>	<u>34,798.44</u>	<u>5,289.65</u>	<u>86.80%</u>
Balance:	<u>-38,745.84</u>	<u>-30,489.84</u>	<u>-119.89</u>	<u>-2,966.35</u>	<u>-33,456.19</u>		

320071 Land Acquisition

Expenses

50000 SALARIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
50500 FRINGE BENEFITS	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
56300 Legal Services	13,522.69	3,522.69	0.00	220.00	3,742.69	9,780.00	27.68%

Revenue and Expenditure Report by Element

Middle Peninsula Planning District Commission

Period 07/01/10 to 10/31/10

Run Date: 11/08/2010

Run Time: 2:31:29 pm

Page 24 of 35

32007 PAA Administration

Project Period 7/1/2007 to 6/30/2010

Element Code & Description	Budget	Prior Year	Current	YTD	Proj Tot	Un/Ovr	% Bud
320071 Land Acquisition							
56400 Consulting/Contractual	5,000.00	0.00	0.00	0.00	0.00	5,000.00	0.00%
59700 INDIRECT COSTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Expenses	<u>18,522.69</u>	<u>3,522.69</u>	<u>0.00</u>	<u>220.00</u>	<u>3,742.69</u>	<u>14,780.00</u>	<u>20.21%</u>
Balance:	<u>-18,522.69</u>	<u>-3,522.69</u>	<u>0.00</u>	<u>-220.00</u>	<u>-3,742.69</u>		
320072 Access Infrastructure Improvements							
Revenues							
41700 VDCR	900.00	900.00	0.00	0.00	900.00	0.00	100.00
Revenues	<u>900.00</u>	<u>900.00</u>	<u>0.00</u>	<u>0.00</u>	<u>900.00</u>	<u>0.00</u>	<u>100.00</u>
Expenses							
50000 SALARIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
50500 FRINGE BENEFITS	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
53400 Office Supplies	955.10	955.10	0.00	0.00	955.10	0.00	100.00
54100 Private Mileage	82.06	82.06	0.00	0.00	82.06	0.00	100.00
54500 Lodging/ Staff Expense	5.17	5.17	0.00	0.00	5.17	0.00	100.00
55300 Conferences	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
56400 Consulting/Contractual	1,000.00	1,000.00	529.53	529.53	1,529.53	-529.53	152.95
56700 Contractual Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
59700 INDIRECT COSTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Expenses	<u>2,042.33</u>	<u>2,042.33</u>	<u>529.53</u>	<u>529.53</u>	<u>2,571.86</u>	<u>-529.53</u>	<u>125.93</u>
Balance:	<u>-1,142.33</u>	<u>-1,142.33</u>	<u>-529.53</u>	<u>-529.53</u>	<u>-1,671.86</u>		
320073 Water Access Strategic Planning							
Expenses							
50000 SALARIES	15,365.92	13,440.92	0.00	0.00	13,440.92	1,925.00	87.47%
50500 FRINGE BENEFITS	5,126.00	4,471.51	0.00	0.00	4,471.51	654.49	87.23%
56400 Consulting/Contractual	6,379.55	1,379.55	0.00	0.00	1,379.55	5,000.00	21.62%
56700 Contractual Other	500.00	500.00	0.00	0.00	500.00	0.00	100.00
59700 INDIRECT COSTS	9,665.43	8,246.43	0.00	0.00	8,246.43	1,419.00	85.32%
Expenses	<u>37,036.90</u>	<u>28,038.41</u>	<u>0.00</u>	<u>0.00</u>	<u>28,038.41</u>	<u>8,998.49</u>	<u>75.70%</u>
Balance:	<u>-37,036.90</u>	<u>-28,038.41</u>	<u>0.00</u>	<u>0.00</u>	<u>-28,038.41</u>		
Project Revenues:	<u>103,343.25</u>	<u>65,435.52</u>	<u>475.42</u>	<u>36,880.61</u>	<u>102,316.13</u>	<u>1,027.12</u>	<u>99.01%</u>
Project Expense:	<u>97,690.01</u>	<u>65,435.52</u>	<u>649.42</u>	<u>3,715.88</u>	<u>69,151.40</u>	<u>28,538.61</u>	<u>70.79%</u>
Project Balance:	<u>5,653.24</u>	<u>0.00</u>	<u>-174.00</u>	<u>33,164.73</u>	<u>33,164.73</u>		

