MEMORANDUM

TO: MPCBPAA

FROM: Jacqueline Shapo, NOAA CSC Coastal Management Fellow

DATE: August 14, 2007

RE: August 17th PAA Meeting

This announcement serves as notice to call a meeting of the Public Access Authority on Friday, August 17, 2007 at 11:00 a.m. The meeting will be held in the MPPDC Regional Board Room. Lunch will be provided.

The agenda and related materials follow. If you have any questions, please call (804-758-2311) or e-mail (jshapo@mppdc.com) me at your convenience.

AGENDA

1. Welcome and Introductions
2. Approval of Minutes (April and June 2007)
3. Financial Report (June and August 2007)
4. Public Comment
5. CELCP Update
   a. Dragon Bridge, Jackson, Haworth
   b. Clay
6. Working Waterfront Preservation Act of 2007 and Reauthorization of the Coastal Zone Management Act – Copies of attached bills for reference only
8. Other Business
9. Chairman Observations
10. Next Meeting
11. Adjourn
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 11:00am on April 13, 2007.

Chairman Whiteway called the meeting to order. Members and Alternates present were Frank Pleva, King William County Administrator; Terri Hale, King William County Assistant Administrator; Ron Hachey, King & Queen County Administrator; Gary Allen, Essex County Administrator; Louise Theberge, Gloucester County Board of Supervisors; and Jimmy Sydnor, Tappahannock Assistant Town Manager. Also present were Lewis Lawrence, Director of Regional Planning MPPDC; Jacqueline Shapo, NOAA Coastal Management Fellow; Sara Stamp, SAMP Director MPPDC; and Rose Lewis, Secretary - MPPDC.

2. Approval of February Minutes

Chairman Whiteway requested a motion to approve the February 9, 2007 Minutes. Mr. Allen moved that the Minutes be approved. Ms. Theberge seconded the motion. Motion carried by unanimous vote.

3. Treasurer’s Report

Chairman Whiteway requested that Ms. Shapo review the March 2007 Revenue and Expenditure Report. Ms. Shapo mentioned that the report will now show a budget for FY 07 PAA Administration (320012). Chairman Whiteway requested a motion to approve the March 2007 Revenue and Expenditure Report. Ms. Theberge moved that the Report be approved; Mr. Pleva seconded the motion. Motion carried by unanimous vote.

4. Public Comment

There was no public comment.

5. Election of New PAA Officers

Chairman Whiteway noted that Ms. Shapo had researched the MPCBPAA by-laws and found that MPCBPAA officers must be elected at the first meeting of each year. Chairman Whiteway requested nominations for Chairman and Vice Chairman. Mr. Allen nominated Mr. Pleva as Chairman and Mr. Hachey as Vice Chairman. No other nominations were
made. Chairman Whiteway moved that all in favor of Mr. Pleva as Chairman and Mr. Hachey as Vice Chairman voice their agreement by “aye”. All were in favor.

Mr. Pleva took his place as Chairman. Chairman Pleva requested nominations for Treasurer. Mr. Hachey nominated Mr. Allen to continue as Treasurer. No other nominations were made. Chairman Pleva moved that all in favor of Mr. Allen as Treasurer voice their agreement by “aye.” All were in favor.


Ms. Shapo discussed the 2007-2008 VACO insurance renewal quote of $1412.00. This amount has been budgeted in the Public Officials Insurance expense section of the FY07 PAA Administration (320012). Mr. Lawrence noted that estimated amounts for the Browne Tract signage and the footbridge were not included in the $1412 insurance quote. Chairman Pleva requested a motion to approve the 2007-2008 VACO insurance renewal quote. Mr. Allen moved that the renewal quote be approved; Mr. Whiteway seconded the motion. Motion carried.

7. **DCBLA Sign Project**

Ms. Shapo reported on developments associated with the Department of Conservation and Recreation – Chesapeake Bay Local Assistance Division’s Dragon Run Buffer Signage Project. As of February 13, 2007, the contract with DCR-CBLA to provide educational signage on the Browne Tract was terminated. The administrative and procurement time line made the project no longer feasible.

8. **Browne Tract Improvements**

Ms. Shapo reported that suggested improvements to the Browne Tract, including installation of a canoe/kayak stand and construction of wood duck nest boxes (habitat improvement project) by local Boy Scouts or inmates of the Middle Peninsula Regional Security Center, are still pending. Ms. Shapo is currently researching material costs to build the canoe stand.

9. **Browne Tract Ribbon Cutting Ceremony (Friday, May 4, 2007 – 1:00pm)**

   a) **Dragon Run Conservation Roundtable:**

   Ms. Shapo reported that the Browne Tract Ribbon Cutting Ceremony will be held on Friday, May 4, 2007 at 1:00pm. The rain date is May 18, 2007 at 1:00pm. Potential funding through DCR that would have permitted the ribbon cutting ceremony to be hosted jointly with the Dragon Run Conservation Roundtable is no longer available. Ms. Stamp mentioned that monies to permit the roundtable may be available later in the Fall 2007.

   b) **Potential Speakers:**

   Ms. Shapo reported that current speakers scheduled for the ribbon cutting ceremony include Delegate Harvey Morgan, Laura McKay (VA Coastal Zone Management Program), and Mr. Lawrence. Discussion was held regarding current scheduled speakers and other potential speakers at the event. Mr. Hachey
suggested that Delegate Christopher Peace be invited and maybe say a few words about land conservation in Essex and King & Queen Counties. Delegate Peace is the representative for the 97th District, where some of the Browne Tract is located. Ms. Shapo will extend an invitation to Delegate Peace.

c) **Talking Points:**

It was agreed upon after discussion that the potential speakers limit their talking points to five minutes each. Scheduled speakers will be provided with potential talking points and will be permitted to edit their remarks.

d) **Invitee List:**

Ms. Shapo noted that the invitee list currently consists of 70 individuals, including Timothy Schotsch (BFI, Allied Waste Services), David Harmon and Sergeant Radabaugh (Middle Peninsula Regional Security Center), Essex and King & Queen County Board of Supervisors members, collaborators at the Department of Forestry, Department of Game and Inland Fisheries, the VA CZM Program, Friends of Dragon Run, the Dragon Run Steering Committee, Mary Helen Morgan (President, Middle Peninsula Land Trust), the Chesapeake Bay Program, Department of Conservation and Recreation, NOAA, Estie Thomas (Virginia Outdoors Foundation), Bill Pruitt, and members of the local press. A sheet cake to feed that many people will cost about $46; including drinks would bring the total to approximately $100. The VA CZM Program may offer a match amount of $100. The PAA agreed not to ask the CZM Program for the match. The menu can be increased to include additional food and drink if necessary; however, a simple menu of cake and punch was agreed upon as the preferred option.

Ms. Shapo asked the PAA whether Senators John Warner and Jim Webb and Congresswoman Jo Ann Davis should be invited to the ribbon cutting ceremony due to their efforts to push land conservation funding through the VA CZM Program and protect the Chesapeake Bay Watershed. It was agreed upon that the Senators and Congresswoman Davis be invited and offered the opportunity to speak. Additional invitees suggested by the PAA members included Preston Bryant (Secretary of Natural Resources), Katy Lloyd (Public Information Officer – King William County), and Lawrence Latney (Richmond Times-Dispatch).

Ms. Shapo distributed a draft invitation to the PAA members for comment. Discussion was held regarding parking, carpooling, shuttling visitors, before- and after-photos of the Browne Tract footbridge, having brochures related to the PAA projects readily available at the event, and sending invitations both by mail and email.

