



Middle Peninsula Public Access Master Plan



Providing a roadmap for public access in the Middle Peninsula Region



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The views expressed herein are those of the authors and do not necessarily reflect the views of the U.S. Department of Commerce, NOAA, or any of its subagencies.

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Chapter One: FRAMING THE ISSUE

Coastal areas generate billions of dollars annually from fisheries, recreation and tourism, ports, and other marine businesses. While coastal areas represent a very small portion of the total national land area, they support a disproportionately large range of uses and activities that are critical to the health, wealth, and safety of Americans. Waterfronts along our coasts are experiencing increased pressure from competing demands including residential property development, land acquisition for conservation, offshore energy, marine transportation and commerce, and other demands, which have accelerated the need to sustainably manage finite spaces and coastal and ocean resources. At the same time, climate change impacts are expected to amplify these challenges. The cumulative impacts of increasing population, natural resource use and loss, and vulnerability to coastal hazards will affect the daily lives of Americans as they live and conduct business in coastal areas, use products shipped into U.S. ports, consume seafood, and vacation along the coasts.

- David Kennedy, Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management at the National Oceanic and Atmospheric Administration (NOAA)- **LEGISLATIVE HEARING ON H.R. 2548, THE KEEP AMERICA'S WATERFRONTS WORKING ACT OF 2009**

Over the years coastal community dynamics have shifted to adjust and adapt to our nation's love affair with the coastal zone. Offering scenic vistas, recreational activities as well as commercial opportunities, our nation's coastlines appeal to a variety of user groups with a variety of demands.

With only one percent of the Virginia's shoreline publicly owned, providing residents and visitors with sufficient water public access to the natural resources of the Commonwealth is quite important to coastal localities. Yet offering water access points through publicly owned lands is challenging to say the least. Middle Peninsula coastal communities and water-dependent industries face a difficult and critical challenge - how to balance development pressures, recreational demands, and tourism while maintaining adequate public access to the waterways of the region that equitably support a community vision. Therefore, to assist in directing local and regional initiatives to promote, improve, and create new water public access sites in the Middle Peninsula, the Middle Peninsula Chesapeake Bay Public Access Authority (PAA) and the Middle Peninsula Planning District Commission (MPPDC) have developed this comprehensive Regional Public Access Master Plan.

The intention of this report is to provide a direction for public access within the Middle Peninsula Region. From policy and management goals to infrastructure and asset acquisition, this plan will provide guidance to improve public access for Middle Peninsula citizens. The second intention of this plan is to

help strengthen the nexus between recreational access and working waterfront access, particularly as there have been a series of federal legislation proposed regarding working waterfront and other access issues. Thus, as the PAA continues to proactively strive toward improving public access in the region, this plan positions member localities to obtain future funding.

Our Coast and Working Waterfront

Framing the Issue in the Middle Peninsula

As a coastal region consisting of six counties (e.g. Essex, Gloucester, Mathews, King William, King & Queen, and Middlesex Counties) and three towns (e.g. Town of Tappahannock, Urbanna, and West Point), the Middle Peninsula abuts the Rappahannock River to the North, the York River to the South, and the Chesapeake Bay to the East (Figure 1). The coastline of the Middle Peninsula was the epicenter of economic development for the region and historically supported working waterfront maritime traditions and culture, including seafaring, boat building/repair, and seafood harvesting. However, in recent years a variety of factors have contributed to a shift away from such traditional water-based livelihoods. For instance, disease, predation, and water quality, have contributed to declines in harvestable shellfish populations, while regulations have placed limitations on fishery harvests; ultimately straining the livelihoods of watermen who have worked the water for generations.

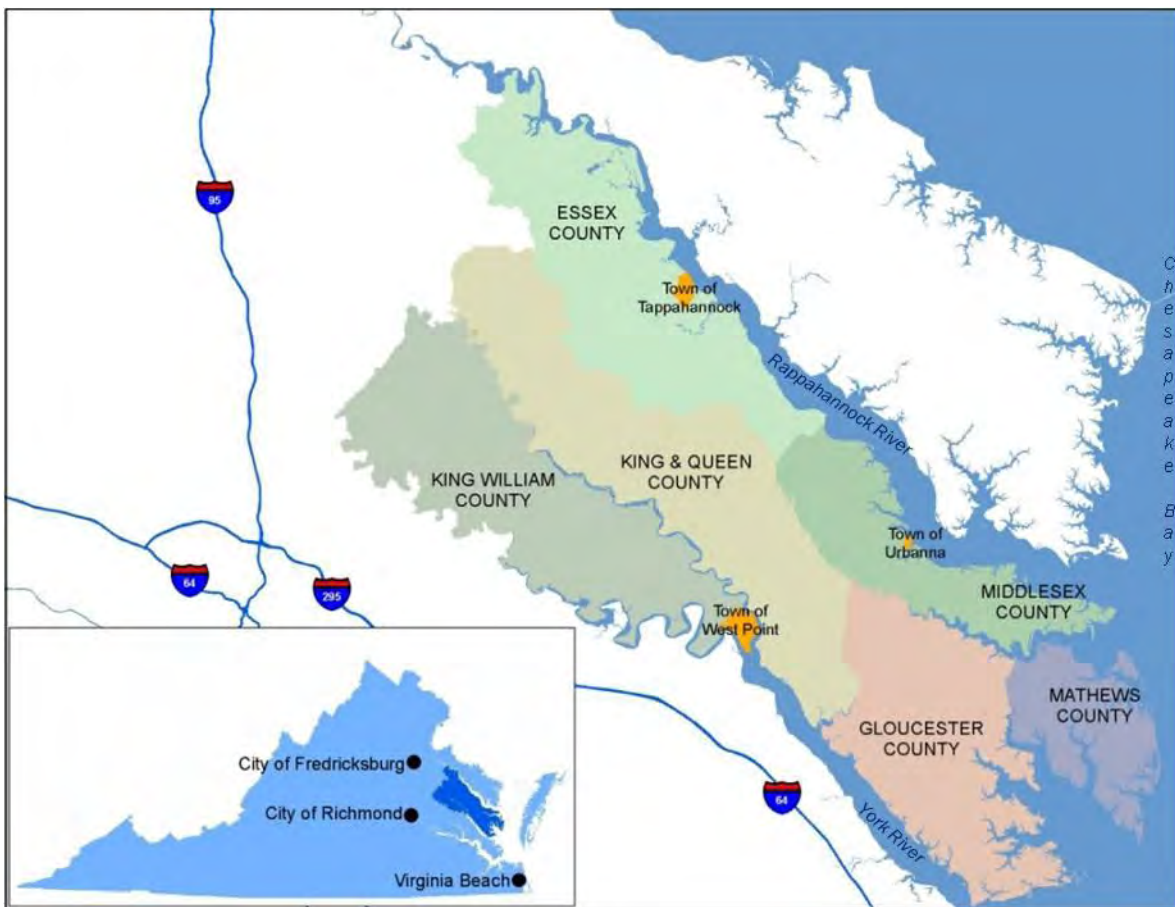


Figure 1: Map of Middle Peninsula localities.