Lewis Lawrence

From: David Rosenberg [drosenberg@dls.virginia.gov]
Sent: Wednesday, November 17, 2010 10:37 AM
To: Lewis Lawrence
Cc: Marty Farber; Thomas Murray
Subject: Re: FW: Re: Delegate Morgan and Workign Waterfront - Land Use and Easements

As I see it, here are the things we will do:

1. Permit localities to create some type of waterfront/seafood zone analogous to a technology zone, whereby businesses could get a break on BPOL taxes.
2. Create some program whereby a conservation easement for periods less than perpetuity on the land of waterfront seafood operations could be donated with the intent that such encumbrance will reduce the assessed value of the property. I don't know how far we can go with this and not bump up against the Constitutional requirement that assessments have to be at fair market value. I will do some research on this.
3. Add waterfront/seafood property to the conservation income tax credit statute for easements in perpetuity.

Let me know if I've missed something.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 33 MRSA c. 6-A is enacted to read:

CHAPTER 6-A

WORKING WATERFRONT COVENANTS

§131. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commercial fisheries businesses. "Commercial fisheries businesses" means any enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial fisheries businesses" includes without limitation:

A. Licensed commercial fishermen, aquaculturists and fishermen's cooperatives;

B. Individuals and businesses providing direct services to commercial fishermen and aquaculturists or fishermen's cooperatives; and

C. Municipal and private piers and wharves operated to provide waterfront access to commercial fishermen, aquaculturists or fishermen's cooperatives.

2. Qualified holder. "Qualified holder" or "holder" means a governmental entity authorized to hold an interest in real property or a nonprofit organization organized under state law whose purposes include the permanent protection of working waterfront or the enlargement of working waterfront opportunities for commercial fisheries businesses. A qualified holder may also include a 3rd party meeting the same qualifications met by a nonprofit organization that holds a right of enforcement of the working waterfront covenant, either in addition to or in lieu of the other qualified holders.

3. Working waterfront covenant. "Working waterfront covenant" means an agreement in recordable form between the owner of working waterfront real estate and one or more qualified holders that permits a qualified holder to control, either directly or indirectly, the use and sales price of working waterfront real estate for the primary purpose of making and preserving the permanent availability and affordability of that real estate for commercial fisheries businesses.

4. Working waterfront real estate. "Working waterfront real estate" or "real estate" means land, legally filled lands, piers, wharves and other improvements to lands all adjacent to the navigable coastal waters of the State.

§132. Creation; conveyance; acceptance; duration; filing

1. Working waterfront covenant. Except as otherwise provided in this chapter, a working waterfront covenant may be created, conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected in the same manner as other real estate covenants created by written instrument.

2. Right or duty. A right or duty in favor of or against a qualified holder may not arise under a working waterfront covenant unless it is accepted in writing by the qualified holder.

3. Limitation. Except as provided in this chapter, a working waterfront covenant is unlimited in duration unless a change of circumstances renders the working waterfront covenant no longer in the public interest as determined in an action under section 133, subsection 3.

4. Filing. A working waterfront covenant must be recorded in the County Registry of Deeds, and a copy of the covenant must be filed with the Executive Department, State Planning Office together with a map showing with specificity its location on the form or forms that the State Planning Office requires.

5. Mortgagee's interest. A mortgagee's interest in real property in existence at the time that a working waterfront covenant is created is not impaired by the working waterfront covenant as long as the mortgagee's interest is subordinated to the working waterfront covenant.

