MEMORANDUM

TO: MPCBPAA
FROM: Jacqueline Shapo, NOAA CSC Coastal Zone Management Fellow
DATE: December 12, 2007
RE: December 14th PAA Meeting

This announcement serves as notice to call a meeting of the Public Access Authority on Friday, December 14, 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
   a. Official acceptance of Urbanna into PAA
2. Approval of October Minutes
3. Financial Report
4. Public Comment
5. Budget Amendment Request
6. Filing of PAA Disclosure Statement
7. CELCP Update
8. Haworth Tract Land Management Plan Timeline
10. Poplar Springs / Poropotank Parcel
11. Wetlands Banking Update
13. Browne Tract – Questionable Uses
14. Nature Deficit Disorder Discussion
15. Other Business
   a. Scenic Virginia Award
   b. Virginia Coastal Zone Partners Workshop
16. Chairman Observations
17. Next Meeting
18. Adjourn
1. Welcome and Introductions

The Middle Peninsula Chesapeake Bay Public Access Authority held its meeting out at the Dragon Bridge/Jackson Tract (a recently-acquired CELCP parcel) at 11:00am on October 12, 2007. A tour of the Dragon Bridge/Jackson, Haworth, and Clay Tracts (all PAA CELCP parcels) followed the meeting.

Chairman Pleva called the meeting to order. Members and Alternates present were Terri Hale, King William County Assistant Administrator; Gary Allen, Essex County Board of Supervisors; Louise Theberge, Gloucester County Board of Supervisors; and Steve Whiteway, Mathews County Board of Supervisors. Also present were Dan Kavanagh, MPPDC Executive Director and Sara Stamp, SAMP Director MPPDC.

2. Approval of August 2007 Minutes

Chairman Pleva requested a motion to approve the August 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 Pleva requested a motion to approve the August 2007 Revenue and Expenditure Report. Mr. Allen moved that the Report be approved; Ms. Theberge seconded the motion. Motion carried by unanimous vote.

4. Public Comment

There was no public comment.

5. Public Access Code of Conduct

   a) Ms. Stamp presented the PAA with the Dragon Run Steering Committee’s Public Access Code of Conduct developed for all of the public access sites in the Dragon Run Watershed. Chairman Pleva requested a motion to approve the Public Access Code of Conduct. Mr. Allen moved that the Code of Conduct be approved; Ms. Theberge seconded the motion. Motion carried by unanimous vote.

6. Other Business

None
7. Chairman Observations

None

8. Next Meeting

The next meeting of the Middle Peninsula Chesapeake Bay Public Access Authority will be held Friday, December 14, 2007 at 11:00am.

9. Adjourn

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

______________________________
Frank Pleva
## Revenue and Expenditure Report by Element

**Middle Peninsula Planning District Commission**

**Period 07/01/07 to 11/30/07**

<table>
<thead>
<tr>
<th>Element Code &amp; Description</th>
<th>Budget</th>
<th>Prior Year</th>
<th>Current</th>
<th>YTD</th>
<th>Proj Tot</th>
<th>Un/Ovr</th>
<th>% Bud</th>
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<td>0.00%</td>
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<tr>
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<td>89.17</td>
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<td>-319.86</td>
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<td>-36,604.14</td>
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</table>

| 320051 CELCP II - Inkind match $568810 Batten easement |
| **Revenues** | | | | | | | |
| 41300 VDEQ | 568,810.00 | 0.00 | 0.00 | 0.00 | 0.00 | 568,810.00 | 0.00% |
| **Expenses** | | | | | | | |
| 50000 SALARIES | 1,414.00 | 0.00 | 257.49 | 930.30 | 930.30 | 483.70 | 65.79% |
| 50500 FRINGE BENEFITS | 478.00 | 0.00 | 83.18 | 302.74 | 302.74 | 175.26 | 63.33% |
| 56300 Legal Services | 25,197.00 | 0.00 | 0.00 | 0.00 | 0.00 | 25,197.00 | 0.00% |
| 56400 Consulting/Contractual $ | 540,369.00 | 0.00 | 0.00 | 0.00 | 0.00 | 540,369.00 | 0.00% |
| 56600 Construction | 400.00 | 0.00 | 0.00 | 0.00 | 0.00 | 400.00 | 0.00% |
| 59700 INDIRECT COSTS | 952.00 | 0.00 | 149.19 | 547.91 | 547.91 | 404.09 | 57.55% |
| **Expenses** | 568,810.00 | 0.00 | 489.86 | 1,780.95 | 1,780.95 | 567,029.05 | 0.31% |
| **Balance:** | 0.00 | 0.00 | -489.86 | -1,780.95 | -1,780.95 |

| Project Revenues: | 989,477.00 | 6,441.58 | 0.00 | 378,728.28 | 385,169.86 | 604,307.14 | 38.93% |
| Project Expense: | 989,477.00 | 6,437.95 | 809.72 | 417,117.00 | 423,554.95 | 565,922.05 | 42.81% |
| Project Balance: | 0.00 | 3.63 | -809.72 | -38,388.72 | -38,385.09 |
## Revenue and Expenditure Report by Element