Other factors concurrently impacting the shorelines of the Middle Peninsula include populations migrating to the coast which not only accelerates the rate of coastal development, but increases the

demand for regional coastal resources. While coastal residential development has been economically appealing to some communities, localities ultimately sacrifice losing their historical maritime character, culture, and heritage. Additionally, as coastal properties became more desirable and increased in market value, property taxes increased. Consequently, higher taxes force watermen, who once owned the waterfront property, to vacate the waterfront since they can no longer afford the property tax. Although historic trends of moving to the coast have created the development patterns of today, sea level rise, climate change, Federal Flood Insurance Reform, and a host of other federal and state regulations may discourage future migration to the coast and may cause homeowners and businesses to reconsider living near the coast, thus affecting the local economy and way of life in the Middle Peninsula.

Furthermore, traditional access points to the water have become threatened - access points are built upon, fenced off, posted “No Trespassing”, or purchased by new owners who are unwilling to continue old patterns of public access uses. For instance, this average looking sign in Figure 2 indicating private property falsely conveys the reality of the situation. In reality this sign sits on a public beach owned by Mathews County. Also the sign indicates that trespassers will be prosecuted and that it is a federal offense to tamper with the sign, yet the listed phone number connects to the local sheriff’s office. This example conveys a local public access conundrum between the ownership and maintenance responsibly of public access sites in the region.



Figure 2: Sign found on private property in Mathews County.

Chapter Two: REGULATIONS, POLICIES & PROGRAMS IMPACTING PUBLIC ACCESS

All levels of government, from federal to local are working to preserve and protect our nation's coast, yet efforts by local governments focus on specific public access needs within their jurisdiction through policy and project implementation. This chapter highlights key agencies and programs that assist in the improvement and protection of public access as well as policies of the Commonwealth that provide a foundation from which public access improvements and management can be based on.

VIRGINIA COASTAL ZONE MANAGEMENT

The 1972 Coastal Zone Management (CZM) Act establishes a national policy to protect, and, where possible, restore and enhance coastal areas. This Act created the Coastal Zone Management Program. By leveraging federal and state matching funds, this Program strengthens the capabilities of each partner to address coastal issues, including coastal development, water quality, shoreline erosion, public access, natural resource protection, energy facility siting, and coastal hazards.

The Virginia Coastal Zone Management Program, established in 1986, works to protect and manage 29 counties, 17 cities and 42 incorporated towns within the Virginia coastal zone (i.e. Tidewater Virginia). Focused on three general aspects of the coastal zone including (1) coastal resource protection, (2) coastal sustainable use, and (3) coastal management coordination, the Virginia CZM, with regards to public access, aims to:



Virginia Coastal Zone
MANAGEMENT PROGRAM

1. Protect and restore coastal resources, habitats, and species of the Commonwealth. These include, but are not limited to, wetlands, subaqueous lands and vegetation, sand dune systems, barrier islands, underwater or maritime cultural resources, riparian forested buffers, and endangered or threatened species.
2. Promote sustainable ecotourism and to increase and improve public access to coastal waters and shorefront lands compatible with resource protection goals.
3. Ensure sustainable development on coastal lands and support access for water-dependent development through effective coordination of governmental planning processes.
4. Avoid and minimize coastal resource use conflicts through research, planning, and a forum for coordination and facilitation among government agencies, interest groups, and citizens.

The MPPDC and the PAA have utilized funding through this program to acquire land for access, develop policies that improve access and management of public access locations and conduct legal research of public access locations to understand ownership and maintenance responsibilities.

CHESAPEAKE BAY PRESERVATION ACT

The 2014 Chesapeake Bay Watershed Agreement outlines a variety of Goals and Outcomes that the signatories (ie. Chesapeake Bay Commission, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia and New York) will work on collectively to advance restoration and protection of the Chesapeake Bay ecosystem and its watershed. The Goals articulate the desired high-level aspects of the partners' Vision. The Outcomes related to each Goal are specific, time-bound, measureable targets that directly contribute to achieving that Goal. The Goal & Outcomes related with public access is as follows:

GOALS & OUTCOMES

PUBLIC ACCESS

Physical access to the Bay and its tributaries is very limited, with real consequences for quality of life, local economies and long-term conservation. Increasing public access to local waterways for fishing, swimming, boating and other activities fosters a shared sense of responsibility and increased stewardship that supports Bay watershed restoration goals.



GOAL: Expand public access to the Bay and its tributaries through existing and new local, state and federal parks, refuges, reserves, trails and partner sites.

Public Access
Site Development
Outcome



By 2025, add 300 new public access sites, with a strong emphasis on providing opportunities for boating, swimming and fishing, where feasible. (2010 baseline year)

The Virginia General Assembly originally enacted the Chesapeake Bay Preservation Act in 1988. The Act was a critical element of Virginia's multifaceted response to the Chesapeake Bay Agreement. The Bay Act established a cooperative relationship between the Commonwealth and local governments aimed at reducing and preventing nonpoint source pollution. The Bay Act, like many other environmental protection programs, is an extension of the public trust doctrine. The beds of Virginia's streams, rivers and estuaries and the waters above them are held and managed by the Commonwealth for the benefit of all Virginians. As of 2013 the State Water Control Law integrated the Chesapeake Bay Preservation Act (§62.1-44. 15:24 et seq.), the Erosion and Sediment Control Law (§62.1-44 15:51 et seq), and the Virginia Stormwater Management Act (§62.1-44. 15:24 et seq) under the jurisdiction of the State Water Control

Board. This integration allows the regulatory programs to be implemented in a consolidated and more consistent manner. This Act is currently managed by the Virginia Department Environmental Quality.

PUBLIC TRUST DOCTRINE

The common law doctrine of Public Trust in Virginia holds submerged land and water below the mean low water line in trust for the public and future generations. Therefore, in Virginia, coastal property owners may prevent people from gaining access to the shoreline of their land. Gaining unauthorized access – either perpendicularly or horizontally to the shore – may be trespassing for which one may be liable in court. Virginia is one of only a few states where coastal property owners can own land to the mean low tide line (Figure 3). These ownership interests are subject to a centuries-old public easement allowing the public to use the intertidal zone for the limited purposes of "fishing, fowling, hunting and taking of oysters and other shellfish." However, under the public trust doctrine, the government is also obliged to act on behalf of the public to protect publicly-owned submerged lands below the mean low tide line, and publicly owned natural resources such as fish, bivalves, and seaweed that might be extracted from the shore. In Virginia, the Virginia Marine Resources Commission (VMRC) is the state agency responsible for stewardship of Virginia's marine and aquatic resources and protectors of its tidal water as well as the entity that enforces the Public Trust Doctrine.