**10. TNC Land Donation Opportunities**

Ms. Shapo reported on the candidate parcels that TNC is looking to gift fee simple to the PAA.
a) New Point Comfort and Trimmer Tracts:

The New Point Comfort Tract is composed of 110.95 acres and five parcels (St. Christopher’s School, Ralph Vincent Inc., Kane Tract, Combs 1 & 2, and Hartley Tract), all of which are located in Mathews County. The New Point Comfort parcels are valuable for hunting, birding, and boating. The Nature Conservancy must develop a habitat management plan for the five parcels before potential transfer to the MPCBPAA. There is a high potential for use conflict on most of the parcels. Threats from *Phragmites* and sea-level rise/subsidence are also present. Mr. Whiteway mentioned that St. Christopher’s School, the largest parcel at 94.95 acres and currently open to public access, has an observation deck and parking lot associated with it. There is great hiking potential on this piece as well.

The Trimmer Tract is 35.28 acres and is located 0.7 miles northwest of the New Point Comfort parcels in Mathews County. It also is a viable hunting ground for waterfowl. Federal Threatened State Threatened species on the Trimmer Tract include the bald eagle, loggerhead sea turtle, piping plover, and the northeastern beach tiger beetle. Additional threats present include *Phragmites* and sea-level rise/subsidence.

Mr. Pleva requested that Ms. Shapo inquire whether the New Point Comfort Parcels and the Trimmer Tract must be acquired from TNC together or if they can be acquired separately.

b) Mattaponi River Megasites:

These two properties constitute a total of 16.5 acres but may be acquired individually. The Garrett Tract (12.5 acres) is located in King William County and the Taylor’s Marsh Tract (4 acres) is located in King & Queen County. The Garrett Tract has a General Warranty Deed and is a viable hunting ground for waterfowl. This tract is downstream from Aylett Landing and upstream from Melrose Landing and Waterfence Landing, all of which are public access sites.

The Taylor’s Marsh Tract has a Special Warranty Deed and is an Important Bird Area. This area has high potential for use conflict. It is located directly across from Walkerton Landing and is downstream from Aylett Landing, both public access sites.

c) Guinea Marshes:

The Guinea Marshes Tract comprises 188.5 acres and has a General Warranty Deed. This area contains viable hunting ground for waterfowl and is an Important Bird Area. Gloucester Point Beach and Gloucester Point Landing are the two closest public access points to this parcel. Ecotourism potential is very high, and there are significant cultural advantages to the PAA owning these islands.
Discussion was held regarding title work, attorney’s responsibilities, and public meetings to obtain any or all of these parcels. Acquisition of The Nature Conservancy’s land donation opportunities were prioritized as follows:

1. Trimmer Tract (Mathews County)
2. Guinea Marshes (Gloucester County)
3. Garrett Tract (King William County)
4. Taylor’s Marsh Tract (King and Queen County)
5. New Point Comfort Parcels (Mathews County)

Mr. Whiteway questioned whether Andy Lacatell (TNC) might be willing to come and speak to the PAA Board at the next meeting about the individual parcels. Mr. Lawrence requested, on behalf of Mr. Lacatell, that this matter be discussed with him after mid-May 2007, when Mr. Lacatell’s workload priorities at TNC have decreased. Chairman Pleva requested a motion to accept the proposed prioritized list of TNC land donation opportunities. Mr. Hachey moved that the prioritized list be accepted; Mr. Whiteway seconded the motion. Motion carried by unanimous vote.

11. CELCP Update

a) Current Acquisitions and Match Property:

The Special Award Conditions through NOAA have been satisfied for the three current CELCP acquisitions; i.e., Haworth, Dragon Bridge, and Jackson. Ms. Shapo submitted a Cash Advance Request to the VA CZM Program to permit payment of all remaining FY05, Task 1.01 CELCP funds ($414,097.44) to the PAA. These monies would permit closure on the three properties; however, release of the remaining funds by the CZM Program is still pending.

Elisabeth Morgan at NOAA requested that Ms. Shapo submit an amended Scope of Work to NOAA to create a nexus (ecologically and physically) between the match property, Batten, and the 3 CELCP acquisitions. After conversations with Estie Thomas (Easement Specialist and local CELCP contact with the Virginia Outdoors Foundation), Ms. Shapo also amended the Scope of Work to include VOF as a PAA CELCP partner. VOF currently co-holds the conservation easement, with the PAA, on the Batten match property due to its location in Middlesex County. The amended Scope of Work was submitted to the CZM Program and to NOAA on April 5, 2007 and is currently pending at NOAA. The three current CELCP acquisitions must be closed on by June 30, 2007.

b) New CELCP Acquisitions:

After discussions with TNC, three new potential properties are under consideration for acquisition with the remaining FY 05 CELCP funds ($568,810). These include the Robert Norman Property (30 acres, King and Queen County, adjacent to the current Haworth CELCP acquisition), the two Rhoads and Parmenter Tracts (212 acres total, Gloucester County), and the Irish Roads Tract
(270 acres, King and Queen County). The application for any or all of these three tracts must be started by July 1st and submitted to NOAA by mid-September at the latest, so that the properties may be closed on by the FY 05 CELCP deadline of December 31, 2007.

Discussion was also held related to acquisition of the Hundley Tract (2 parcels, 18 acres, Essex County) valued at $3,600.00. It was the decision of the Board that the Hundley Tract ($3,600.00), Robert Norman Property ($30,000.00), Rhoads and Parmenter Tracts ($260,000), and 123 acres of the Irish Roads Tract ($246,769.50) be acquired using the remaining FY 05 CELCP funds; i.e., $540,369.50 ($568,810.00 - 5% administration costs).

12. Other Business

a) Possible Land Donation - Gloucester:

Mr. Lawrence reported that there is a potential land donation opportunity from a developer in the Woods Cross Roads development area (Gloucester County). If accepted, this land would be gifted fee simple to the PAA, but concerns were raised due to its being swamp land with little public access potential.

b) Working Waterways & Waterfronts 2007 Symposium:

Mr. Lawrence reported that the Working Waterways & Waterfronts 2007 Symposium will be held at the Sheraton Norfolk Waterside from May 9-11. Mr. Lawrence will be presenting at the symposium on May 10th and encouraged all to attend if possible. The full conference fee is $325.00. Attendance for one day of the symposium costs $115.00.

c) General Assembly Budget:

The General Assembly awarded $75,000 to the PAA, which will be conveyed to the PAA via the Department of Conservation and Recreation. A conveyance strategy will need to be developed by the PAA to determine how the $75,000 will be spent. Discussion was held related to potential use of these funds to cover the legal work behind the TNC land donation opportunities. Mr. Lawrence, Ms. Theberge, and Mr. Hachey also mentioned the opportunity to use the funds to purchase the second phase of road endings in Tappahannock, Gloucester County, and/or King and Queen County. Mr. Lawrence also suggested that his time could be pulled off of the Coastal TA grant and budgeted to this new grant. Chairman Pleva suggested that the legislation supporting the award, as well as the strategy for expenditure of these monies, be revisited at the next PAA meeting.

13. Chairman Observations

Chairman Pleva thanked former Chairman Whiteway and current Treasurer Gary Allen for their services in 2006-2007. Chairman Pleva also congratulated Mr. Hachey on his election to Vice Chairman of the MPCBPAA.
14. Next Meeting

The next meeting of the Middle Peninsula Chesapeake Bay Public Access Authority will be held Friday, June 8, 2007 at 11:00am.

15. Adjourn

Chairman Pleva requested a motion that the meeting be adjourned. Ms. Theberge moved that the motion be approved; Mr. Hachey seconded the motion. Meeting was adjourned.