**Middle Peninsula Planning District Commission**

**Period:** 07/01/07 to 11/30/07  
**Run Date:** 12/06/2007  
**Run Time:** 2:35:19 pm  
**Page:** 25 of 31

**32007** PAA Administration - FY08  
**Project Period:** 7/1/2007 to 6/30/2008

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<tr>
<th>Element Code &amp; Description</th>
<th>Budget</th>
<th>Prior Year</th>
<th>Current</th>
<th>YTD</th>
<th>Proj Tot</th>
<th>Un/Ovr</th>
<th>% Bud</th>
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**320070** FY08 Admin

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**Expenses**

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<td>16.11</td>
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**320071** Land Acquisition

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**320072** Access Infrastructure Improvements

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## Revenue and Expenditure Report by Element

Middle Peninsula Planning District Commission

### Period
07/01/07 to 11/30/07

### Run Details
- **Run Date:** 12/06/2007
- **Run Time:** 2:35:19 pm

### 32007 PAA Administration - FY08

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

<table>
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<th>Prior Year</th>
<th>Current</th>
<th>YTD</th>
<th>Proj Tot</th>
<th>Un/Ovr</th>
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<tr>
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<td>119.89</td>
<td>119.89</td>
<td>380.11</td>
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<td>119.89</td>
<td>119.89</td>
<td>380.11</td>
<td>23.98%</td>
</tr>
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<td>0.00</td>
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<td>380.11</td>
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### 320073 Water Access Strategic Planning

**Expenses**
- 50000 SALARIES: 13,600.00
- 50500 FRINGE BENEFITS: 4,597.00
- 53400 Office Supplies: 350.00
- 56400 Consulting/Contractual: 1,500.00
- 57300 Promotion/Advertising: 800.00
- 59700 INDIRECT COSTS: 9,153.00

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<td>894.22</td>
<td>3,702</td>
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<td>56400 Consulting/Contractual</td>
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<td>0.00</td>
<td>0.00</td>
<td>1,500</td>
<td>0.00%</td>
</tr>
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<td>57300 Promotion/Advertising</td>
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<td>0.00</td>
<td>0.00</td>
<td>800.00</td>
<td>0.00%</td>
</tr>
<tr>
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<td>749.47</td>
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### 320074 Special Access Projects

**Expenses**
- 50000 SALARIES: 1,360.00
- 50500 FRINGE BENEFITS: 460.00
- 56400 Consulting/Contractual: 1,900.00
- 56600 Construction: 365.00
- 59700 INDIRECT COSTS: 915.00

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<td>59700 INDIRECT COSTS</td>
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<td>-302.47</td>
<td>-570.43</td>
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</table>

### 320075 Severn River Access Management Plan

**Expenses**
- 50000 SALARIES: 2,380.00
- 50500 FRINGE BENEFITS: 804.00
- 53400 Office Supplies: 214.00
- 59700 INDIRECT COSTS: 1,602.00

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<tr>
<th>Expenses</th>
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<td>50000 SALARIES</td>
<td>2,380</td>
<td>0.00</td>
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<td>614.15</td>
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<td>103.02</td>
<td>199.86</td>
<td>199.86</td>
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<td>53400 Office Supplies</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>214.00</td>
<td>0.00%</td>
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<tr>
<td>59700 INDIRECT COSTS</td>
<td>1,602</td>
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<td>185.86</td>
<td>361.71</td>
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<td>-606.29</td>
<td>-1,175.72</td>
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## Revenue and Expenditure Report by Element

**Middle Peninsula Planning District Commission**

**Period** 07/01/07 to 11/30/07

Run Date: 12/06/2007  
Run Time: 2:35:19 pm  
Page 27 of 31

### 32007  PAA Administration - FY08  
**Project Period** 7/1/2007 to 6/30/2008

<table>
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<tr>
<th>Element Code &amp; Description</th>
<th>Budget</th>
<th>Prior Year</th>
<th>Current</th>
<th>YTD</th>
<th>Proj Tot</th>
<th>Un/Ovr</th>
<th>% Bud</th>
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<td>Project Revenues:</td>
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<td>0.00</td>
<td>98,785.10</td>
<td>98,785.10</td>
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<td>11,354.03</td>
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<td>-4,815.55</td>
<td>87,431.07</td>
<td>87,431.07</td>
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</table>
Haworth Tract Management Plan Timeline

Before February 1, 2008
- Conduct, in-conjunction with restricted tract users, multiple site assessments of notable features on the property (**list of survey factors below**)
- Coordinate with MPPDC SAMP Director, in-conjunction with DGIF naturalist, to conduct survey of local flora and fauna (native and invasive)
- Contact Keith Haden to organize stakeholder group list
  - Potential stakeholders could include King and Queen County PAA Board member, Haworth parcel neighbors, CZM Program Coastal Planner, MPPDC SAMP Director, and representatives from Friends of Dragon Run, Dragon Run Steering Committee, TNC, DGIF, DOF, DCR, and MPLT. As management plan develops, stakeholder meetings should include members of local hunt clubs, local water enthusiasts, King and Queen County Superintendent of Schools, etc.