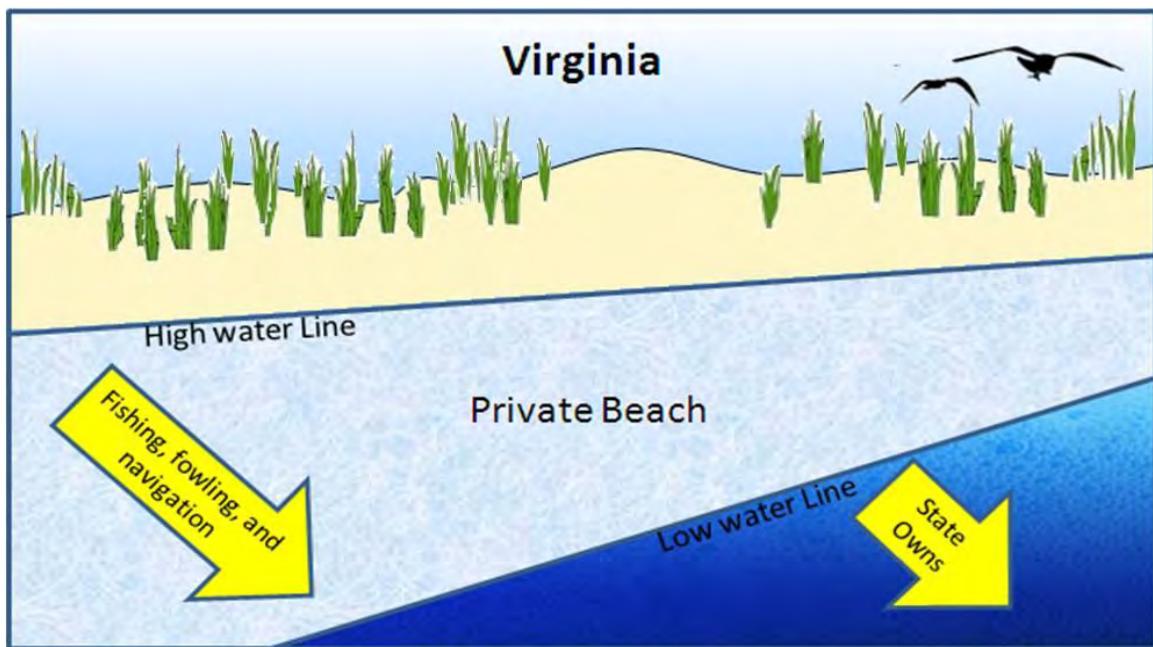


Figure 3: Who owns the Virginia shoreline? This diagram depicts and distinguishes the ownership of the coastline. Private land owners may own property to the low water line whereas the Commonwealth owns the submerged land below the mean low water line.

SECONDARY SYSTEM OF STATE HIGHWAYS

The majority of public water access sites across the Middle Peninsula have one common attribute, which is access to state waters provided across right of ways, through the secondary system of highways maintained by the Virginia Department of Transportation (VDOT).

The Secondary System of State Highways was created in 1932 with the enactment of the Byrd Road Act of 1932 (1932 Acts of Assembly, ch. 415). The Byrd Road Act transferred to the Virginia

Department of Highways, now VDOT, the control of all non-primary highways and landings in Virginia for the purpose of relieving counties and certain cities and towns of the obligation of maintenance and improvements of such roads and landings. Included within the Secondary System of State Highways were “all of the public roads, causeways, bridges, landings and wharves in the several counties of the State as of March 1, 1932, not included in the State highway system.” Therefore, public landings and public wharves continue to be part of the Secondary System of State Highways (Va. Code § 33.1-67¹). The Byrd Road Act removed all control, supervision, management and jurisdiction over such roads and landings from local Boards of Supervisors (See Va. Code § 33.1-69²).

In the months that followed the enactment of the Byrd Road Act, VDOT inventoried the streets and roads for which it had become responsible. It determined which roads and how much of the roads would be subject to state maintenance. Where the condition of a road was either (a) too costly to repair and maintain, (b) inconvenient in some other way, or (c) there was insufficient public service to warrant the public expense required to maintain those portions, VDOT fixed the location for the end of maintenance. As a practical matter, those portions of roads that were beyond the end of state maintenance did not become part of what is now considered the Secondary System of State Highways.

Nevertheless, VDOT’s decision not to maintain all or portions of original roadway corridors did not operate to cease their status as public roads. It merely constituted an administrative decision discontinuing VDOT’s jurisdiction. Those roads not taken into the Secondary System of State Highways were left under the jurisdiction of the respective local governing body.

Throughout the Commonwealth, there are many public roads that are not actively maintained by VDOT. However, unless those roads have been formally abandoned, they remain available for public use. The fact that VDOT does not actively maintain them does not extinguish the public’s right to use them.

The Byrd Road Act did not in and of itself create any public roads. Another portion of the Code of Virginia establishes certain presumptions as to the existence of public roads:

¹ § 33.1-67 **Secondary system of highways.**

The secondary system of state highways shall consist of all of the public roads, causeways, bridges, landings and wharves in the several counties of the Commonwealth not included in the State Highway System, including such roads and community roads leading to and from public school buildings, streets, causeways, bridges, landings and wharves in incorporated towns having 3,500 inhabitants or less according to the census of 1920, and in all towns having such a population incorporated since 1920, as constitute connecting links between roads in the secondary system in the several counties and between roads in the secondary system and roads in the primary system of the state highways, not, however, to exceed two miles in any one town. If in any such town, which is partly surrounded by water, less than two miles of the roads and streets therein constitute parts of the secondary system of state highways, the Commonwealth Transportation Board shall, upon the adoption of a resolution by the council or other governing body of such town designating for inclusion in the secondary system of state highways certain roads and streets in such town not to exceed a distance of two miles, less the length of such roads and streets in such town which constitute parts of the secondary system of state highways, accept and place in the secondary system of state highways such additional roads and streets.

² 33.1-69. **Control, supervision and management.**

The control, supervision, management and jurisdiction over the secondary system of state highways shall be vested in the Department of Transportation and the maintenance and improvement, including construction and reconstruction, of such secondary system of state highways shall be by the Commonwealth under the supervision of the Commonwealth Transportation Commissioner. The boards of supervisors or other governing bodies of the several counties and the county road board or county road commission of any county operating under a county road board or county road commission shall have no control, supervision, management and jurisdiction over such public roads, causeways, bridges, landings and wharves, constituting the secondary system of state highways. Except as otherwise provided in this article, the Commonwealth Transportation Board shall be vested with the same powers, control and jurisdiction over the secondary system of state highways in the several counties and towns of the Commonwealth, and such additions as may be made from time to time, as were vested in the boards of supervisors or other governing bodies of the several counties or in the county road board or county road commission in any county operating under a county road board or county road commission on June 21, 1932, and in addition thereto shall be vested with the same power, authority and control as to the secondary system of state highways as is vested in the Board in connection with the State Highway System.