__________________________
Frank Pleva
Revenue and Expenditure Report by Element

Middle Peninsula Planning District Commission

Run Date: 06/04/2007
Run Time: 9:24:08 am
Page -1 of 1

Period 07/01/04 to 05/31/07

Project Period 7/1/2004 to 6/30/2010

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## Revenue and Expenditure Report by Element

**Middle Peninsula Planning District Commission**

**Run Date:** 06/04/2007  
**Run Time:** 9:24:08 am  
**Period:** 07/01/04 to 05/31/07

### Project Period
7/1/2004 to 6/30/2010

### Project Revenues: 59,161.00  
**2007 PAA Administration:**

### Project Expense: 59,161.00  
22,549.79  
61.88%

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**Balance:** 0.00  
22,549.79  
61.88%

### 320012 FY07 PAA Administration

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### Expenses

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**Balance:** 0.00  
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## Project Revenues: 59,161.00  
**2007 PAA Administration:**

## Project Expense: 59,161.00  
22,549.79  
61.88%

## Project Balance: 0.00  
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61.88%
## Revenue and Expenditure Report by Element

**Middle Peninsula Planning District Commission**

**Run Date:** 06/04/2007  
**Run Time:** 9:24:08 am  
**Period:** 07/01/04 to 05/31/07

### Project Period

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### Expenses

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## Revenue and Expenditure Report by Element

Middle Peninsula Planning District Commission

### Period 07/01/04 to 05/31/07

**Run Date:** 06/04/2007  
**Run Time:** 9:24:08 am  
**Page:** 1 of 1

### Project Period 10/1/2006 to 3/31/2007

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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 11:00am on June 8, 2007.

Chairman Pleva called the meeting to order. Members and Alternates present were Terri Hale, King William County Assistant Administrator; Ron Hachey, King & Queen County Administrator; and Louise Theberge, Gloucester County Board of Supervisors. Also present were Lewis Lawrence, Director of Regional Planning MPPDC; Jacqueline Shapo, NOAA Coastal Management Fellow; and Sara Stamp, SAMP Director MPPDC.

2. Approval of April Minutes

Due to the number of members and participating jurisdictions absent from the meeting, the quorum for voting was not met. Therefore, the April 13, 2007 Minutes will be considered for approval at the August 10, 2007 meeting.

3. Treasurer’s Report

Due to the number of members and participating jurisdictions absent from the meeting, the quorum for voting was not met. Therefore, the May 2007 Financial Report will be considered for approval at the August 10, 2007 meeting.

4. Public Comment

There was no public comment.

5. Browne Tract

a) Improvements: Ms. Shapo reported that suggested improvements to the Browne Tract, including installation of a canoe/kayak stand and construction of wood stairs was completed successfully by Sergeant Radabaugh and work crews from the Middle Peninsula Regional Security Center on April 30. The stand and stairs were unveiled at the Browne Tract Ribbon Cutting Ceremony. Additionally, even though wood duck nesting season has passed, construction of duck nest boxes (habitat improvement project) by inmates of the Middle Peninsula Regional Security Center is still pending.
b) **Ribbon Cutting Ceremony:** Ms. Shapo reported that the Browne Tract Ribbon Cutting Ceremony on May 4, 2007 was a success and well received by those who attended. Two attendees even issued the PAA thank you notes. Ms. Shapo will be inquiring after Chris Rose (The Rappahannock Times) to find out if an article and/or pictures from the event were published in the newspaper. Ms. Shapo also displayed three photographs from the event of the actual ribbon cutting. Ms. Theberge requested that Ms. Shapo forward some additional photographs from the event to the entire PAA. Ms. Hale requested that it be put on record that she was on annual leave the day of the ribbon cutting and therefore could not attend.

6. **Shenk Tract**

   a) **Property Name:** The Board discussed whether the name of the Shenk Acquisition should be changed or retained in order to commemorate the generous donation by the Shenk family of the 14-acre property. It was the decision of the members present that the property would still be referred to as “Shenk”.

   b) **Maintenance / Clean-up:** Mr. Lawrence discussed a phone conversation he had with Scott Rae (Codes Compliance – Gloucester County) about a community-based clean up of the Shenk Acquisition. Mr. Rae offered to remove debris from the property as part of an annual event, and Mr. Lawrence agreed to contact Mr. Rae to inquire how the volunteers made out, what items they collected, etc. Mr. Hachey questioned whether a habitat management plan was to be drafted for the Shenk property, and Mr. Lawrence informed the PAA that a plan will be drafted in the future.

7. **CELCP Update:** Ms. Shapo reported that the Cash Advance Request for the residual funds ($414,097 – NOAA Grant # NA05NOS4191239, Task 1.01) to purchase the Dragon Bridge, Jackson, and Haworth Tracts was submitted to the Virginia Coastal Zone Management Program on March 31, 2007. The request is still pending. Ms. Shapo also presented the PAA with a letter from Bob Lee, the Executive Director of the Virginia Outdoors Foundation. The letter formally acknowledges VOF as a partner with the PAA, The Nature Conservancy, and the Virginia CZM Program for all CELCP acquisitions, with emphasis on the FY ‘05 acquisitions under NOAA Grant # NA05NOS4191239, Tasks 1.01 and 1.02.

   Additionally, Ms. Shapo noted some discussions between Mr. Lawrence, Andy Lacatell (TNC), and herself related to use of the remaining FY ‘05 CELCP funds ($568,810 – NOAA Grant # NA05NOS4191239, Task 1.02). These funds may be used to purchase the Clay Tract, a 209-acre property directly abutting the southern edge of the Dragon Bridge Tract. Acquisition of the Clay Tract, which has roadside frontage along SC 610, would double the water frontage of the Dragon Bridge Tract.

8. **Working Waterways and Waterfronts 2007 Symposium**

   a) **Review of Conference Material:**

      i. Mr. Lawrence reviewed a presentation from the Working Waterways and Waterfronts Symposium related to work by the Florida Intracoastal
Waterway Authority. The Authority was created to solve dredging problems in Florida and had voted recently to assess an annual ad-valorem tax on all waterfront property owners within ¼ mile of the water. These tax dollars would be used to build boat ramps and permit dredging to create strategically-placed dredge spoil, which could be turned into public marinas. Mr. Lawrence reported that the CZM Program was impressed with the idea of adopting a similar model in Virginia, and Shep Moon (CZM Program) had been speaking with Tony Watkins (VMRC) about the legality of the dredging activity. Mr. Lawrence inquired whether the PAA would consider exploring the use of dredge spoil to create an island and connection to one of the new road endings, such as Lower Guinea Landing in Gloucester. This would permit the construction of a commercial access fishing facility adjacent to the road ending.

ii. Mr. Lawrence discussed recommendations presented in the Executive Summary of the Waterfront Access Study Committee report. The report was drafted to provide guidance on potential solutions, including incentive based techniques and management tools, to preserve and/or enhance waterfront diversity within and public access to the North Carolina coastal zone. Mr. Lawrence mentioned that publishing of these recommendations suggests that state-level agencies and organizations in NC are beginning to confront similar issues related to loss of public access and working waterfronts as the PAA and local governments in the Middle Peninsula. Additionally, Mr. Lawrence requested that any PAA member looking to obtain a complete copy of the report contact him directly.

iii. Mr. Lawrence mentioned that full copies of the report, “Access to the Waterfront: Issues and Solutions Across the Nation” are also available upon request.

iv. Mr. Lawrence reported on a presentation that discussed work by Senator Susan Collins (R-ME), who in 2005 introduced an amendment to the Magnuson-Stevens Fishery Conservation and Management Act to create a program to ensure waterfront access to commercial fishermen, “The Working Waterfront Preservation Act” (S 741). The bill established a grant program that funds the acquisition or repairs of waterfront properties for the fishing industry. Grants are awarded to fishing cooperatives, non-profits, local government agencies, and state government agencies engaged in the fishing industry. The grant program gives organizations like the PAA the opportunity to purchase waterfront property development rights and lease them back to private vendors or compete effectively to purchase waterfront property rights outright (due to the reduction in waterfront property taxes) against developers. Mr. Lawrence mentioned that Congresswoman Jo Ann Davis introduced a similar bill in VA this session, authorizing the expenditure of $50 million to fund a competitive grant program to preserve working waterfronts.
b) **Boat US Award to MPPDC/MPCBPAA**: Mr. Lawrence presented the PAA with the Boat US Access Award, conferred to the Middle Peninsula Planning District Commission at the Working Waterways and Waterfronts luncheon on May 10, 2007. Chairman Pleva and Chairman Mo Lynch attended the ceremony on behalf of the PAA and MPPDC, respectively. The award, which honored both the MPPDC for its creation of the PAA and the numerous accomplishments of the PAA, was only one of two handed out nationally. Mr. Hachey inquired whether a press release had been written recognizing the PAA’s receipt of the award and the fact that no local monies were used to fund any of the projects. Mr. Lawrence noted that VIMS was drafting a press release encompassing all of the recipients of the Boat US Awards and that the release would be forwarded to the PAA upon completion. Mr. Lawrence also reported that he received the highest rating of all of the presenters at the symposium.