February-April 2008
- Assemble stakeholder groups for series of 3-4 meetings. Meetings will occur every 3 weeks.
  - 1st meeting (Beginning February): discuss management opportunities, intentions/vision of land management plan, how each stakeholder can add to the management plan development process, and confirm stakeholder meeting schedule and land management plan development timeline
  - 2nd meeting (End February): discuss Haworth Tract survey findings, if any sections of the tract will require restricted access, potential user groups (limit users or all public), proposed uses on the parcel, compatibility of those uses, possible areas of user conflict, location of recreational trail systems, the need to improve existing trails or cut new trails, improvements to existing infrastructure if any
  - 3rd meeting (Mid March): continue to discuss Haworth Tract survey findings, if any sections of the tract will require restricted access, potential user groups (limit users or all public), proposed uses on the parcel, compatibility of those uses, possible areas of user conflict, location of recreational trail systems, the need to improve existing trails or cut new trails, improvements to existing infrastructure if any
  - 4th meeting (Mid-April): present conceptual recreational trail and facilities map, outlining location of all proposed land uses; discuss outline/framework of management plan; plan for next meeting to discuss 1st draft of management plan

May 2008
- Develop 1st draft of land management plan incorporating discussions from management plan meetings, the Dragon Run SAMP, Browne Tract Management Plan, and DRSC’s Recommendations for Management of Public and Non-governmental Organization (NGO) Holdings Acquired for Conservation Purposes in the Dragon Run Watershed
- Utilize work crews from Middle Peninsula Regional Security Center to enhance existing infrastructure on Haworth Tract, if necessary

Late May – Early June 2008
- Assemble stakeholder group(s) to discuss 1st draft land management plan; allow for comment period from stakeholder group
June 2008

- Incorporate revisions to plan from stakeholder groups. Present 2nd draft of land management plan for comments to stakeholder groups
- Public comment period till July 1st

July 2008

- Assemble stakeholders for final discussions of and revisions to land management plan
- Draft final version of land management plan; present final version to all PAA Board members
- Develop list of annual funding sources, which could be utilized to secure dedicated source of funding for land management
- If time permits, utilize work crews from Middle Peninsula Regional Security Center to enhance trail system, cut any additional trails needed, and establish trail demarcation system with blazes
- If time permits, develop hunter registration system for Haworth
  - Inform registered hunters on Browne Tract about new acquisition?
- If time permits, continue to apply for funding opportunities to permit stewardship activities
<table>
<thead>
<tr>
<th>SURVEY FACTOR</th>
<th>DESCRIPTION</th>
<th>NOTES</th>
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<tbody>
<tr>
<td>Geographic Location</td>
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<tr>
<td>Boundaries</td>
<td>Shows the exact location of the physical boundaries of your land, so you can see them in the ground. Denote any survey lines visible.</td>
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</tr>
<tr>
<td>Corners</td>
<td>Shows you what the physical corners of your land are, so you can see them in the ground. Denote any corner markings visible.</td>
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</tr>
<tr>
<td>Elevation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vegetative Cover</td>
<td>Types and/or number of vegetative species, including invasive and non-native species</td>
<td></td>
</tr>
<tr>
<td>Existing Faunal Species</td>
<td>Types and/or number of faunal species visible, including invasive and non-native species</td>
<td></td>
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<tr>
<td>Feet of Streamside Frontage</td>
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<tr>
<td>Current and potential uses of stream adjacent to the tract</td>
<td>Uses may include fishing, swimming, hunting, drinking water supply, irrigation, boating, etc.</td>
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<tr>
<td>Status of site improvements and location of existing infrastructure</td>
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<tr>
<td>Potential sources of point source pollution</td>
<td>Sources may include any industry, landfill, abandoned dump, sludge disposal, or agricultural site that discharges into the stream</td>
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<tr>
<td>Existence of buried pipelines, cables, and well completions</td>
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<tr>
<td>Location of utility lines</td>
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<tr>
<td>Location of septic drain fields</td>
<td></td>
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<tr>
<td>------------------------------</td>
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<td></td>
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<tr>
<td>Refuse disposal sites on property</td>
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<tr>
<td>Location of flood zones</td>
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<td>Potential for stormwater management</td>
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<td>Existing grading of the land</td>
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<td>Encroachment from neighboring parcels</td>
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<tr>
<td>Cemetery graves</td>
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<tr>
<td>Location of existing trails and additional trails that may need to be cut</td>
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<tr>
<td>Location of existing hunting tree stands to remove and prospective sites for new tree stands</td>
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<tr>
<td>Potential parking sites and how far onto property can vehicles feasibly drive</td>
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<td></td>
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<tr>
<td>Possibility of water access to Dragon Run from different locations on parcel</td>
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</table>
Proposed Water Access Transfer
Requested by Middle Peninsula Chesapeake Bay Public Access Authority
Gloucester Co. – Route 653