6. Right to enter land. The instrument creating a working waterfront covenant must provide for the right by the qualified holder to enter the real property to ensure compliance.

§133. Judicial actions

1. Owners; qualified holders. An action affecting a working waterfront covenant may be brought or intervened in by:

A. An owner of an interest in the real property burdened by the covenant;

B. A qualified holder of the benefit of the working waterfront covenant; or

C. The Attorney General.

2. Municipality. An action affecting a working waterfront covenant may be intervened in by the municipality in which the real property burdened by the covenant is located.

3. Power of court. The court may enforce a working waterfront covenant by injunction or other proceeding at law or in equity. Acting in accordance with charitable trust principles, the court may modify, terminate or deny equitable enforcement of a working waterfront covenant in an action in which the Attorney General is made a party when the Commissioner of Marine Resources finds that, due to a change in circumstance, the covenant is no longer necessary to advance the public interest in the commercial marine fisheries of the State. If the court modifies, terminates or denies equitable enforcement of a working waterfront covenant, the court may order payment by the landowner of money or other damages to the holder or the State, which shall apply the same in a manner consistent with the purposes of this law as approved by the court.

The fact that a working waterfront property might be used for more valuable economic purposes may not be considered in determining whether a working waterfront covenant is no longer in the public interest.

§134. Scope of working waterfront covenant

A working waterfront covenant must include without limitation at least one of the following terms:

1. Resale price of working waterfront real estate. Limitations on the resale price of working waterfront real estate;

2. Amount of equity appreciation. Limitations on the amount of equity appreciation that a landowner may derive from ownership of working waterfront real estate;

3. Improvements to working waterfront real estate. Limitations on the type, extent, use or dollar value of improvements that may be made to working waterfront real estate;

4. Persons to whom working waterfront real estate may be sold. Consistent with the purposes of this chapter, restrictions on the types of persons or businesses to whom working waterfront real estate may be sold, leased or used as long as such restrictions do not unlawfully discriminate against any person.

5. Options to purchase. The grant of rights of first refusal or options to purchase to qualified holders or their assigns, subject to the terms and conditions of the working waterfront covenant;

6. Maintenance and insurance of working waterfront real estate. The obligation to maintain, operate and insure working waterfront real estate;

7. Construction and materials. The right to restrict or specify types of buildings, structures and materials that may be used in improvements on working waterfront real estate; and

8. Acts that may enhance affordability of working waterfront real estate. The right to prohibit, limit or require other acts that may enhance or allow the affordability and availability of working waterfront real estate to commercial marine fisheries operators in the future.

§135. Validity

A working waterfront covenant is valid and enforceable notwithstanding any of the following conditions.

1. Not appurtenant to interest in real property. The working waterfront covenant is not appurtenant and does not run with an interest in real property.

2. Assignable to another holder. The working waterfront covenant can be or has been assigned to another qualified holder.

3. Not recognized at common law. The working waterfront covenant is not of a character traditionally recognized at common law.

4. Imposes negative burden. The working waterfront covenant imposes a negative burden.

5. Imposes affirmative obligations. The working waterfront covenant imposes affirmative obligations upon the owner of an interest in the burdened property or upon the qualified holder.

6. Benefit does not touch or concern real property. The benefit of the working waterfront covenant is held by a qualified holder who has not retained property that would benefit from enforcement of the working waterfront covenant, or the benefit does not touch or concern real property in any other way.

7. No privity of estate or contract. There is no privity of estate or privity of contract.

8. Does not run to successors or assigns. The working waterfront covenant does not run to the successors or assigns of the qualified holder.

9. Unreasonable restraint on alienability. The working waterfront covenant may be considered to be an unreasonable restraint on alienability.

10. In violation of rule against perpetuities. The working waterfront covenant may violate the rule against perpetuities.