9. **Draft PAA 2007-2008 Work Program**: Mr. Lawrence presented the draft of the “Middle Peninsula Chesapeake Bay Public Access Authority Overall Program Design – FY ’08” for discussion. The work plan is designed around six program areas, and Mr. Lawrence inquired whether the PAA wanted to retain all six programs or remove, add, or alter the details of each program to permit allocation of the approximately $80,000 available to the PAA for FY ’08. Mr. Lawrence outlined a description of each program and the activities involved. He requested that the PAA determine who (PAA staff, consultant, or both) is responsible for each program’s activities and prioritize the allocation of the $80,000 in financial support to account for staff time and the many projects of the PAA. Although the Work Program could not be put to a vote, due to the number of members and participating jurisdictions absent from the meeting, the following was the consensus of the PAA:

a) **Program 1: General PAA Administration**

   i. Responsibility: PAA Staff  
   
   ii. Support: portion of the $17,000 remaining in general fund

b) **Program 2: Local Daily Technical Assistance**

   i. Responsibility: PAA Staff  
   
   ii. Support: portion of the $17,000 remaining in general fund – Mr. Hachey suggested combining Programs 1 and 2.

c) **Program 3: Land Acquisition - $21,000**

   i. Responsibility: PAA Staff  
   
   ii. Support:  

   a. NGO Private Land Donations: $15,000  
   
   b. Private Development and Private Landowner Donations: $5,000
c. Dragon Run CELCP Public Acquisitions: $0

d. VDOT Road Ending Transfers: $1,000

d) Program 4: Access Infrastructure Improvements - $12,000

   i. Responsibility: PAA Staff and/or Consultant

   ii. Support:

      a. Browne Ongoing Management: $0

      b. Shenk Management Plan and Signage: $7,000 – Lewie will report back to the PAA at the next meeting whether staff time can be allocated to draft the management plan in-house or if it must be outsourced.

      c. CELCP Acquisition and Management Plan: $0 – FY ‘05 CELCP monies and 500 hours of Ms. Shapo’s time to draft the management plan (potentially Dragon Bridge / Jackson Tracts) are secured already.

      d. VDOT Road Endings: portion of the $17,000 remaining in general fund – The PAA will need to prioritize the transfer of the access sites. Mr. Lawrence suggested transferring Lower Guinea Landing (Gloucester County) first as there is little opposition by neighbors, the property is not owned by the county, and no community dollars will be needed for the transfer.

      e. Severn River / Guinea Marshes: $5,000

         i. Access Recreational Study: Mr. Lawrence suggested designing an alternative recreational access study to determine if Lower Guinea Landing could be used to link the Shenk Acquisition to the potential TNC land donation opportunity, Guinea Marshes.

         ii. Master Plan: As a portion of the Master Plan, Ms. Theberge questioned whether the property owner adjacent to Lower Guinea Landing might be asked to donate his vacant property to the PAA to permit construction of a gravel parking lot.

e) Program 5: Water Access Strategic Planning - $30,000

   i. Responsibility: Consultant
ii. Support: $30,000 for the Regional Waterfront Access Master Plan – Discussion was held related to determining the components of the plan, the intended audience, priorities for acquisition, and essential criteria used to decide if a potential open space acquisition can be linked to current acquisitions to protect the conservation corridor. The Master Plan will be designed similar to a Comprehensive Plan.

f) Program 6: Special Access Projects

i. Responsibility: PAA Staff and/or Consultant

ii. Support: portion of the $17,000 remaining in general fund

a. Dredging and Public Access: Ms. Theberge was concerned about the public response to such a project and suggested that it be combined with Preservation of Working Waterfronts Initiatives

b. Preservation of Working Waterfronts Initiative

c. Wetlands Mitigation Banking: Mr. Lawrence proposed that the 50 hours of his staff time, paid for using a portion of the available $80,000, be applied to this project. Mr. Lawrence suggested possibly converting the Shenk property into a wetland bank parcel and/or potentially converting the Gloucester County FEMA filled wetlands into viable open space. These actions could create credits for the wetland bank. Mr. Lawrence noted that he will prepare a comprehensive report outlining the design of the wetlands banking implementation process by September 2007. Ms. Theberge and Mr. Hachey proposed moving the components of Program 6 (Special Access Projects) to Program 5 and dissolving Program 6.

10. Other Business

a) CZM Program Magazine (Spring/Summer 2007 Issue): Ms. Shapo reported that the Spring / Summer 2007 issue of the Virginia Coastal Zone Management Program Magazine has now been published and inquired whether the PAA members would be interested in obtaining a digital and/or hard copy.

b) Dragon Run Access Informational Kiosks: Ms. Stamp reported that she secured and will soon close on a contract from the Department of Conservation and Recreation, which will permit construction and installation of six informational kiosks at public access sites throughout the Middle Peninsula. Ms. Stamp is designing the panels of the kiosk and the materials, which will be attached to it. She
foresees installing one of the kiosks at the Browne Tract and potentially on the new CELCP acquisition tracts, Dragon Bridge, Jackson, and Haworth.

c) **Improvements to the Browne Tract Gravel parking lot**: Mr. Hachey noted that he would like the PAA to add gravel between the front gate and the new parking lot at the lower entrance to the Browne Tract to complete the gravel entry way. Mr. Hachey inquired whether the red, swinging gate could be moved back into the tract by ~500 feet; i.e., to the current location of the removable wooden posts. Mr. Lawrence mentioned that purchase of the additional gravel would require ~$1,500. Mr. Lawrence will speak with Sergeant Radabaugh at the Middle Peninsula Regional Security Center about obtaining a work crew to lay the gravel.

11. Chairman Observations

None

12. Next Meeting

The next meeting of the Middle Peninsula Chesapeake Bay Public Access Authority will be held Friday, August 10, 2007 at 11:00am.

13. Adjourn

Due to the number of members and participating jurisdictions absent from the meeting, the quorum for voting was not met to adjourn the meeting. Therefore, Chairman Pleva requested that the meeting be adjourned.