Recommended Procedures for Developing a Road’s Transfer Under §33.1-223.2:17

- **Due Process**
  The County Board of Supervisors should conduct a public hearing to determine the sense of the public as well as that of the landowners abutting the road that leads to the landing.
  The County Board must evaluate the impact that an improved landing may have on the County’s six-year construction improvement program for its secondary highway system and how improvements to the road to the landing will be financed.

- **County Board Concurrence**
  VDOT’s interest in the secondary system of any County is that of custodian. The County Board is vested with certain authorities that must be respected. The County Board should, by resolution, formally concur with a request by an Authority to have a road transferred and that resolution should only be passed, after a public hearing is held, consistent with the process outlined in §33.1-151, to determine the sense of the tax payers and the land owners that may be affected. A copy of the public hearing transcript should accompany the County Board’s request.

- **VDOT Residency Concurrence**
  VDOT’s Residency Administrator should report a recommendation regarding the requested transfer to VDOT’s Asset Management Division, Land Development Group for said Division’s final recommendation and its development of necessary documents to be considered by the Commonwealth Transportation Board.

- **Asset Management Division Action**
  Asset Management Division will evaluate such requests and all positions reported by the public hearing transcript, the County Board, and consult the Department of Game and Inland Fisheries. Based on this information and research, AMD will develop the documents necessary for the Commonwealth Transportation Board’s consideration. In the event an unfavorable recommendation results, that recommendation will be reviewed with VDOT’s Director of Operations before any documents are forwarded to the CTB.
Recommend Resolution for County Board Action

The Board of Supervisors of ______________ County, in regular meeting on the ___ day of ______________________, _____, adopted the following:

RESOLUTION

WHEREAS, Middle Peninsula Chesapeake Bay Public Assistance Authority (hereafter "Authority") identified the end of State Route _____ as a desirable site for the development and operation of a public landing and has requested the Commonwealth Transportation Board to transfer operation of that part of State Route _____ described below to the Authority for such purposes; and

WHEREAS, the Board advertised and conducted a public hearing, following the processes outlined under §33.1-151, Code of Virginia, in order to determine the sense of the public and the land owners along the road in regards to the establishment and operation of a landing at the end of the road and the transfer of the road to the Authority for its subsequent operation; and

WHEREAS, this Board understands that the Department of Transportation may not reinstate a road as part of the County’s State maintained secondary system of state highways after it is transferred to a qualifying Authority pursuant to §33.1-223.2:17, Code of Virginia, if the Authority should give up its operation of the road and that the road will remain a public road under the jurisdiction of the County until such time as it is made to satisfy the prevailing standards of the Department of Transportation; and

WHEREAS, after considering all the evidence before it, this Board hereby adopts the following:

NOW, THEREFORE, BE IT RESOLVED, this Board concurs with the establishment of the proposed landing and transfer of State Route ________, as described below, to the Authority; and

BE IT FURTHER RESOLVED, this Board directs that a certified copy of this resolution be forwarded as soon as possible to the Department’s Residency Administrator in order to facilitate the subject transfer.

Name and Route Number of Street:

From: ____________________________________________

To: _____________________________________________ Length: __________ miles

Right-of-Way Width: __________________________ feet.

Recorded Vote

Moved By: ________________________________ A Copy Teste:

Seconded By: ____________________________

Yea: ____________________________

Nay: ____________________________ (Name), (Title)

DRAFT 2 of 6
C:\Documents and Settings\Ken.Smith\My Documents\LandingTransfer.doc
KM Smith 11/05/2007
Enabling Legislation

33.1-223.2:17. Commonwealth Transportation Board may transfer interest in and control over certain highways, highway rights-of-way, and landings.

Notwithstanding any contrary provision of this title, the Commonwealth Transportation Board, upon receipt of a written request from a public access authority established pursuant to Title 15.2 and without first abandoning or discontinuing such highway, highway right-of-way, or landing, may transfer to such authority any and all rights and interests of the Board in such highway, highway right-of-way, and landing as the Board may deem in the public interest. Such transfer may be either with or without compensation from the authority. (2007, c. 304.)

Alternatives to the Enabling Legislation

Under the above statute, the following alternatives are seemingly excused. The following analysis discusses factors associated with the “excused” alternatives and the impact of a transfer pursuant to §33.1-223.2:17.

Abandonment Alternative – Not a viable transfer approach

In most counties, Case Law prohibits the abandonment of actively used roads. When, as in this case, a “landing” is involved, an abandonment can only be effective if the abandonment is formally supported by the Board of Game and Inland Fisheries.