§136. Application

1. Interest created after effective date. This chapter applies to any interest that complies with this chapter created after the effective date of this chapter, whether designated as a working waterfront covenant or an equitable servitude, restriction, easement or other interest in real estate.

2. Working waterfront covenant created before effective date. This chapter applies to any working waterfront covenant created before the effective date of this chapter if the working waterfront covenant would have been enforceable had it been created after the effective date of this chapter, unless retroactive application contravenes the Constitution of Maine or the United States Constitution.

3. Chapter does not invalidate interest. This chapter does not invalidate any interest, whether designated as a working waterfront covenant or an equitable servitude, restriction, easement or other interest in real estate, that is otherwise enforceable under other laws of this State.

SUMMARY

This bill implements authority given to the Land for Maine's Future Board to be a party to working waterfront covenants. This bill provides the necessary definitions and provisions for creation, conveyance, acceptance and duration of working waterfront covenants, along with provisions for the scope and validity of such covenants, as well as applicability provisions.

DRAFT

General Rules for Use of Lands Managed by the Middle Peninsula Chesapeake Bay Public Access Authority

As a visitor to lands managed by the Middle Peninsula Chesapeake Bay Public Access Authority (PAA), you are asked to follow certain rules designed to protect the land and the natural environment, to ensure the health and safety of visitors, and to promote pleasant and rewarding outdoor experiences for all visitors. State Conservation Officers are empowered to enforce state regulations that some of these rules are taken from. Please take time to read and understand them.

When the need arises, staff from the PAA may issue orders that will close or restrict the use of certain areas. Such prohibitions will be posted so that visitors can reasonably be expected to be familiar with them. Copies of the orders will also be available at the offices of the Middle Peninsula Chesapeake Bay Public Access Authority at 125 Bowden Street, Saluda Virginia 23149.

Information on all permit requirements is available at the 125 Bowden Street office. If you have any questions or need help, please contact the PAA at 804-758-2311

Please remember to be careful! You are primarily responsible for your own safety. Look out for natural hazards and dangers when you are on PAA lands. If you hike off trails or swim or dive in streams or rivers, you do so at **YOUR OWN RISK!**

Day use and Camping

- As a general rule, PAA lands are open from dawn to dusk for public use. Some PAA land are managed as limited access. PAA lands are used by a variety of user groups and as such the responsibility for co-using lands rests with the public using the site. Please be courteous of other PAA users. During hunting seasons, some PAA lands are open for public hunting.
- As a general rule, camping is not permitted on lands managed by the PAA; however there are special exceptions. Please contact PAA land manager to discuss.
- If special permission is granted for camping, camp only in those places specifically marked or provided.
- At least one person must occupy a camping area during the first night after camping equipment has been set up, unless permission has otherwise been granted by the PAA land manager.
- Do not leave camping equipment unattended on PAA lands for more than 24 hours without permission from the PAA land manager The PAA is not responsible for any loss or damage to personal property.

- Use picnic sites, swimming beaches, and other day use areas only between the hours of sun up and sun down.
- Recreation sites can be used only for recreation purposes.
- Remove all personal property and trash when leaving.

Good Neighbor Relations

- Property lines are not always marked and forest property owners - federal, state and private - are often intermingled. Each visitor is responsible for knowing where they are and are complying with the landowner's rules and restrictions.

Ethics and Responsibility

- The future of recreation, privileges on PAA lands depend on how users behave in the field, and how they present themselves to others. Consider how your actions reflect on yourself and the outdoor recreation community in general.

Access

- Visitors may not be provided year round access. Users understand that access and use may be restricted or closed at various times and places by the PAA; In order to minimize conflict between recreation users, seasonal restrictions may be placed on certain uses in certain areas. Public use is allowed during daylight hours only. No nighttime activities are allowed without specific authorization.