____________________
Frank Pleva
### Revenue and Expenditure Report by Element

**Middle Peninsula Planning District Commission**

**Period** 07/01/07 to 07/31/07

**Run Date:** 08/14/2007  
**Run Time:** 9:12:56 am  
**Page:** 1 of 1

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# Revenue and Expenditure Report by Element

## Middle Peninsula Planning District Commission

**Run Date:** 08/14/2007  
**Run Time:** 9:12:56 am  
**Period:** 07/01/07 to 07/31/07

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**Expenses:** 20,000.00  
**Balance:** 0.00  

Project Revenues: 59,161.00  
Project Expenses: 59,161.00  
Balance: 0.00  

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**Note:** The data includes budget, prior year, current, YTD, project total, un/over, and percentage of budget columns for each element code and description.
### Revenue and Expenditure Report by Element

**Middle Peninsula Planning District Commission**  
**Period 07/01/07 to 07/31/07**

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## Revenue and Expenditure Report by Element

**Middle Peninsula Planning District Commission**

Run Date: 08/14/2007  
Run Time: 9:12:56 am  
Page -1 of 1

**Period** 07/01/07 to 07/31/07

### 32005 PAA CELCP Acquisitions  
**Project Period** 7/1/2005 to 9/30/2007

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<td>127.98</td>
<td>6,569.56</td>
<td>414,097.44</td>
<td>1.56%</td>
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| **Expenses** | | | | | | | |
| 50000 SALARIES | 1,022.00 | 1,071.38 | 0.00 | 0.00 | 1,071.38 | -49.38 | 104.83% |
| 50500 FRINGE BENEFITS | 367.00 | 383.19 | 0.00 | 0.00 | 383.19 | -16.19 | 104.41% |
| 56300 Legal Services | 14,307.35 | 19.00 | 0.00 | 0.00 | 19.00 | 14,288.35 | 0.13% |
| 56301 Appraisals | 4,200.00 | 4,200.00 | 0.00 | 0.00 | 4,200.00 | 0.00 | 100.00% |
| 56400 Consulting/Contractual S | 399,760.00 | 0.00 | 0.00 | 0.00 | 0.00 | 399,760.00 | 0.00% |
| 56600 Construction | 300.00 | 0.00 | 0.00 | 0.00 | 0.00 | 300.00 | 0.00% |
| 57100 Postage | 9.65 | 41.18 | 0.00 | 0.00 | 41.18 | -31.53 | 426.74% |
| 57500 Miscellaneous Other | 0.00 | 1.20 | 0.00 | 0.00 | 1.20 | -1.20 | 0.00% |
| 59700 INDIRECT COSTS | 701.00 | 725.63 | 0.00 | 0.00 | 725.63 | -24.63 | 103.51% |

| **Balance:** | 0.00 | 0.00 | 127.98 | 127.98 | 127.98 |

### 320051 CELCP II

| **Revenues** | | | | | | | |
| 41300 VDEQ | 568,810.00 | 0.00 | 0.00 | 0.00 | 0.00 | 568,810.00 | 0.00% |

| **Expenses** | | | | | | | |
| 50000 SALARIES | 0.00 | 0.00 | 224.59 | 224.59 | 224.59 | -224.59 | 0.00% |
| 50500 FRINGE BENEFITS | 0.00 | 0.00 | 75.66 | 75.66 | 75.66 | -75.66 | 0.00% |
| 56400 Consulting/Contractual S | 540,369.00 | 0.00 | 0.00 | 0.00 | 0.00 | 540,369.00 | 0.00% |
| 59700 INDIRECT COSTS | 701.00 | 725.63 | 0.00 | 0.00 | 725.63 | -103.17 | 0.00% |

| **Balance:** | 28,441.00 | 0.00 | -403.42 | -403.42 | -403.42 |

**Project Revenues:** 989,477.00  
6,441.58  
127.98  
127.98  
6,569.56  
982,907.44  
0.66%

**Project Expense:** 961,036.00  
6,441.58  
403.42  
403.42  
6,845.00  
954,191.00  
0.71%

**Project Balance:** 28,441.00  
0.00  
-275.44  
-275.44  
-275.44
Revenue and Expenditure Report by Element

Middle Peninsula Planning District Commission

Run Date: 08/14/2007
Run Time: 10:07:21 am
Page -1 of 1

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

Project Period 7/1/2007 to 6/30/2008

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To amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2007

Mrs. Jo Ann Davis of Virginia introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Working Waterfront
5 Preservation Act of 2007”.
SEC. 2. COMMERCIAL FISHING ACCESS PROTECTION PROGRAM.

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) is amended by adding at the end the following new title:

"TITLE V—GRANTS FOR COMMERCIAL FISHING ACCESS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) COASTAL STATE.—The term 'Coastal State' has the meaning given the term 'coastal state' in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

"(2) COASTAL WATERS.—The term 'coastal waters' has the meaning given that term in section 304 of the Coastal Zone Management Act of 1971 (16 U.S.C. 1453).

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) the government of a Coastal State;

"(B) a unit of local government within a Coastal State; or

"(C) a nonprofit organization or a fishing cooperative that the Secretary determines is appropriate to receive a grant under section 502.
“(4) ELIGIBLE PROJECT.—The term ‘eligible project’ means—

“(A) a project to acquire real property or an interest in real property located in a Coastal State for the purpose of providing access to persons engaged in the commercial fishing industry or the aquaculture industry to coastal waters in working waterfront areas; or

“(B) a project to make improvements to real property located in a Coastal State and owned by an eligible entity, including the construction or repair of wharves or related facilities, to provide access to persons engaged in the commercial fishing industry or the aquaculture industry to coastal waters in working waterfront areas.

“(5) FISHING COOPERATIVE.—The term ‘fishing cooperative’ means a fishing or fish marketing association organized in a coastal state for the purpose of promoting, fostering, and encouraging fishing or marketing of fish and fishery products through cooperation of the members of such association and for the benefit of such members as producers of such products.
“(6) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means an organization that is—

“(A) described in section 501(c) of the Internal Revenue Code of 1986; and

“(B) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

“(7) STATE FISHERIES OFFICIAL.—The term ‘State fisheries official’ means the principal State official with marine fishery management responsibility and expertise in a coastal State, who is designated as such by the Governor of the State, so long as the official continues to hold such position, or the designee of such official.

“(8) WORKING WATERFRONT AREAS.—The term ‘working waterfront areas’ means land that is used for, or that supports, commercial fishing or the aquaculture industry.

“SEC. 502. GRANT PROGRAM.

“(a) IN GENERAL.—The Secretary is authorized to award a grant to an eligible entity for the purpose of carrying out an eligible project.

“(b) CONSIDERATIONS.—In awarding a grant for an eligible project under this section, the Secretary shall consider—
“(1) the need for the eligible project based on the assessment of need submitted under subsection (e)(2)(A);

“(2) the economic significance of the eligible project to the commercial fishing industry or the aquaculture industry in the immediate vicinity and in the Coastal State in which the eligible project is located;

“(3) the degree of community support for the eligible project;

“(4) the level of threat that the property proposed to be acquired or improved with such grant will be converted to uses incompatible with commercial fishing or the aquaculture industry;

“(5) the utility of the eligible project for commercial fishing or the aquaculture industry, with respect to the natural characteristics and developed infrastructure of the property proposed to be acquired;

“(6) whether a business plan or a harbor plan exists for the area in which the project will be located and whether the eligible project is consistent with such plan;

“(7) for an eligible project described in section 501(4)(A), the availability of alternative real property or an alternative interest in real property that
would ensure that persons engaged in the commercial fishing industry or the aquaculture industry have access to coastal waters in working waterfront areas; and

"(8) whether a land use plan exists for the area in which the project will be located and whether the project is consistent with such plan.

"(c) APPLICATION AND REVIEW.—

"(1) IN GENERAL.—An eligible entity that seeks a grant under this section shall submit to the appropriate State fisheries official, at such time and in such manner as the Secretary shall prescribe, an application for the grant.

"(2) ASSESSMENT OF NEED.—An application for a grant may be considered by the Secretary if the appropriate State fisheries official—

"(A) prepares an assessment of the need for the proposed eligible project, taking into account—

"(i) the needs of the commercial fishing industry or the aquaculture industry in the State;

"(ii) the needs of other industries and other parties in the area in which the project will be located;
"(iii) whether alternative sites exist for the proposed project; and

"(iv) the social and cultural value of the industries to the affected community and State; and

"(B) submits to the Secretary—

"(i) the application submitted under paragraph (1); and

"(ii) the assessment of need prepared under subparagraph (A).

"(d) COST SHARING.—

"(1) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project may not exceed 75 percent of the total cost of the eligible project.