As an actively used road and landing site, the County Board can not reach a determination that this road is “unnecessary” for the purposes for which secondary roads are established.

Effect of abandonment – Renders the facility unavailable for public use.

Pertinent Case Law References


Discontinuance Alternative

Ord v. Fugate, 207 Va. 752, 152 S.E.2d 54 (1967) - Discontinuance of a secondary road means merely that it is removed from the state secondary road system. Discontinuance of a road is a determination only that it no longer serves public convenience warranting its maintenance at public expense. The effect of discontinuance upon a road is not to eliminate it as a public road or to render it unavailable for public use.

Discontinuance was and remains a viable alternative that results in a transfer of the facility, returning it to the control governing entity that established the road and continues to “own” it -- the County Board of Supervisors. Discontinuance preserves the public way and enables its continued use for recreational purposes under the jurisdiction of the County Board, pursuant to §33.1-152.1, Code of Virginia, until such time as the County Board elects to abandon the facility.

Due Process

Both abandonment and discontinuance procedures include a due process step that determines the sense of the public in regard to the action taken. No such step is required under §33.1-223.2:17.
Impact of a Transfer Pursuant to §33.1-223.2:17

Jurisdiction over the operation and maintenance of the facility becomes a responsibility of the Authority, which has powers pursuant to §15.2-6601 (replicated below).

However, the Department believes the facility continues to be:

- a part of the County’s secondary system of state highways,
- owned by the County Board, and
- subject to the County Board’s subsequent jurisdiction, if given up by the Authority, and abandonment;

and, once transferred,

- current protections afforded landings against abandonment, by requiring the concurrence of the DGIF Board, **appear to remain intact**, as the only provision addressing the abandonment of a landing is §33.1-151, and
- return of the facility to VDOT operation will, by CTB Policy, only be considered if the facility has been made to meet all standards and conditions applicable to the acceptance of the road for maintenance.

§ 15.2-6601. Creation; public purpose.

If any of the governing bodies of the Counties of Essex, Gloucester, King William, King and Queen, Mathews, Middlesex, and the Towns of West Point, Tappahannock and Urbanna by resolution declare that there is a need for a public access authority to be created and an operating agreement is developed for the purpose of establishing or operating a public access authority for any such participating political subdivisions and that they should unite in the formation of an authority to be known as the Middle Peninsula Chesapeake Bay Public Access Authority (hereinafter the "Authority"), which shall thereupon exist for such participating counties and town and shall exercise its powers and functions as prescribed herein. The region for which such Authority shall exist shall be coterminous with the boundaries of the participating political subdivisions. The Authority shall be charged with the following duties:

1. Identify land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site;
2. Research and determine ownership of all identified sites;
3. Determine appropriate public use levels of identified access sites;
4. Develop appropriate mechanisms for transferring title of Commonwealth or private holdings to the Authority;
5. Develop appropriate acquisition and site management plans for public access usage;
6. Determining which holdings should be sold to advance the mission of the Authority; and
7. Perform other duties required to fulfill the mission of the Middle Peninsula Chesapeake Bay Public Access Authority.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the Middle Peninsula Chesapeake Bay Public Access Authority, the Authority shall be deemed to have been created as a body corporate and to have been established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution as aforesaid by the participating political subdivisions declaring that there is a need for such Authority. A copy of such resolution duly certified by the clerks of the counties and towns by which it is adopted shall be admissible as evidence in any suit, action, or proceeding. Any political subdivision of the Commonwealth is authorized to join such Authority pursuant to the terms and conditions of this act.

The ownership and operation by the Authority of any public access sites and related facilities and the exercise of powers conferred by this act are proper and essential governmental functions and public purposes and matters of public necessity for which public moneys may be spent and private property acquired. The Authority is a regional entity of government by or on behalf of which debt may be contracted by or on behalf of any county or town pursuant to Section 10 (a) of Article VII of the Constitution of Virginia. (2002, c. 766.)
Proposed Water Access Transfer
Requested by Middle Peninsula Chesapeake Bay Public Access Authority
Gloucester Co. – Route 653

MIDDLE PENINSULA CHERESAKE BAY PUBLIC ACCESS AUTHORITY

9/18/2007

RECEIVED
SEP 21 2007
Commissioner’s Office

David S. Ekern, P.E., Commissioner
Chair, Commonwealth Transportation Board
1401 East Broad Street
Richmond, Virginia 23219

Dear Commissioner Ekern:

The Middle Peninsula Chesapeake Bay Public Access Authority (the “Authority”) is a public access authority established pursuant to Va. Code § 15.2-6601. Pursuant to Virginia Code § 33.1-223.2:17, the Authority hereby requests the Commonwealth Transportation Board to transfer all rights and interests of the Board in the last 250 feet of Route 653 in Gloucester County up to its termination at Glass Bay, near the mouth of Long Creek. It is our understanding and belief that the Commonwealth Transportation Commission owns a 30 feet wide prescriptive easement in that portion of Route 653. The Authority proposes to use this section of Route 653 as a public boat landing and believes that 250 feet of roadway are needed to provide adequate parking and turn around areas for the users of the public landing.

