

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

**February 8, 2008  
Middle Peninsula Planning District Commission  
Saluda, Virginia**

**1. Welcome and Introductions**

The Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA or PAA) held its meeting in the Middle Peninsula Planning District Commission Board Room in Saluda, Virginia at 11:00am on February 8, 2008.

Chairman Pleva called the meeting to order. Members and Alternates present were Ron Hachey, King & Queen County Administrator; Gary Allen, Essex County Administrator; Steve Whiteway, Mathews County Administrator; Charles "Rick" Allen, Gloucester County Board of Supervisors; Trenton Funkhouser, Town of West Point Town Manager; Steve Hollberg, Town of Urbanna Town Council Member; and Terri Hale, King William County Assistant Administrator. Also present were Lewis Lawrence, Director of Regional Planning MPPDC; Jacqueline Shapo, NOAA Coastal Services Center Coastal Management Fellow; and Sara Stamp, MPPDC SAMP Director. Chairman Pleva opened the meeting by officially welcoming Rick Allen as the new Gloucester County representative on the PAA.

**2. Approval of December Minutes**

Chairman Pleva requested a motion to approve the December 2007 Minutes. Mr. Whiteway moved that the Minutes be approved. Mr. Allen seconded the motion. Motion carried by unanimous vote.

**3. Treasurer's Report**

Chairman Pleva requested a motion to approve the January 2008 Revenue and Expenditure Report subject to audit. Mr. Whiteway moved that the Report be approved; Mr. Hollberg seconded the motion. Motion carried by unanimous vote.

**4. Public Comment**

There was no public comment.

**5. VACO Insurance Renewal**

Mr. Lawrence informed the PAA that the VACO umbrella policy renewal quote for all MPCBPAA properties and enhancements contained therein will be available shortly.

## 6. PAA Disclosure Statement Update

Ms. Shapo reminded the MPCBPAA that Board members are now required to file a financial disclosure statement, as representatives of the Authority, with the Secretary of the Commonwealth, as per Section § 2.2-3118 of the Code of Virginia. The decision to file was arrived at by the Board during the December 2007 PAA meeting. Ms Shapo requested that Board members complete and submit their disclosure statements to her by the conclusion of the meeting.

## 7. CELCP Update

- a) **Clay Tract:** Ms. Shapo reported that the CELCP application checklist and associated documentation for the Clay Tract is still being processed by the NOAA Appraiser, Grants Attorney, and Grants Manager. Kris Wall (NOAA CELCP contact) has stated that the PAA should be able to safely schedule the closing date for Clay after March 10, 2008.
  
- b) **Haworth Tract Land Management Plan:** Ms. Shapo reported that she had conversed with numerous local landowners adjacent to and in the vicinity of the Haworth Tract, the King and Queen County Administrator, Supervisor of the Shanghai District–King and Queen County, Superintendent of Schools, and representatives of the King and Queen County School Board, Middle Peninsula Planning District Commission, Northern Neck Chapter of the Audubon Society, Middle Peninsula Trail Partners, BikeWalk Virginia, Top Knot Hunt Club, Shackelfords Hunt Club, Dragon Run Steering Committee, Friends of Dragon Run, The Nature Conservancy, Department of Conservation and Recreation, Department of Forestry, Department of Game and Inland Fisheries, and Chesapeake Bay National Estuarine Research Reserve at VIMS, among others, about their role as stakeholders in the development of the Haworth Tract Land Management Plan and their participation in management plan meetings. In order to account for any potential stakeholders that Ms. Shapo might have overlooked, she has also submitted a public notice about the first Haworth Tract Land Management Plan meeting on February 12, 2008 to the *Tidewater Review*. Ms. Shapo will convene the land management plan meeting at 7:00pm in the King and Queen County Courts and Administration Building. Topics of discussion will include background information about the PAA, its work in the Middle Peninsula, CELCP, the PAA's participation in CELCP, opportunities for the Haworth Tract, and how and why each stakeholder could/should participate in future meetings to develop the land management plan. Ms. Shapo also plans to relay to attending stakeholders a proposed meeting schedule and open to discussion potential and prohibited uses stakeholders look to have or not have conducted on the tract. Stakeholders will be given time to interact with maps of Haworth and discuss any potential discrepancies with the location of existing property boundary lines adjacent to Haworth.

## 8. VDOT Road Ending Transfer Update

Mr. Lawrence reported on a previous meeting he had with representatives from the Virginia Department of Transportation to discuss conveyance of a VDOT-owned prescriptive easement

(250 ft. long and 30 ft. wide) on Lower Guinea Landing (a.k.a. Bill Hoggs Landing) from VDOT to the PAA. At the meeting, Mr. Lawrence relayed the PAA's responses to VDOT's concerns about who would gain ownership of the landing were the PAA ever to disband and what types of water/boating access would be permissible to the public, once the landing were opened for public access, recognizing that there is little room for maintenance equipment and vehicles with trailers to maneuver down by the water. VDOT also communicated to Mr. Lawrence that in addition to Lower Guinea Landing, it now looks to transfer to the PAA ¼ mile of dirt road (Kings Creek Road) leading to the landing, instead of the originally-proposed 250 ft prescriptive right-of-way. Additionally, discussion at the meeting centered on the mechanism – a public process – by which VDOT looks to convey any road ending or landing to any Public Access Authority. This includes (1) the PAA holding a public hearing, following VDOT guidelines, to discuss any road ending that might be conveyed; (2) ensuring that notice of such a public hearing is widely circulated to reach the respective county's Board of Supervisor Members, VDOT's Asset Management Division, DGIF, and local land owners; and (3) providing the respective county's Board of Supervisors (who will not participate directly in the process) and VDOT with a transcript of the hearing once it is concluded. VDOT has also requested that the PAA submit a long-range management plan for the road ending to VDOT after the PAA-hosted public hearing. Once VDOT agrees to the terms of the management plan, it will forward its recommendations to the Commonwealth Transportation Board (CTB). The CTB will then hold its own public hearing to ensure that no conflicts exist with conveying the road ending from VDOT to the PAA. Once the CTB signs off on the road ending conveyance, interests may be transferred from VDOT to the PAA.