"(2) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

"(3) FORM.—The share of the cost of carrying out an eligible project that is not funded by a grant
awarded under this section may be provided in cash
or in kind (including a donation of land).

"(e) USE OF GRANT FUNDS FOR ELIGIBLE
PROJECTS.—

"(1) PURCHASES.—

"(A) IN GENERAL.—Except as provided in
subparagraph (B), grants awarded under this
section may be used to purchase privately-
owned real property or interests in privately-
owned real property, including easements, only
from willing sellers at fair market value.

"(B) SALES AT LESS THAN FAIR MARKET
VALUE.—A grant awarded under this section
may be used to acquire privately-owned real
property or an interest in privately-owned real
property at less than fair market value only if
the owner certifies to the Secretary that the
sale is being entered into willingly and without
coercion.

"(C) NO EXERCISE OF EMINENT DO-
MAIN.—No Federal, State, or local agency may
exercise the power of eminent domain to secure
title to any real property or facilities in connec-
tion with a project carried out under this title.
“(2) TITLE.—Title to real property or an interest in real property acquired with a grant awarded under this section may be held, as determined appropriate by the Secretary in consultation with the appropriate Coastal State, by—

“(A) the Coastal State;

“(B) a unit of local government of the Coastal State;

“(C) a nonprofit organization; or

“(D) a fishing cooperative.

“(f) CONTINUED ACCESS TO COASTAL WATERS.—

“(1) REQUIREMENT FOR AGREEMENT.—The Secretary shall enter into an agreement with an eligible entity that receives a grant under this section. Such agreement shall require the eligible entity to provide the Secretary the assurances that the Secretary determines are appropriate to ensure that the eligible project is not converted to a use that is inconsistent with the purposes for which the grant was awarded.

“(2) REVERSIONARY INTEREST.—

“(A) IN GENERAL.—If the Governor of a Coastal State makes a determination described in subparagraph (B), all right, title, and interest in and to the property shall, except as pro-
vided in subparagraph (C), revert, at the option of the Governor, to the Coastal State, and the State shall have the right of immediate entry onto the property. Any determination of the Governor under this paragraph shall be made on the record after an opportunity for a hearing.

"(B) Determination.—The determination referred to in subparagraph (A) is a determination that—

"(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the easement; or

"(ii) the easement has been modified in a manner that is inconsistent with the purposes for which the grant was awarded.

"(C) Conveyance to another unit of local government or nonprofit organization.—If the Governor of a Coastal State makes a determination under subparagraph (B), the State may convey or authorize the unit of local government or nonprofit organization to convey the easement to another unit of local government or nonprofit organization.
“(g) APPROVAL OR DISAPPROVAL.—

“(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the date on which the Secretary receives an application under subsection (e)(2)(B), the Secretary shall—

“(A) review the application; and

“(B)(i) award a grant to the applicant; or

“(ii) disapprove the application and provide the applicant a statement that describes the reasons why the application was disapproved, including a deadline by which the applicant may resubmit the application.

“(h) ADMINISTRATIVE COSTS.—A Coastal State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use up to 10 percent of the amounts made available under this section to pay the administrative costs of the program incurred by the Coastal State.

“(i) TREATMENT OF PURCHASE PROCEEDS.—For purposes of the Internal Revenue Code of 1986, gross income shall not include 50 percent of the gain from the sale or exchange of private land or interests in private land in purchases described in subsection (e)(1).
1 "SEC. 503. ANNUAL REPORT.
2 "The Secretary shall submit to Congress an annual
3 report that describes the eligible projects carried out using
4 grants awarded under this title.”.
5
6 SEC. 3. AUTHORIZATION OF APPROPRIATION.
7 There are authorized to be appropriated to the Sec-
8 retary of Commerce $50,000,000 for each of the fiscal
9 years 2008, 2009, and 2010 to carry out the provisions
10 of title V of the Magnuson-Stevens Fishery Conservation
11 and Management Act, as added by section 2.
110TH CONGRESS 1ST SESSION

H. R. ______

To amend the Coastal Zone Management Act of 1972 to establish a grant program to ensure coastal access for commercial and recreational fishermen and other water-dependent coastal-related businesses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ALLEN introduced the following bill; which was referred to the Committee on ______________________

A BILL

To amend the Coastal Zone Management Act of 1972 to establish a grant program to ensure coastal access for commercial and recreational fishermen and other water-dependent coastal-related businesses, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Keep Our Waterfronts Working Act of 2007”.

4

5
SEC. 2. WORKING WATERFRONT PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

"SEC. 320. WORKING WATERFRONT GRANT PROGRAM.

(a) FINDINGS AND PURPOSE.—

(1) The Congress finds the following:

(A) Water-dependent commercial activities are the economic and cultural heart of many coastal communities. These activities include commercial fishing, recreational fishing, tourism, aquaculture, boat-building, transportation, and many other water-dependent businesses.

(B) Water-dependent commercial activities depend on coastal access in the form of docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling, repair, and construction facilities, commercial fishing facilities, and other support structures on, over, or adjacent to navigable bodies of water.

(C) The coastal zone across the United States is experiencing rising property values and taxes, and related development pressure, as more people move to the coastal zone, and as
coastal areas experience a demographic shift favoring older and wealthier citizens.

“(D) Privately owned access areas for water-dependent commercial activity in many States are under increasing threat from private residential development and other conversion.

“(E) Loss of access for water-dependent commercial activity would have economically and culturally devastating consequences for many coastal communities.

“(2) The purpose of this section is to preserve, protect, and expand coastal access for persons engaged in water-dependent commercial activities including commercial fishing, recreational fishing, aquaculture, boat-building, or other water-dependent coastal-related businesses.

“(b) GRANT PROGRAM.—

“(1) The Secretary shall establish a Working Waterfront Grant Program, in cooperation with appropriate State, regional, and other units of government, under which the Secretary may make a grant to any coastal state for the purpose of implementing a working waterfront plan approved by the Secretary under subsection (c).
“(2) Subject to the availability of appropriations, the Secretary shall award matching grants under the program through a regionally equitable, competitive funding process.

“(3) In awarding a grant to an eligible coastal State, the Secretary shall consider—

“(A) the economic and cultural significance of working waterfront to the coastal state;

“(B) the working waterfront and needs of the coastal state as outlined in the working waterfront plan submitted by the coastal state under subsection (e);

“(C) the demonstrated working waterfront needs of the coastal state as outlined by a working waterfront plan approved for the coastal state under subsection (e), and the value of the proposed project for the implementation of such Plan;

“(D) the ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other government units, landowners, corporations, or private organizations;

“(E) the potential for rapid turnover in the ownership of working waterfront in the coastal
state, and where applicable the need for coastal
states to respond quickly when properties in ex-
isting or potential working waterfront areas or
public access areas as identified in the working
waterfront plan submitted by the coastal state
come under threat or become available; and
“(F) the impact of the proposed project on
the coastal ecosystem.
“(4) The Secretary shall approve or reject an
application for such a grant within 30 days after re-
ceiving an application for the grant.
“(c) WORKING WATERFRONT PLANS.—
“(1) To qualify for a grant under subsection
(b), a coastal state must submit and have approved
by the Secretary a comprehensive working water-
front plan in accordance with this subsection.
“(2) Such plan—
“(A) must provide for preservation and ex-
pansion of access to coastal waters to persons
engaged in commercial fishing, recreational
fishing, or other water-dependent coastal-re-
lated business;
“(B) shall include—
“(i) an assessment of the economic, social, and cultural value of working waterfront to the coastal state;

“(ii) a description of relevant State and local laws and regulations affecting working waterfront in the geographic areas identified in the working waterfront plan;

“(iii) identification of geographic areas where working waterfronts are currently under threat of conversion to uses incompatible with commercial fishing, recreational fishing, or other water-dependent coastal-related business, and the level of that threat;

“(iv) identification of geographic areas appropriate for working waterfronts where working waterfronts are not currently available, and, where appropriate, an assessment of the environmental impacts of any expansion or new development of working waterfronts on the coastal ecosystem;

“(v) identification of other working waterfront needs including improvements
to existing working waterfronts and working waterfront areas;

“(vi) for areas identified under clauses (iii), (iv) and (v), identification of current availability and potential for expansion of public access to coastal waters;

“(vii) a strategic and prioritized plan for the preservation, expansion, and improvement of working waterfronts in the coastal state, including where appropriate provisions for the preservation and expansion of public access to coastal waters; and

“(viii) a description of the degree of community support for such strategic plan; and

“(C) may be part of the management program approved under section 306.