If you have any questions regarding this request, please direct them to me, to Lewie Lawrence, Middle Peninsula Chesapeake Bay Public Access Authority staff, Saluda Professional Center, 125 Bowden Street, Saluda, Virginia 23149, (804) 758-2311, or to counsel for the Authority, John S. Morris, III, Beale, Davidson, Etherington & Morris, P.C., 701 East Franklin Street, Suite 1200, Richmond, Virginia 23219, (804) 545-0364.

With kindest regards, I am,

Very truly yours,

Frank A. Pleva, Chair
Middle Peninsula Chesapeake Bay Public Access Authority

cc: David E. Ogle
Marcie Parker, P.E.
John J. Beall, Jr., Esquire
Lewis Lawrence
John S. Morris, III, Esquire
Background for the Middle Peninsula Public Access- Working Waterfront Survey

Sally Mills from the “Write Stuff” is coordinating the survey and transcribing the below into a usable format for the general public. The survey will reside on the Virginia Sea Grant website [http://www.wateraccess2007.com/](http://www.wateraccess2007.com/) Survey results will be used to help develop a Middle Peninsula Master Plan for public access and working waterfronts issues.

Introduction Page:

A three-day water access symposium was held in the spring of 2007 to serve as a catalyst to organize and share the most current thinking regarding the growing impediments to boating and fishing access.

The symposium offered a unique opportunity for coastal zone manager, city and regional planners, public officials, resource agency staff, water-based enterprises (marinas, boat yards, etc.), academics, aquatic resource educators, fishery management professionals, and the fishing and boating industries to exchange ideas and develop potential collaboration strategies that address public access needs.

[Virginia Sea Grant](http://www.virginiaseagrant.org/) and the [Middle Peninsula Chesapeake Bay Public Access Authority](http://www.middlepeninsulaaccess.org/) are working towards better understanding public access needs and wants and larger working waterfront conflicts and conversion issues within the lower Chesapeake Bay region and tributaries.

This survey is an attempt to inventory coastal access issues and trends throughout the lower Chesapeake Bay region and tributaries. Project partners are interested in your perspectives on a variety of topics, including existing access and ownership patterns, the public access needs of residents in the lower Chesapeake Bay, waterfront conflicts and conversion issues, and to highlight solutions for these issues. We plan to use survey responses to outline the scope of coastal water access challenges and needs and to inform and set future public access policy.

For the purpose of this survey “coastal access” is defined as any means by which people can reach the shorelines of navigable waterways to engage in water-based commercial, recreational, subsistence, educational or scientific research activities. These means may include direct access across public lands (beaches, coastal trails, water trails, etc.); access through public facilities or private enterprises requiring fees (port landings, marinas, stacked storage, hoists, marine railways, launch ramps, etc.); or through membership organizations (yacht clubs, beach clubs, etc.). Excluded are private facilities with no provision for non-owners to access the adjacent shore or waterway (ex. rental or condominium apartments with occupant- or association-owned beachfront or moorage). Condominium moorage where slips may be sub-let to non-owners can be considered coastal access for the purpose of this survey. Personal information we collect from you for
this survey, such as who you are and the perspective from which you respond (i.e., your affiliation), will help at the analysis phase but will remain anonymous. We recommend you give the survey a quick read before responding.

**Draft Survey Questions in no particular order or comprehensiveness:**

PROPOSED SURVEY QUESTIONS

DRAFT DRAFT

I) Participant Information

Name

Affiliation or Organization

Position or Title

Address

City

State

Zip Code

Email

Telephone

Locality to which you are referring in your answers to follow

Would you like to receive a copy of this coastal access survey result via e-mail?

1. Please tell us about your boat:

   Type: 
   Motorboat
   Personal Watercraft
   Canoe

   Size: 
   Less than 13 ft.
   13 ft.-18 ft.
   18 ft.-23 ft.
Kayak 24 ft.-32 ft.
Sailboat Over 32 ft.

2. How do you use your boat?
   Recreation
   Hunting
   Inland Fishing
   Saltwater Fishing
   Fly Fishing
   Commercial Fishing
   Other (please elaborate)

3. How many days do you use your boat each year?

4. How far do you typically drive to launch your boat?
   Less than 5 miles
   5-15 miles
   15-30 miles
   30-60 miles
   60+ miles

5. How do you gain access to the water?
   I trailer my boat from my primary residence
   I trailer my boat from another location
   I lease or own a slip
   I lease dry storage

6. Does the current number of available boat ramps meet your needs?
   Yes
   No

7. Have you lost access to a boat ramp in the last 5 years?
   Yes
   No
   If yes, where?

8. Do you ever pay to launch your boat?
   Yes
   No
   If yes, how much do you typically pay?

9. Where would you like to see a new public boat ramp?
   Body of Water

10. What is the more important priority?
    Improvement of existing public boat ramps
    Construction of new public boat ramps

II) What is the scope of the issue in your community, region or state? Continued
11. We are interested in understanding the causes of your localities coastal access changes. From the list below, please tell us the degree of importance of each.