Mr. Lawrence suggested that the next step in the process to transfer interest in Lower Guinea Landing from VDOT to the PAA is to set a date for the public hearing. Mr. Rick Allen reported that he would like to first talk with the Gloucester County Supervisor of the Lower Guinea District about the transfer before setting a hearing date.

## **9. Wetlands Banking Update**

Mr. Lawrence made a presentation to the Gloucester County Board of Supervisors in January about wetlands banking opportunities in the county. Mr. Lawrence discussed the prospect of the PAA acquiring and converting into a wetlands bank six FEMA buy-out parcels owned by the county. Additionally, dialogue was held as to whether the proposed bank could be managed by the PAA for use by Gloucester citizens only or converted into a regional bank, which could be used by all citizens in the Middle Peninsula.

Mr. Lawrence also reported on conversations he had with the Chesapeake Bay NEMO, Virginia NEMO, and National Fish and Wildlife Foundation about its recently-posted RTP. Mr. Lawrence would like to partner with NFWF to fund a Wetlands Bank Business Development Plan, and NFWF appears agreeable to the proposed project. Mr. Lawrence requested that he be permitted to submit, on behalf of the MPCBPAA, an application to NFWF for funding.

## **10. Draft – Middle Peninsula Coastal Access Survey Update**

Mr. Lawrence provided the PAA with and discussed in detail the revised draft of the Middle Peninsula Coastal Access Survey developed in part by Mr. Lawrence and Sally Mills of *Write Stuff*. Once finalized, long and short versions of the survey will be posted on the Virginia

Institute of Marine Science Water Access 2007 website. Suggestions were made by Board members as to how to refine the introduction, format, and some of the questions in the survey to make them more comprehensive to the public. Mr. Lawrence requested that if the Board had any additional comments or suggestions to forward them to him by February 15, 2008.

### **11. Browne Tract Questionable Uses Update**

Ms. Shapo presented the PAA with a draft list of uses that will now be prohibited on the Browne Tract. Discussion was held as to what additional uses might be inappropriate on Browne, and the list was finalized by the Board. These prohibited activities will be posted on a sign at both entrances to the tract shortly.

Ms. Shapo also presented for discussion a draft letter to the Girls Cross Country Head Coach at St. Margaret's School, which explains the PAA's position on his use of the tract during hunting season (except on Sundays) as part of his girls' cross country training loop. The letter was revised by the Board and will now be finalized and forwarded to the Girls Cross Country Head Coach and the Head Mistress at St. Margaret's School.

### **12. Browne Tract Trail Demarcation**

Ms. Shapo reported that Boy Scout Troop #111 of Gloucester County has generously agreed to help the MPCBPAA enhance the trail demarcation system of the Browne Tract through the application of blazes. Ms. Shapo has corresponded and visited Browne with scout leaders and with an Eagle Scout candidate in the troop, Ellery Hollberg (son of Mr. Hollberg), who looks to help her plan and facilitate the trail blazing as part of his final Eagle Scout project. The two-day trail blazing/habitat enhancement event is scheduled for the weekend of February 23-24, 2008. Scout leaders have requested that the MPCBPAA permit the troop to camp on the Browne Tract the evenings of February 22 and 23, so that they may accomplish the blazing in the time allotted.

Chairman Pleva requested a motion to approve the two-day trail blazing event on February 23 and 24 and to permit Boy Scout Troop #111 to camp on the tract the evenings of February 22 and 23, 2008. Mr. Funkhouser moved that the motion be approved. Mr. Gary Allen seconded the motion. Motion carried by unanimous vote.

Ms. Shapo will now install signage at both entrances to Browne, which closes the tract to all users the weekend of February 22-24, 2008.

### **13. TNC Land Donations – Garrett Tract and Guinea Marshes**

Mr. Lawrence and Ms. Shapo reported on an on-going discussion with The Nature Conservancy about ownership interests in the Garrett Tract (12.5 acres) and Guinea Marshes (188.5) parcels. TNC holds partial interest in both parcels and would like to convey that interest to the PAA in the near future, so that the properties can be opened for passive public access. Prior to any transfer of property interests, however, Mr. Lawrence mentioned that he will have the title to Garrett and Guinea Marshes researched by the PAA's attorney and will talk to the other owners of each parcel to determine their interest in having public access on the properties.

#### **14. Other Business**

- a) **2008 Outreach Materials**: Ms. Shapo reported that the agenda packet contains new outreach materials about the MPCBPAA and the work it has accomplished/is accomplishing to enhance public access to the waterways of the Middle Peninsula. These materials were provided to Bill Pruitt for distribution at the General Assembly, as the MPCBPAA looks to obtain FY 09 GA funding, so that it may continue its general activities.

#### **15. Chairman Observations**

None

#### **16. Next Meeting**

The next meeting of the Middle Peninsula Chesapeake Bay Public Access Authority will be held Friday, April 11, 2008 at 11:00am.

#### **17. Adjourn**

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

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Frank Pleva