When a way has been worked by road officials as a public road and is used by the public as such, proof of these facts is prima facie evidence that the same is a public road. And when a way has been regularly or periodically worked by road officials as a public road and used by the public as such continuously for a period of twenty years, proof of those facts shall be conclusive evidence that the same is a public road. In all such cases, the center of the general line of passage, conforming to the ancient landmarks where such exist, shall be presumed to be the center of the way and in the absence to proof to the contrary the width shall be presumed to be thirty feet. (Va. Code § 33.1-184) (emphasis added).

This section of the Virginia Code has far reaching implications for the road endings and public landings subject to this section of the public access master plan. Once a roadway has been regularly and periodically worked on by road officials as a public road and used continuously by the public as a public road for a period of 20 years, it is *conclusively* established as a public road. Because the legislature uses the phrase “conclusively”, the presumption that it is a public road cannot be rebutted. This is significant because a right of the public cannot be extinguished by a mere lack of use³.

The Supreme Court of Virginia has adopted an ancient maxim of the common law that “once a highway, always a highway”, unless it is abandoned or vacated in the due course of law⁴. One of the parties in *Bond v. Green* contended that proof that the road was maintained for a number of years by private parties, and not by the public, established an abandonment of the road as a public way. The Court did not agree. Therefore, once a public road has been created by formal action of the county or state or by the means described in Virginia Code §33.1-184, it remains a public road until formal action is taken to abandon it. Furthermore, abandonment cannot take place unless it is done by the local governing body⁵. The failure of VDOT to maintain the road or to include it on state maps is irrelevant to the determination of whether it is a public road.

Section §33.1-184 of Virginia Code is also significant because it establishes the width of public roads. The last sentence that is quoted above creates a rebuttable presumption that the width of all such roads is 30 feet. This presumption applies whether the road has been taken into the Secondary System of State Highways for maintenance or not. It also applies even if the road officials fail to use all 30 feet⁶.

PRESCRIPTIVE EASEMENTS AND OTHER PROPERTY RIGHTS

There are several ways a roadway or road corridor can become a public road. A road corridor can become a public road by being purchased by a county or VDOT through deed or the exercise of the power of eminent domain. As set forth in the last section, the Code of Virginia creates a presumption that a roadway is a public road when it has been worked by road officials and/or used by the public for a period of 20 years. The property interest that results from this presumption is a prescriptive easement.

The prescriptive easement for public roads is different from prescriptive easements between private parties. In Virginia, a prescriptive easement between private parties arises where the land of another has been used for a period of 20 years. The use of the land has to be adverse, under claim of right, exclusive, continuous, uninterrupted and with the knowledge and acquiescence of the owner of the underlying land. It is very similar to adverse possession of land. “When the user of a way over another’s land clearly demonstrates that his use has been open, visible, continuous and exclusive for more than 20

³ *Basic City v. Bell*, 114 Va. 157, 76 S.E. 336 (1912)

⁴ *Bond v. Green*, 189 Va. 23, 52 S.E.2d 169 (1949)

⁵ *Ord v. Fugate*, 207 Va. 752, 152 S.E.2d 54 (1967)

⁶ *Norfolk & Western Railway Co. v. Faris*, 156 Va. 205, 157 S.E. 819 (1931)

years, his use is presumed to be under a claim of right.”⁷ However, the width of the easement is limited to the character of the use during the prescriptive period⁸. Furthermore, an individual trying to establish such a prescriptive easement is subject to a heavy burden of proof. There are also a number of defenses which can defeat a prescriptive easement.

On the other hand, a prescriptive easement obtained by the public, pursuant to Virginia Code §33.1-184, is not rebuttable when the way has been regularly or periodically worked by road officials as a public road and used by the public as a public road continuously for a period of 20 years. No other evidence is required to establish its existence. The width is presumed to be 30 feet. Therefore, the burden of proof to establish a prescriptive easement for a public roadway is significantly less than for a private easement.

Like any other easement, a prescriptive easement is a servitude upon the land owned in fee by another. Even though VDOT, the county or the general public does not own the fee simple title to the underlying land, the public has a right to use the road for all purposes for which the road was established or created. This would include using it as a landing as well as a roadway, if it has historically been used as a landing or a landing is consistent with its use as a road corridor to the water. The owner of the underlying fee continues to own the property, but has no right to use the property in any manner which interferes with the enjoyment by the public of the road or landing. Accordingly, the owner of the title to the land encumbered by a prescriptive easement cannot control the property or interfere with the public’s use of the easement.

As set forth earlier, once a public road or landing is created by a prescriptive easement, it will remain a public road or landing until there is formal action taken by the Board of Supervisors to *abandon* the road or landing.

LOCAL POLICY

Local policy and projects have also been implemented that have impacted public access throughout the region. A summary and inventory of policies and projects for each locality may be found later in this plan – Chapter 6 and Appendix H.

⁷ *Umbarger v. Philips*, 240 Va. 120, 124, 399 S.E.2d, 198, 200 (1990); *Chaney v. Haynes*, 250 Va. 155, 158-159, 458 S.E.2d 451, 453 (1995)

⁸ *Martin v. Moore*, 263 Va. 640, 561 S.E.2d 672 (2002)

Chapter Three: ADDRESSING PUBLIC ACCESS – WORK TO DATE

Since 1999, the MPPDC participating localities have been working toward addressing the issues and concerns regarding public access within the Middle Peninsula. This chapter reviews the specific projects and efforts that have taken place to improve public access to the waters of Commonwealth from Middle Peninsula localities. Figure 4 shows a timeline of the completed projects.

MIDDLE PENINSULA PDC PUBLIC ACCESS SITE INVENTORY (1999)

Throughout the Middle Peninsula, there are numerous small waterfront sites at the end of VDOT maintained roads or terminus points which assumably are part of the road right-of-way, and are therefore public property. Such terminus points were defined as primary or secondary roads that end in near proximity to any tributary that could yield access to public waters. As these sites are threatened by (1) absorption or claim to the land by adjacent landowners seeking to discourage public use of the site and (2) misuse of the site as a dumping area for trash, appliances and other hazardous items, MPPDC staff funded through the Virginia Coastal Zone Management Program began to address threats (Grant #NA87OZ0253-01). In part, MPPDC staff identified potential access sites/road terminus points by surveying local officials and reviewing GIS data. Once the sites were identified, the sites were visited and assessed. The assessments included the approximate size of the site, road conditions, site maintenance, surrounding land use, access to water, parking, habitat features, and environmental conditions (i.e. erosion, dumping ground and wetlands). As an outcome, MPPDC staff created a database of georeferenced sites, photos of sites, as well as assessment information that helped to provide a comprehensive overview of road terminus points and current conditions.