1 = not important  
2 = slightly important  
3 = moderately important  
4 = very important  
5 = extremely important

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<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
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<tbody>
<tr>
<td>Rising coastal property values and taxes</td>
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<td>Loss of waterfront access due to</td>
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<td>disasters such as Hurricane Isabel or</td>
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<td>climate change/sea level rise?</td>
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<td>Privatization of piers, wharves,</td>
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<td>launch sites</td>
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<td>Conversion of waterfront property to</td>
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<td>second home development</td>
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<td>Conversion of waterfront property to</td>
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<td>condo development</td>
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<td>Closing of public ramps and</td>
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<td>floats/piers to &quot;hand carry&quot; vessels</td>
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<td>such as kayaks, canoes, etc.</td>
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<td>Shore/mud flat access</td>
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<td>Demographic changes (population shifts,</td>
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<td>etc.)</td>
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<td>Changes in commercial fishing sector</td>
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Lack of regulatory structure or other incentives to maintain access
Non-compliance of homeowners with federal state and/or local access regulations
Changing ethics (please describe)

Other issues (please describe)

11. Please identify any other other causes, rate their level of importance and include any related comments in the space below.

12. To what extent are the following groups adversely affected by changes in coastal access and waterfronts? Please rate the degree to which the following are affected:

1 = not affected  
2 = slightly affected  
3 = moderately affected  
4 = very affected  
5 = extremely affected

Commercial fisheries/aquaculture
Private or recreational boaters
Tour businesses or charter operations
Other water-dependent businesses/industry
Waterfront landowners
Low income populations
Minority populations
General public
Coastal communities
Coastal lands and shorelines

13. If nothing is done to address these high priority coastal access concerns, what are the likely consequences for your coastal communities and economies? Please refer to your answers above to describe specific issues, causes, and points of impact.

14. Assuming the issues below can be lumped into the following categories, which of the following is currently addressed by your locality? Check all that apply.

Working Waterfronts (commercial fisheries, aquaculture and affiliated industries) positive or negative: Very Well, well , poorly

Direct public access (public access to public shores - parks, beaches, reserves, etc.) enough not enough

Facilitated access (boater access to public waterways via public or private facilities such as marina, boat ramps, put-in/take-out for kayaks, etc.) enough not enough

Service access (industrial enterprises needing access to waterways for their operational requirements - delivery/receipt of products or people, ferries, shipping, containers) important not important

Harbor management and/or waterfront development well managed not managed

Coastal hazards (sea level rise, hurricanes, tsunamis, etc.) issue or non issue

Other (please specify)

15. Should local government use the following tools to address public access and working waterfront issues

1 = not important
2 = slightly important
3 = moderately important
4 = very important
5 = extremely important

Transfer of development rights

Land bonds dedicated to working waterfronts or public access

Taxation options (special taxinf district to fund dredging and special purpose public access project
Zoning (to manage open water and land use conflicts)

Mapping

Education

Private entities protecting public access

Land trusts involved in conservation of traditional working waterfronts

Public/private partnerships

State government attempts to address the issue with laws, regulations or task forces

Other (please specify)

16. How does the decision-making structure in your locality coastal access? (For example: Are there specific administrative or legislative barriers or opportunities that affect coastal access decision-making?)

17. Please briefly summarize any coastal access success stories that you know of in your locality or region, or indicate that there are none of which you're aware.

18. Are there entities in your locality or region that tracks coastal access information? If so, please identify them and describe any data management or mapping systems that have been used and how.

19. Does your locality or region have a website that tracts publicly or privately funded, owned, or maintained piers, wharves, floats, docks, launch ramps, coastal paths, beaches, signage or other communication tools (such as posting at docks). Yes or no

20. Should your locality or region have a website that tracts publicly or privately funded, owned, or maintained piers, wharves, floats, docks, launch ramps, coastal paths, beaches, signage or other communication tools (such as posting at docks). Yes or no

21. Please rate the most pressing needs to address the issues?
1 = not important
2 = slightly important
3 = moderately important
4 = very important
5 = extremely important

Outreach/education
across water-dependent sectors

Facilitation of community planning that addresses multiple use

Funding for capital investments such as public wharves

Funding for research on economic drivers of declining access

New legislation or other policy action

22. Please identify any other needs not specified above, and also describe the needs you assigned high importance.

23. What organizations or sectors are missing that should be involved in coastal access discussions and how?

24. What would you describe as priorities for the development of a regional strategy on public access and working waterfront issue?