“(3) A working waterfront plan—

“(A) shall be effective for purposes of this section for the 5-year period beginning on the date it is approved by the Secretary; and

“(B) must be updated and re-approved by the Secretary before the end of such period.
“(4) The Secretary may award planning grants to coastal states for the purpose of developing or revising comprehensive working waterfront plans.

“(d) USES, TERMS, AND CONDITIONS.—

“(1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

“(2) A grant under this section may be used—

“(A) to acquire a working waterfront, or an interest in a working waterfront; or

“(B) to make improvements to a working waterfront, including the construction or repair of wharves, boat ramps, or related facilities.

“(e) PUBLIC ACCESS REQUIREMENT.—A working waterfront project funded by grants made under this section must provide for expansion or improvement of public access to coastal waters at or in the vicinity of a working waterfront, except for commercial fishing or other industrial access points where the coastal state determines that public access would be unsafe.

“(f) LIMITATIONS.—

“(1) Except as provided in paragraph (2), a grant awarded under this section may be used to purchase working waterfront or an interest in work-
ing waterfront, including an easement, only from a
willing seller and at fair market value.

“(2) A grant awarded under this section may
be used to acquire working waterfront or an interest
in working waterfront at less than fair market value
only if the owner certifies to the Secretary that the
sale is being entered into willingly and without coer-
cion.

“(3) No Federal, State, or local entity may ex-
ercise the power of eminent domain to secure title to
any property or facilities in connection with a
project carried out under this section.

“(g) ALLOCATION OF GRANTS TO LOCAL GOVER-
MENTS AND OTHER ENTITIES.—

“(1) Subject to the approval of the Secretary,
a coastal state may, as part of an approved working
waterfront plan, designate as a qualified holder any
unit of local government or nonprofit organization.

“(2) A coastal state or a qualified holder des-
ignated by a coastal state that is the recipient of a
grant made under this section may allocate to a unit
of local government, non-profit organization, fishing
cooperative, or other entity, a portion of any grant
made under this section for the purpose of carrying
out this section, except that such an allocation shall
not relieve the coastal state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the coastal state's approved working waterfront plan.

"(3) A qualified holder may hold title to or interest in property acquired under this section, except that—

"(A) all persons holding title to or interest in working waterfront affected by a grant under this section, including a qualified holder, private citizen, private business, non-profit organization, fishing cooperative, or other entity, shall enter into a working waterfront covenant;

"(B) such covenant shall be held by the coastal state or a qualified holder designated under paragraph (1);

"(C) if the coastal state determines, on the record after an opportunity for a hearing, that the working waterfront covenant has been violated—

"(i) all right, title, and interest in and to the working waterfront covered by such covenant shall, except as provided in sub-paragraph (D), revert to the coastal state; and
“(ii) the coastal state shall have the
right of immediate entry onto the working
waterfront.

“(D) If a Coastal State makes a deter-
mination under subparagraph (C), the Coastal
State may convey or authorize the qualified
holder to convey the working waterfront or in-
terest in working waterfront to another quali-
fied holder.

“(h) MATCHING CONTRIBUTIONS.—

“(1) Except as provided in paragraph (2), the
Secretary shall require that each coastal state that
receives a grant under this section, or a qualified
holder designated by that coastal state under sub-
section (e), shall provide matching funds in an
amount equal to at least 25 percent of the total cost
of the project carried out with the grant.

“(2) The Secretary may waive the application
of paragraph (1) for any qualified holder that is an
underserved community, a community that has an
inability to draw on other sources of funding because
of the small population or low income of the commu-
nity, or for other reasons the Secretary considers ap-
propriate.
"(3) As a condition of receipt of a grant under this section, the Secretary shall require that a coastal state provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

"(4) If financial assistance under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

"(5) The Secretary shall treat as non-Federal match the value of a working waterfront or interest in a working waterfront, including conservation and other easements, that is held in perpetuity by a qualified holder, if the working waterfront or interest is identified in the application for the grant and acquired by the qualified holder within 3 years before submission of the application, or within 3 years after the submission of the application and before the end of the grant award period. Such value shall be determined by an appraisal performed at such
time before the award of the grant as the Secretary considers appropriate.

"(6) The Secretary shall treat as non-Federal match the costs associated with acquisition of a working waterfront or an interest in a working waterfront, and the costs of restoration, enhancement, or other improvement to a working waterfront, if the activities are identified in the project application and the costs are incurred within the period of the grant award, or, for working waterfront described in paragraph (5), within the same time limits described in that paragraph. These costs may include either cash or in-kind contributions.

"(i) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section may be used by the Secretary for planning or administration of the program under this section

"(j) OTHER TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall—

"(1) assist coastal states in identifying and obtaining other sources of available Federal technical and financial assistance for the development and revision of a working waterfront plan and the imple-
mentation of an approved working waterfront plan; and

"(2) provide technical assistance to States for the development and revision of comprehensive working waterfront plans, which may include, subject to the availability of appropriations, planning grants and assistance and feasibility studies.

"(k) REPORTS.—

"(1) The Secretary shall—

"(A) develop performance measures to evaluate and report on the effectiveness of the program under this section in accomplishing the purpose of this section; and

"(B) submit to Congress a biennial report that includes such evaluations, an account of all expenditures, and descriptions of all projects carried out using grants awarded under this section.

"(2) The Secretary may submit the biennial report under paragraph (1)(B) by including it in the biennial report required under section 316.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2008,
$50,000,000 for fiscal year 2009, and $75,000,000 for fiscal year 2010.

"(m) DEFINITIONS.—In this section:

(1) The term ‘qualified holder’ means a coastal state or a unit of local or coastal state government or a non-profit organization designated by a coastal state under subsection (e).

(2) The term ‘Secretary’ means the Secretary, acting through the National Oceanic and Atmospheric Administration.

(3) The term ‘working waterfront’ means real property (including support structures over water and other facilities) that provides access to coastal waters to persons engaged in commercial fishing, recreational fishing business, or other water-dependent coastal-related business and is used for, or that supports, commercial fishing, recreational fishing, or other water-dependent coastal-related business.

(4) The term ‘working waterfront covenant’ means an agreement in recordable form between the owner of working waterfront and one or more qualified holders, that provides such assurances as the Secretary may require that—

(A) the title to or interest in the working waterfront will be held by a grant recipient or
qualified holder in perpetuity, except as provided in subparagraph (C);

"(B) the working waterfront will be managed in a manner that is consistent with the purposes for which the property is acquired pursuant to this section, and the property will not be converted to any use that is inconsistent with the purpose of this section;

"(C) if the title to or interest in the working waterfront is sold or otherwise exchanged—

"(i) all working waterfront owners and qualified holders involved in such sale or exchange shall accede to such agreement; or

"(ii) funds equal to the fair market value of the working waterfront or interest in working waterfront shall be paid to the Secretary by parties to the sale or exchange, and such funds shall, at the discretion of the Secretary, be paid to the coastal state in which the working waterfront is located for use in the implementation of the working waterfront plan of the State approved by the Secretary under this section; and
"(D) such covenant is subject to enforcement and oversight by the coastal state or by another person as determined appropriate by the Secretary."
PROGRAMS WILL BE OPERATED IN THE FOLLOWING GENERAL AREAS:

(1) MPCBPAA ADMINISTRATION and LOCAL PUBLIC ACCESS TECHNICAL ASSISTANCE
(2) LAND ACQUISITION
(3) ACCESS INFRASTRUCTURE IMPROVEMENTS
(4) WATER ACCESS STRATEGIC PLANNING
(5) SPECIAL ACCESS PROJECTS
(1) Program: **General PAA Administration and local Technical Assistance** $17,500

**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. Provides NOAA CSC Fellow Match (Aug 06 – Aug 08).

**Responsibility:** Director of Regional Planning and NOAA CSC Fellow

**Support:** General Assembly, BFI Residual

(2) Program: **Land Acquisition** $1,011,477

**Description:** This program responds to land acquisition opportunities. Private donations and grant funded acquisitions are coordinated and administered. Assessment of acquisition opportunities; Coordination with member localities to ensure compatibility with local planning initiatives; and Strategic acquisition planning are also included.