CREATION OF THE PAA (2003)

In 2003, the Virginia General Assembly approved House Bill 619, to create the institutional framework for Middle Peninsula local governments to address public access on a regional basis and enable the creation of the Middle Peninsula Chesapeake Bay Public Access Authority (PAA). Composed of elected officials and local government administrators from the Middle Peninsula, the PAA was established as a political subdivision to serve the public access needs of the participating jurisdictions along more than 1,000 square miles of the Virginia Coastal Zone.

According to the enabling legislation (§15.2-6600 - §15.2-6625), the authority shall be charged with the following duties:



Figure 4: Timeline of projects completed the MPPDC and PAA to address and improve public access in the Middle Peninsula.

1. Identify land, either owned by the Commonwealth or private holdings that can be secured for use of 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.

See Appendix A for Code. The PAA frequently partners with state and federal agencies, non-governmental organizations, and private citizens to promote land acquisition and enhancement of public access in the Middle Peninsula region. Since its inception, the PAA has leveraged nearly \$3 million for public access acquisitions and improvements through federal, state, regional, and private programs, has acquired approximately 1,000 acres of land for public use and has therefore become an exception tool in improving public access in the Middle Peninsula.

YORK RIVER USE CONFLICT COMMITTEE (2004)

As the Middle Peninsula transitions from a less rural to more suburban county, MPPDC staff worked with Gloucester County to adapt management tools for near shore land, public water bodies, and water use rights and privileges. In 2004, conflicts in Gloucester County were common between waterfront property owners, watermen, boaters, recreational fishermen, sportsmen, aquaculture industries and others seeking to use the Commonwealth water resources. In response, PAA partnered with Virginia Coastal Zone Management Program, Virginia Sea Grant (VSG) Coastal Communities and Development Program, as well as Gloucester County to form the York River Use Conflict

Committee (Grant #NA07NOS4190178 Task 93.01). Over a period of two years, major user groups, including waterfront property owners, waterfowl hunters, recreational boaters and fishermen, as well as Gloucester County staff discussed approaches to address water use conflicts that had arisen in the York River. In 2006, the final report was complete and offered seven recommendations for the Gloucester County Board of Supervisors to consider. The Gloucester County Board of Supervisors adopted all seven of the recommendation generated by the York River Use Conflict Committee and included these recommendations in the adopted 2016 Comprehensive Plan. See Chapter 6 for more information.

REGIONAL ALTERNATIVE TRANSPORTATION STUDY (2004)

This study discussed regional and local efforts regarding regional alternative transportation (i.e. water trails, biking routes, boating access, birding and wildlife trails, driving tours, etc.) and associated projects. More specifically the study cataloged levels of implementation as it relates to existing access points, planned facilities, and water trails, and established priorities for future planning. The goals and objectives identified by stakeholders in this report created concrete steps to be taken at the local and regional level to enhance the area's Alternative Transportation System.

VDOT – LANDING AND ROAD ENDING ACQUISITIONS (2006)

With funding from the Virginia CZM Program, the PAA identified 300 roadways with public access capabilities running to or near waterways in the Middle Peninsula.

With considerable desire amongst Middle Peninsula governing bodies to have their citizens access waterways for recreational and commercial purposes through these roadways and landings, the PAA identified obstacles, offered solutions and created a document to guide leaders in understanding how to assure access at these locations. The PAA selected five of the potential land sites to investigate. First title searches were conducted to determine ownership of these sites. The title search involved a review of the deed and will record at the county or city to determine the owner of the subject land and any rights appurtenant to that land. The PAA also consulted with VDOT residency office to determine and gather other property rights including deeds, plats and correspondence related to conveyances of the fee simple title to VDOT. The residency may also have the construction or right-of-way plans on file for changes made in the roadway in the vicinity of the landing. Those records frequently contain information regarding source of title in the landing.

The report found that there are three ways for a political subdivision to obtain a road ending:

1. **Discontinuance** is an act reserved for the Commonwealth Transportation Board (CTB). It results from a determination by the CTB that a road or landing no longer serves the public convenience to the extent that warrants its maintenance at public expense. Discontinuance of a road or landing merely means that VDOT will no longer maintain the road. If VDOT already has fee simple title to the road or landing, it will continue to own the road or landing and the public will have the right to use the roadway or landing, but VDOT will have no maintenance responsibilities. If VDOT's right to use the road or landing is based on a prescriptive easement, the prescriptive easement will revert to the local governing body upon discontinuance. However, the public still has a right to use the road or landing and it remains a public roadway unless and until the Board of Supervisors abandons the road or landing.
2. **Deed from VDOT:** Once a road or public landing is discontinued, VDOT would be in a position to convey any fee simple interest it has in the property. In all instances where VDOT discontinues a landing to enable a conveyance to a political subdivision (ie. PAA), there should be no impediment to obtaining a deed from VDOT.

3. **Permit from VDOT:** A much simpler method of transferring control to the political subdivision would be by means of a land use permit from VDOT to a political subdivision. Obtaining a land use permit would be easier, more likely to succeed, and financially more beneficial to a political subdivision than obtaining ownership.

Also during this project, HB2781 was passed during the 2007 General Assembly session. Sponsored by Delegate Harvey Morgan, HB 2781, “allows the CTB, upon the request of a PAA, to transfer road endings to the PAA any and all rights and interests of the CTB in highways, highway rights-of-way, and landings without first abandoning or discontinuing them.” This removed a huge obstacle to conserving road endings to enhance public access to the water. For the full report please visit Appendix B.

REGIONAL PUBLIC ACCESS SURVEY (2008)

To begin to develop an understanding of specific water public access issues within the Middle Peninsula, the PAA partnered with Virginia Sea Grant to inventory coastal access needs, concerns and trends throughout the region, including existing access and ownership patterns, public access needs of the residents in the lower Chesapeake Bay, waterfront conflicts and conversion issues. Long and short versions of the survey were mailed to various recreational watermen and working waterfront organizations. The survey was also made available through the Virginia Sea Grant website. Survey responses can be found in Appendix C.

MULTIMODAL FREIGHT OPERATIONS STUDY (2008)

The MPPDC was interested in existing intermodal and port infrastructure assets on the Middle Peninsula and how to better incorporate these assets to establish a more efficient and reliable transportation system.

Specifically pertaining to public access, this study obtained data from the U.S. Army Corp of Engineers port series that identified port facilities located on the north side of the York River and its tributaries. Also the report touched on the seafood industry transportation models that haul products to and from a public or private landing pier. If the boat arrives at the public landing pier, normally the product is transloaded directly to a truck for further processing, storage and/or distribution. However, this report identified that one of the challenges facing the Middle Peninsula seafood industry is waterside access. Waterside access in this context means maintaining ample water depths to allow for the safe navigation of commercial fishing vessels. Therefore, with no regular maintenance dredging of local waterways in Middle Peninsula localities will continue to experience the silting of navigational channels and loss of safe boating depths.