Access Standards

25. Who are local and regional government be providing public access for: residents, commercial applications, transients?
   Tourists
   Other

26. Should different types of access be provided for different user groups? Y or n

27. Should the user groups intermingle at all access sites? Y or n

Public access infrastructure:
1 = not important  
2 = slightly important  
3 = moderately important  
4 = very important  
5 = extremely important

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28 How should public access sites be provided:

Geographical Based  
Regional usage sites  
Local county usage sites  
Community usage sites

29. Importance of providing public access for  
Boating with trailer  
Paddling-car top limited parking  
Paddling-car top no parking  
Walking and birding limited parking  
Walking and birding no parking

30 Importance of providing public access based on:  
All tide facilities  
Part tide facilities  
Foot access  
No tide

31. Importance of providing public access based on Density and Infrastructure  
Access site every “X” miles of road  
Access site every “X” miles of shoreline  
Access site based on diversity of opportunities

32 How important are the following for access sites  
Signage  
Parking requirements

33 IF you locality was to provide more public access sites how important do you consider the following if required:  
Fee based access system  
Fee for non regional users  
Pass system for use of access sites  
Non-regional residents charged a parking fee
PAA item to discuss- “Nature Deficit Disorder”

Concept: Offer high quality outdoor nature experience to children. Consider establishing a “take a kid hunting only area”

What Does The Decline In Hunting And Outdoor Experiences Mean For America's Kids?

“I like to play indoors better,” a fourth grader told Richard Louv, “because that’s where the electrical outlets are.” In his bestselling 2005 book, Last Child in the Woods: Saving Our Children from Nature-Deficit Disorder, journalist and author Louv argues that never before has a generation of children been so separated from the natural world. The consequences, he says, can be seen in trends such as increases in obesity, stress, and psychiatric disorders among our kids. With the declining number of outdoorsmen indicated by the U.S. Fish and Wildlife Service’s most recent National Survey, F&S thought it was a good time to ask Louv about his theories.

F&S: The USFWS is now reporting another drop in the number of sportsmen. What do you make of that?
R.L.: No surprise whatsoever. It’s consistent with what we’re seeing all over the country. In a typical week, only 6 percent of kids aged 9 to 13 play outside on their own.

F&S: You coined the term nature-deficit disorder. What, really, do our kids miss out on by not being outside?
R.L.: We don’t know yet. But the scientists I’ve talked to point out that only in the natural world are all five senses engaged at once in a positive way. Many of them believe the rise in sensory- and neurological-integration disorders in our kids are the results of our changed lifestyle. We’re genetically hardwired to be hunter-gatherers and to be outside. You can’t replace that with an Xbox and not see consequences.

F&S: You have a section in the book called “The Case for Hunting and Fishing.” Do you think sportsmen’s advocacy groups are getting more kids out there?
R.L.: A lot of organizations are trying to do just that. But I question how much everyone is really doing their part. While I was working on an earlier book, I joined a bass tournament on Lake Erie, and I kept hearing guys in bass boats saying they didn’t have time to take their own kids fishing. And I’m not picking on bass anglers. My son and I belong to a flyfishing club in San Diego with 400 or 500 members. We’ve been going for about a decade. And for years, my son has been the only one at meetings without gray hair.

F&S: You talk about how it only takes one adult to ignite a passion for the outdoors in a child.
R.L.: Yes, absolutely. My Grandpa Barron used to give me old issues of Field & Stream, and I’d devour them. Ed Zern was my role model and hero. The first thing to remember about taking a
kid outside is that it’s not about the skill of fishing or hunting itself. Don’t get hung up on doing it right. For a child, turning over rocks and finding insects or worms is where the wonder comes in. The biggest gift you can give a child is your enthusiasm.

I almost feel like your readers are ahead of the game because they’re among the ever-dwindling number of people who get it. The problem is that most adults in this country don’t participate in hunting and fishing. I think we’d get a lot more support if we emphasized our sports as ways to save children’s health, rather than saving fishing and hunting for their own sake. There are millions of people who couldn’t care less about hunting. I’ve yet to meet anyone who was apathetic about raising happier, healthier children. I think we could get a lot of those folks on our side.

—Interview by Bill Heavey

Comments

I'd have to agree that emphasizing the positive health benefits for hunting and fishing could be a great way to get more children involved. I think hunting also teaches patience and problem solving.

The problem is finding mentors for these kids. Not every kid has a parent, or grandparent, or family friend that hunts.

Posted by: Kristine Shreve | June 18, 2007 at 05:56 PM

It is definately a positive to take children out into the woods and take on a great number of outdoor related activities. It does not neccesarily have to be hunting, fishing, or camping. Just an overall appreciation of the outdoors which can be passed on to the younger generation could be helpful in conservation and the future of our lands. I took my 15 year old son hunting for the first time last year. I not only took him hunting but also sight seeing, I educated him, I gave insight as to how our lands have always and should always provide for us so long as we provide for them.