Operation of Vehicles

- As a general rule, motorized vehicles are not permitted on land managed by the PAA. The intention is to keep PAA lands natural. Please park in designated parking areas.
- If motorized vehicles are allowed, please restricted to designated roads
- ATV are not permitted on PAA lands
- When operating any kind of vehicle, do not damage the land or vegetation, or disturb wildlife. If possible, avoid unpaved roads or trails when they are wet or muddy
- Non motorized off road bikes are permissible
- Do not block, restrict, or interfere with the use of roads, trails or gates.

Roads and Gates

- Under certain terms and conditions, motor vehicle use of roads will be restricted to those roads open to public use. Visitors must comply with all posted signs and all gates and roads must be kept clear at all times and passable for PAA staff. Do not park in front of gates or in roads.

Some roads may be closed during specific times of the year for the safety of visitors. Violation of road closures can be cause for termination of access privileges.

The road system is essential to management and protection of resources as well as providing recreation access. Keeping roads in good repair serves all interests. We ask visitors to restrict road use at times when excessive rutting will result.

Violating common sense rules of the road, speeding and reckless driving, when observed, are cause for termination of access privileges. Speed limit for all vehicles is 20 mph unless otherwise posted.

Public Hunting

- The PAA manages a variety of lands, some open to public hunting. Please contact the PAA office at 804-758-2311 for more specific information concerning hunting PAA lands
- Virginia Conservation Officers enforce all game laws of the Commonwealth and routinely visit PAA lands.

Campfires

- No open fires are permitted on PAA lands.
- Under special exceptions, camp fires are permitted within camping areas and other recreation sites. Fires should be constructed with a fire rings or pit, stove, or grill.
- Be sure your fire is completely extinguished before leaving. Do not leave fires unattended. **YOU ARE RESPONSIBLE FOR KEEPING FIRES UNDER CONTROL.**

Property

- Do not carve, chop, cut, or damage any live trees.
- Preserve and protect your PAA lands by leaving natural areas the way you find them.
- Enter buildings, structures, or enclosed areas on PAA lands only when they are expressly opened to the public.
- Native American, old cabins, and other structures-- along with all objects and artifacts associated with them--have historic or archeological value. Do not damage or remove any such historic or archeological resource.

Sanitation

- Throw all garbage and litter in containers provided for this purpose, or carry it out with you.
- Use sanitary disposal techniques properly. Do not throw garbage, litter, fish cleanings, or other foreign substances on the ground. Carry out or burry sanitary items.

Pets and Animals

- Saddle or pack animals are allowed on PAA lands. Please check with the PAA land manger for further instructions.
- All non-pelletized hay or straw must be tagged or marked certified as weed- or seed-free on each bail or container, or have original and current evidence of weed free certification. Marking must meet specific state and/or county standards for certification as weed free.

Fireworks and Firearms

- Fireworks and explosives are prohibited on PAA lands.
- Firing a gun is not allowed in any circumstance whereby any person may be injured or property damaged.

Fee Areas

- You must pay a fee to hunt lands open for public hunting. Such areas are clearly signed or posted. Please contact the PAA land manager for more information concerning public hunting at 804-758-2311
- Where fees are required, you must pay them before using the site, facility, equipment, or service furnished.

Public Behavior

- No fighting or boisterous behavior.
- Keep noise at a reasonable level. Please be considerate of fellow visitors.

Business Activities

- If permissible, permits are required for any commercial activity.

Scientific Research

- From time to time, scientific research may happen on PAA lands. Please respect any scientific equipment and signage denoting user warnings.

Audio Devices

- Operate any audio device, such as a radio or musical instrument, so that it does not disturb other visitors.

Management Plans and PAA Policy

- The PAA develops a variety of management plans for use and conservation purposes. Management plans are available for viewing at www.virginiacoastalaces.net. The PAA Board of Directors may and any time amend plans or develop new policy. It is the responsibility of PAA users to make an honest attempt to understand the rule and management practices of the PAA