Loss of access and related infrastructure for commercial fishermen leaves waterfront land available for private, non-industrial development. This same waterside access issue impacts local and transient recreational boaters. Lack of available financing for regular maintenance dredging will continue to challenge the local navigational conditions of the Middle Peninsula’s creeks and rivers.

The intent of this project was to identify the advantages of utilizing a more effective intermodal system, including:

- Highway traffic reduction
- Economic development
- Opportunities for synergistic development between the port, highway, and land resources
- Increased level of safety
- Better utilization of natural resources

MATHEWS COUNTY PUBLIC ACCESS SURVEY (2009)

In partnership with Mathews County, Mathews Maritime Foundation, as well as Mathews Blueways, the PAA worked toward better understanding public access needs and working waterfront issues occurring within the waters of Mathews County.

The survey focused on gathering resident's perspectives and experiences on a variety of public access topics, including (1) how one gains access to public beaches and waterways, (2) waterfront conflicts, (3) working waterfront infrastructure problems and conflicts, and (4) ways to improve water access. From the survey the PAA broadly outlined current challenges and trends to inform and set future public policy, and to help qualify for future grant funding opportunities.

In all there were 75 respondents to the survey. Respondents identified the "biggest" and "smallest" public access issues, those sites that should be expanded, locations for new public access sites and offered improvements needed at public access sites. The majority of respondents:

- Lived in Mathews County for 10 to 25 years;
- Were Private or Recreational Boaters;
- Have direct access to the water;
- Drive less than 5 miles to launch their boat;
- Do not pay launch to their boat;
- Have not lost access in a boat launch site in the county in the past 5 years;
- Identified the biggest threat to access is coastal destruction due to storms and other hazards and overall lack of public water access sites;
- Identified Mathews County has a lack of public fishing piers and fishing opportunities from the shore;
- Agreed that loss of access in the County is detrimental;
- Believed that public and private partnerships should be establishing to ensure the preservation of working waterfront infrastructure;
- Believed that public mooring fields should be available on a first-come-first-serve basis for short-term use; and
- Believed that different user groups should have access to all sites.

For more information about survey results and public access concerns specific to Mathews County please refer to Chapter 6 as well as Appendix D for survey results.

REGIONAL SHALLOW WATER DREDGING MASTER PLAN (2010)

Navigable channels are pivotal to the use and enjoyment of docks, marinas, boat yards, yacht brokers and eateries. Water borne traffic has been at the heart of Middle Peninsula waterways since becoming home to its earliest settlers.

In spring of 2010, the PAA began working with the U.S. Army Corps of Engineers to develop a Middle Peninsula Regional Dredging and Sediment Management Plan which includes:

- Identification of regional and local dredging and sediment management needs;
- The costs and potential funding mechanism for dredging projects;
- The feasibility, nature and form of inter-municipal cooperation;
- A methodology and process for determining dredging priorities and scheduling;
- Feasibility and requirement for expedited permitting;
- Alternative for ownership, control and operation of dredging equipment; and

- Consideration of ecosystem restoration through the beneficial use of dredged material, incorporating dredging Sections 202 and 701 of the Chesapeake Bay Executive Order call on Federal agencies to expand public access to waters and open spaces of the Chesapeake Bay and its tributaries from Federal lands and conserve landscapes and ecosystems of the Chesapeake Bay watershed.

The primary focus of this investigation was on the rivers, creeks, harbors, and embayment's draining from the Middle Peninsula into the Chesapeake Bay. PAA selected 17 navigation projects and 17 shoreline project for the US Army Corps of Engineers to assess the current condition and needs. The navigation projects were designated by the Federal Navigation Channels and the report summarized the data, including Federal Channel name, county, as well as physical, financial and usage characteristics of each site.

An evaluation of a range of costs to provide for the needs of maintaining (dredging) navigation access was made for each of the 17 navigation channels (listed by county): Essex County (Hoskins Creek, Rappahannock River), Gloucester County (Aberdeen Creek), King William County and King and Queen County (Mattaponi River, Pamunkey River), Mathews County (Davis Creek, Horn Harbor, Queens Creek, Winter Harbor, Milford Haven), and Middlesex County (Broad Creek, Jackson Creek, Locklies Creek, Mill Creek, Parrotts Creek, Urbanna, Whitings Creek), and the Rappahannock and Mattaponi Rivers each servicing multiple counties in the study area. Estimates were made for each project consisting of the initial year for dredging, dredging frequency (also known as dredging cycle and measured in years), and the costs associated with dredging each project. There was no focus on prioritizing the projects but rather a focus on developing and understanding what the costs would be on an average annual basis as presented below. The costs were developed based on a long term assessment rather than focusing on the costs of the most recent dredging efforts and should be viewed as averages. The estimated long term cost for maintenance of these projects as a group would range from \$550,000 per year to \$4,917,000 per year with a most probable annual cost of \$1,630,000.

This project anticipates that the US Army Corps of Engineers will no longer be available for local waterway dredging, and therefore through this study Middle Peninsula localities are aware of costs and can seek funding and adapt accordingly.

PERRIN RIVER MASTER PLAN (2012)

The Perrin River Commercial Seafood Harbor Master Plan was developed by the PAA, with funding through Sea Grant and the Virginia Institute of Marine Sciences. The Plan was developed to protect the traditional working waterfront of the Perrin River in Gloucester County, Virginia. With the closing of Cook's Seafood in 2010, a major commercial waterfront business in Gloucester County, displaced over 15 commercial work boats. This event reinforced the need for both watermen and the County government to act to prevent losing the traditional watermen lifestyle. The study identified existing zoning and existing waterfront uses, and developed recommendations for a Commercial Seafood Harbor Master Plan for the Perrin River, including:

1. Community Based Strategies to Protect the Commercial Seafood Industry on the Perrin River
 - a. *Partnerships*: A variety of partnerships, including codified and informal cooperation, may be utilized to further the goals of coastal communities in regards to their working waterfronts.
 - b. *Planning and Visioning*: The Gloucester County Board of Supervisors should continue their support for long range planning and visioning that addresses the working waterfront needs of the community. Community members should remain engaged in discussion about preservation of working waterfronts to build public support.

- c. *Private Land Trusts and Acquisitions*: Private land trusts can encourage the use of easements and covenants to protect working waterfronts. Rights of access and preservation of culturally important assets can be protected separate from the land itself through the use of easements and covenants. An easement allows its holder the right to use another person’s land for the purpose specified in the deed granting the easement.
 - d. *Incentives*: Financial incentives may benefit working waterfronts by encouraging development that sustains or enhances their working character.
2. Public Policy Recommendations for the Gloucester County Board of Supervisors
- a. *Develop a Commercial Seafood Overlay District for the Perrin River*: A Commercial Seafood Overlay District is a specific tool that a local government can use to preserve and protect the working waterfront, preserve the cultural identity of the region, and preserve and create jobs. The district boundary could include only land based parcels which require waterfront for seafood operations or land based parcels and water areas within the limited harbor area of the Perrin River.
 - b. *Continue to implement the adopted recommendations from the York River Use Conflict Committee*.