**Activities:**

a. Private Donations- (Acquisition Cost)
   i. NGO Land Donations $ 15,000
   ii. Private Donations opportunities $ 5,000

b. Public Acquisitions
   i. Dragon Run CELCP $ 989,477
   ii. VDOT Road Ending Transfer $ 2,000

**Responsibility:** Director of Regional Planning – Private Donations, NOAA CSC Fellow – Public Acquisitions

**Support:** CELCP and General Assembly
(3) Program: Access Infrastructure Improvements

Description: This program includes public access studies; infrastructure planning and development; project coordination assistance to the Authority and local governments in public access grant funding programs; as well as project administration and coordination of public access infrastructure improvement projects.

Activities:
  a. Ongoing Acquisition Planning and Management
     i. Browne – License Plate Grant $ 500
     ii. CELCP – Management Plan $ Dragon SAMP TBD
     iii. Severn River(Hogg Landing/Shenk) $ 5,000

Responsibility: Director of Regional Planning, NOAA CSC Fellow, Consulting Firm

Support: Chesapeake Bay License Fund, General Assembly, External Dragon Run SAMP

(4) Program: Water Access Strategic Planning $ 30,000

Description: Those activities, which promote and support efforts to study and plan for local and regional water access needs are included herein. Identifying and articulating local and regional needs and wants working under the concept of “preserve and manage access to the water” is included.

Activities:
  a. Regional Waterfront Access Master Plan
     • Modeled after requirement of Working Waterfront Preservation Act planning requirements
     • Dredging and other barriers to access
     • Criteria for public access and recreation land donations

Responsibility: Director of Regional Planning, Consultant

Support: General Assembly
(5) **Program: Special Access Projects** $ 5,000

**Description:** This program includes opportunities not currently identified or recognized, which could potentially play an important role in future public access initiatives. These include special topic analysis and special program development.

**Activities:**

a. Wetlands Mitigation Banking

b. TBD Issues

**Responsibility:** Director of Regional Planning, Consultant

**Support:** General Assembly
Sheriff's Offices Report

Marijuana Arrest, Raid

An Essex County man is facing a charge of manufacturing marijuana in his residence after a deputy sheriff noticed the plants' odor while serving a civil paper, the Essex County Sheriff's Office has reported.

According to Essex County Sheriff Stanley S. Clarke, deputy Robert Morris was serving a legal paper on Tuesday, May 1, at the residence of Gregory Van Tassell, 59, of 831 Deep Landing Road, near Pauls Cross Roads when Morris noticed the odor of green marijuana.

Clarke said after Morris received assistance from sheriff's office narcotics investigator Jay Mitchell, the pair confronted Van Tassell about the odor.

After some negotiations, Van Tassell admitted to possessing the plants and took the officers to where they were growing inside the residence. Clarke reported.

In addition to the plants, also seized were plant growing lights, drug paraphernalia and other materials associated with the growing of marijuana, the sheriff said.

Van Tassell was arrested and charged with manufacturing marijuana. He was released on $5,000 secured bond and appeared for arraignment on May 3 in Essex General District Court. His case is set to be heard Aug. 9.

Meanwhile, the King and Queen Sheriff's Office reported that a warrant was executed with the assistance of the Virginia State Police at a residence in lower King and Queen on April 28.

According to Sheriff B.C. "Bobby" Wallace, at approximately 12 a.m. deputies and troopers executed the warrant at the residence of James Curtis Chalk and Valentia Wise Chalk of 476 Stratton Major Road in Plainview.

The search warrant was the result of approximately three months of investigation by the office's narcotics unit. Please turn to page 14.
Ribbon Cutting Ceremony

Browne Tract Dedication

Continued From Page 1

The Authority, which was created in 2002 by the Virginia General Assembly for the purpose of identifying, acquiring and managing public water access opportunities in the Middle Peninsula that can be used by the general public for passive and active activities. The membership includes the counties of Essex, King and Queen, King William, Gloucester and Mathews as well as the towns of Tappahannock and West Point. The Authority purchased the property through grants from the Virginia Coastal program within the Virginia Department of Environmental Quality. The Authority obtained $392,000 in grant funds as well as an additional $5,000 management grant to purchase the site. A stipulation of the use of the grant funds was that the property be deeded to the Virginia Department of Forestry.

Friday’s ceremony was MC’d by Authority chairman Frank Plewa, the King William County administrator, and featured remarks by Delegate Chris Davis, Tappahannock Mayor Larry Swain and Chris Peace, Laura McKay who represented the Virginia Coastal Zone Management Program, Andy Lacatell of The Nature Conservancy, and Middle Peninsula Planning District Planner Lewis Loy. During his remarks, Morgan mentioned that population growth across the region has diminished public access to Chesapeake Bay waters and tributaries. “The resources of this Authority is a tool for regional water access strategic planning and implementation,” said Morgan who played an instrumental role in having the Virginia General Assembly create the Authority. Morgan also noted that the Authority is a tool for securing federal state and private funds, has leveraged in partnership almost $3 million for land conservation on the Dragon Run Watershed since 2003. Moreover, Morgan informed the gathering that the Middle Peninsula Planning District Commission recently received a Boat Owners Association of the United States boating access award in recognition of its creation and management of the Authority. Only seven such awards were given this year nationwide and the Authority will be the subject of a feature article in a future issue of Boating U.S. Magazine.

Benjamin Morgan concluded. Peace told the gathering that the Virginia General Assembly has done much to help the expectations of the Chesapeake 2010 Agreement including appropriating $200 million last year for Chesapeake Bay clean up, adding $20 million to the Water Quality Improvement Fund for upgrading wastewater treatment plants in the Bay region, and its year passed an additional measure that supplies through bonding millions of more dollars for the Bay. “Be in mind that conservation is two-fold,” said Peace. “It’s important to conserve open space, but also to provide the public with sufficient access to those natural resources. Offering points of access through public land ownership gives residents and visitors meaningful coastal experiences that not only draw upon the Commonwealth’s natural wonders but also provide glances at the same scenic Virginia enduring to the earliest colonists.”

The Virginia Coastal Zone Management Program has invested more than $86 million through some 34 different projects in the Dragon Run since 1989. “I hope that indicates to you how important we believe this place is,” she remarked. “Special doesn’t even begin to describe it; unparalleled maybe starts to. But it takes, and will continue to take, a lot of people, a lot of money and a lot of time and persistence to protect a place like this because the threats and forces of chance that would consume it are so dauntingly strong.”

Lacatell credited Essex County Board of Supervisors member Margaret H. “Pruce” Davis and Essex County resident Dorothy Miller – both of whom are members of the Dragon Run Steering Committee – for setting the wheels in motion for the construction of the Browne Tract.

The Nature Conservancy was interested in purchasing the site but realized when the Middle Peninsula Planning District Commission began plans for creating the Authority.

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Tired of Making Daily Dash to the 1