PERRIN RIVER REVITALIZATION REPORT (2013)

This project focused on reorganizing the first 100 feet of the Perrin Wharf located in Gloucester County to improve the organization and safety of the docking arrangements, and to assist with the mooring and off loading of vessels. More specifically the PAA installed 15 new slip poles and three new finger piers to create 9 slips for boat moorage and seafood offloading using donated labor from a marine contractor (Figure 5). Currently the slips are available on the PAA Property and Facility Reservation Site to reserve for \$3.33 per day or \$100 per month. The watermen originally displaced by the closing of Cook’s Seafood now have a location to continue their business and to tie-up their working boats.

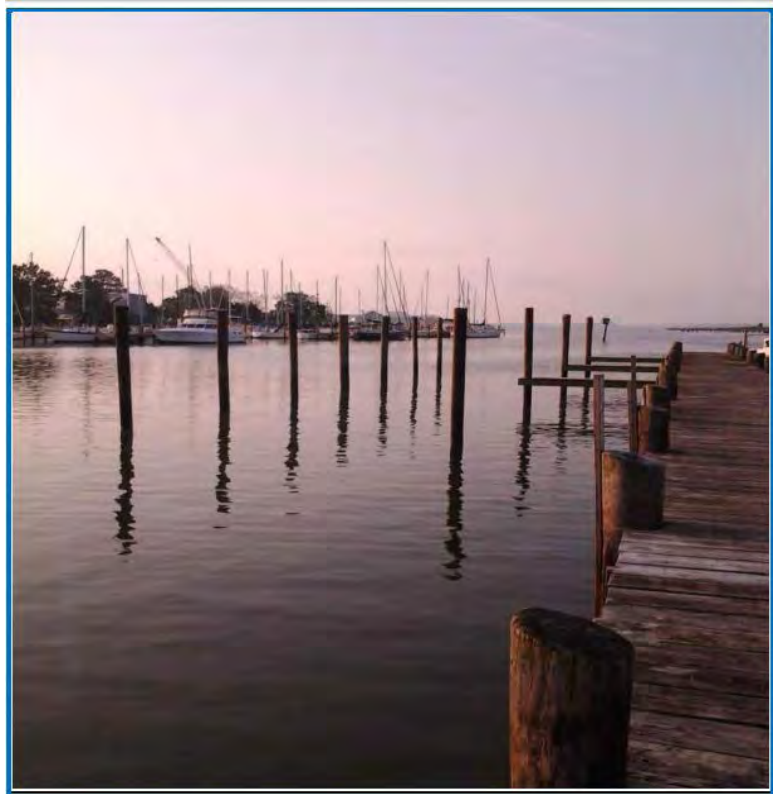


Figure 5: Finished project at Perrin Wharf in Gloucester County.

FLOATING STRUCTURES: POLICY & PERMITTING COMPLEXITIES (2013)

MPPDC staff were funded to understand the permitting challenges and breakdowns associated with the Anderson’s Neck, LLC joint permit application that was submitted in 2012, to establishment of an aquaculture business using an “Oysterplex”. The “OysterPlex” was described by the applicant as “basically a barge with a building on it, walls, windows, doors, a roof, and solar panels on the roof to power

upwellers” and it would be used to harvest, clean, tag and bag oysters from Morris Bay (King & Queen County).

To assist with gathering this information, MPPDC staff created a Floating Structures Committee that consisted of representatives from VMRC, Virginia Department of Health, Virginia Department of Housing and Community Development, and King & Queen County. Through extensive discussions with the Committee it became clear that each State entity has a very specific lens in which they consider proposed projects that is based on the agency’s authority and mission. Therefore since this project was an innovative project that did not fit within a specific entities per-view then the permitting process was stalled.

The Anderson’s Neck Oysterplex project proved to be challenging, and as the scale and intensity of aquaculture technology and water uses change, localities across the coastal zone as well as State agencies will continue to face complicated policy questions and permitting options. While localities may need to acknowledge their jurisdiction over water and/or even consider zoning over water, which is consistent with the 2011 Virginia Supreme Court ruling JENNINGS v. BOARD OF SUPERVISORS OF NORTHUMBERLAND COUNTY, State agencies may need to redefine traditional uses and their approach to projects. Regardless, the permitting of Anderson’s Neck pushed State and Local entities to think outside of their traditional box and work through the permitting process. Overall, each entity gained an experience that will be a reference for the permitting of future projects.

ABERDEEN MASTER PLAN (2014)

Aberdeen creek is a unique working waterfront location just off the upper York River in Gloucester County. It provides seasonally critical access for landing, docking, and mooring in close proximity to the public and private oyster grounds and public crabbing grounds on the upper York River.

Most of the waterfront properties around Aberdeen Creek consist of privately owned single family residences, with the exception of a small public landing and a deteriorating commercial seafood processing facility formerly known as Gloucester Seafood, Inc., both located at the end of Aberdeen Creek Road (Figure 6). The Commonwealth of Virginia recently acquired waterfront property on Aberdeen Creek for the future “Middle Peninsula State Park”. Given that the Aberdeen Creek portion of the future park is upstream of the existing working waterfront area, has no existing infrastructure such as piers or ramps, and is not traditionally used by watermen; however it is unlikely that the watermen can benefit from use of the park. However, the state park may become an important factor when the issue of dredging and spoil relocation from Aberdeen Creek arises in the future.

The Master Plan identifies existing infrastructure, existing uses, zoning, and land use planning on both the public and private land at the site. Upon analysis of current conditions, the report offers three



Figure 6: Map of parcels at the end of Aberdeen Creek Road.

recommendations to the Gloucester County Board of Supervisors intended to preserve the working waterfront of the creek for future generations:

- A. Amend the zoning ordinance to create a commercial waterfront district which allows certain working waterfront uses by right,
- B. For the public landing, formally negotiate single ownership status and decouple joint ownership with VDOT and the Commonwealth,
- C. Have Gloucester County and/or the PAA collaborate and coordinate with other stakeholders to develop and implement a plan to maintain the channel on Aberdeen Creek.

Additionally the Virginia Institute of Marine Sciences conducted a study to illustrate and qualify how much working waterfronts in Aberdeen Creek contribute to the local and regional economy. Activities associated with harvesting, offloading, processing, packing, and shipping seafood from the Gloucester facilities has been shown to be intrinsically linked with several sectors of the local economy. These activities create positive economic impacts to the local economy as seafood products are sold to buyers located outside of Gloucester and nonresidents purchase seafood locally. The sale of seafood to both local and non-local buyers results in the purchase of inputs from a variety of service and supply firms, and the distribution of incomes to local employees. These expenditures are circulated within the Gloucester economy as these dollars are spent and re-spent. The total economic impact of the Gloucester seafood industry depends on the amount of seafood landings and the general economic conditions that exist at any given time. Thus, the actual impact values will vary from year to year.

CAPTAIN SINCLAIR LANDING PUBLIC ACCESS IMPROVEMENTS (2015)

In February 2013, the PAA was gifted a 96.81-acres of waterfront property. Named the Captain Sinclair's Recreational Area, this property has approximately 1 mile of waterfront on the Severn River in Gloucester County, VA. In an effort to enhance the Captain Sinclair's Landing Recreation Area MPPDC received funding through the Virginia Coastal Zone Management Program (Grant #NA14NOS4190141 Task 53) to enhance the local coastal landscape and minimize wetland impacts associated with public access improvements.

In part, MPPDC staff oversaw the construction of a 155 ft. long x 8 ft. wide open pile pier (Figure



Figure 7: Newly constructed public access pier.

7) and a 98 ft. long x 9.5 ft. wide floating dock to service the needs of the Gloucester High Crew Team and public kayakers. Volunteers, including a marine contractor, donated the labor necessary to construct the pier and ramp to access a donated Candock floating pier. The Gloucester Rowing Association donated a 9.5 ft. X 80 ft. floating Candock (<http://www.candock.com/>) pier for public use as well as 21 dock poles, 8-inch diameter 2.5 CCA (Chromated Copper Arsenate treated) 16 ft. long, and provided volunteer labor and materials as needed to help advance the

project forward. The pier was designed and installed according to VMRC permit design requirements. The pier bridges the mainland to the water and provides the general public and the Gloucester Rowing Association the infrastructure needed to launch 60 ft. shell boats and other nonmotorized watercraft. Access for parking and access for pier use has been designated and delineated. Gravel for parking was purchased and placed on site.

Also during this project MPPDC staff worked with a landscape designer to create a native coastal landscape design for 3 acres surrounding the main house at the Recreation Area (Figure 8-9). This new landscape would serve as a demonstration site for native landscaping project for the public.



Figure 8: Rain garden after heavy rains in January 2016. Figure 9: Waterfront Landscape planning installation.

PAA PRIVATE LAND GIVING PROGRAM (2015)

Acquiring new coastal public access has always been a priority for the MPPDC and PAA. While grant funds for land acquisition have diminished over the years, the PAA is still successfully acquiring land – and from an unexpected source.

Within the Middle Peninsula, private property owners are gifting sizeable tracts of waterfront property to the PAA. Between 2006 and July 2015, the PAA has been gifted 33 separate parcels totaling over 162 acres valued at \$3,657,000 with limited or no deed encumbrances. Additionally, the PAA has 4 more pending parcels to add to their list of public access sites that would add 100 acres and \$1,181,750 in land value to the PAA portfolio. The largest donation to date was 96.81 acres of serene waterfront property on the Severn River in Gloucester County in February 2013. Valued at \$1.6 million, the donation consisted of 21 parcels with three dwellings as well as pristine coastal ecosystems.

While some property owners are interested in donating properties to receive tax benefits, others are interested in supporting the PAA; they recognize the importance of improving water public access for the citizens of the Commonwealth. However, whatever the reasons for the donations without them, neither the Commonwealth nor local governments could ever afford to purchase such desirable land for the public's benefit.

To facilitate the continued success of the PAA, MPPDC staff with funding from the Virginia Coastal Zone Management Program (Grant #NA14NOS4190141 Task 52), to formalize the land donation process with the development of a PAA Private Land Giving Program as well as supplementary marketing and outreach materials to encourage land donations to the PAA. More specifically four deliverables were generated from this project, including:

1. **Technical Research on Virginia Conservation Tax Credit Program and Charitable Donations to Public Entities** MPPDC worked with consultants to research tax benefits of private waterfront land donations to public entities and drafted a narrative of findings on federal and state tax benefits. The tax benefit information provides a better understanding of available tax incentives to prospective landowners who may be consider donating land and encourages participation. Appendix E outlines the tax benefits associated with private land donations for public use.
2. **Altruistic Giving Media Outreach Campaign** MPPDC staff contracted and coordinated with Consultants to create an online and print media campaign on the PAA Private Land Giving Program and benefits associated with land donations for public use. The campaign targeted potential donors and professionals who may work with potential donors, such as lawyers, real estate agents, etc. and focused on localities that expressed direct need for more public water access. Essex County, Virginia served as the pilot locality to implement the public access marketing campaign targeting landowners. Appendix E contains the print documents produced as a result of this project and will be used to launch a marketing campaign targeting Essex County land owners.
3. **Donated Lands Legal Closing and Real Estate Legal Framework** MPPDC staff consulted with Stephens Law Firm to consolidate legal services on donations and developed principle points for working with legal professionals on the acquisition of donated property. The legal guidance in Appendix E is intended to be used to assist in formalizing the PAA Private Land Giving Program which will serve as a model for other programs.
4. **Quantify the Benefit and Loss of Public Land Donations⁹** MPPDC staff conducted research and drafted a report outlining the various benefits associated with land donations for public use and various methods used by other land program administrators to quantify the economic benefits associated with private donations for public use. The report also analyzed revenue generated on current PAA owned property in comparison with tax assessment revenue generated by the respective local governments on the properties prior to donation. See Appendix E for the report.

MIDDLESEX COUNTY PUBLIC ACCESS SURVEY AND ASSESSMENT (2016)

In January 2016, MPPDC staff, the PAA, and Middlesex County staff developed a public access survey to better understand public access needs and larger waterfront conflicts that may be occurring along the shoreline of Middlesex County. The survey opened January 3, 2016 and closed March 31, 2016. With 102 constituents participating in this survey, there were common themes that ran throughout survey responses, including:

- Need of channel dredging (especially in Jackson Creek);
- Need of parking at many public access sites;
- Need for outreach material about the public access;
- No fees wanted to launch at access sites;
- Need for new public policy regarding public access;
- Oversight of people at sites is needed, particularly at public beaches; and
- Having proper facilities at public access locations (i.e. porta potties; trash cans).

⁹ See full report at: http://www.mppdc.com/articles/reports/FINAL_PAA_ALTRUISTIC_GIVING_2015.RED.PDF.pdf

Additionally, throughout the survey respondents stated multiple times that the conditions at Paradise Lane were not suitable for a new access location, including the shallow water depth, the waterway traffic, and being in a residential area. To reinforce this response, Paradise Lane was ranked first to be considered for closing; however it's important to know that the site has never been open for the public. Based on such results it is the opinion on of MPPDC staff that the majority of the responses regarding Paradise Lane were from citizens in close proximity to Paradise Land and the response would be consistent with NIMBY ("Not in my Back Yard") or LULU ("Locally Unwanted Land Use") responses.

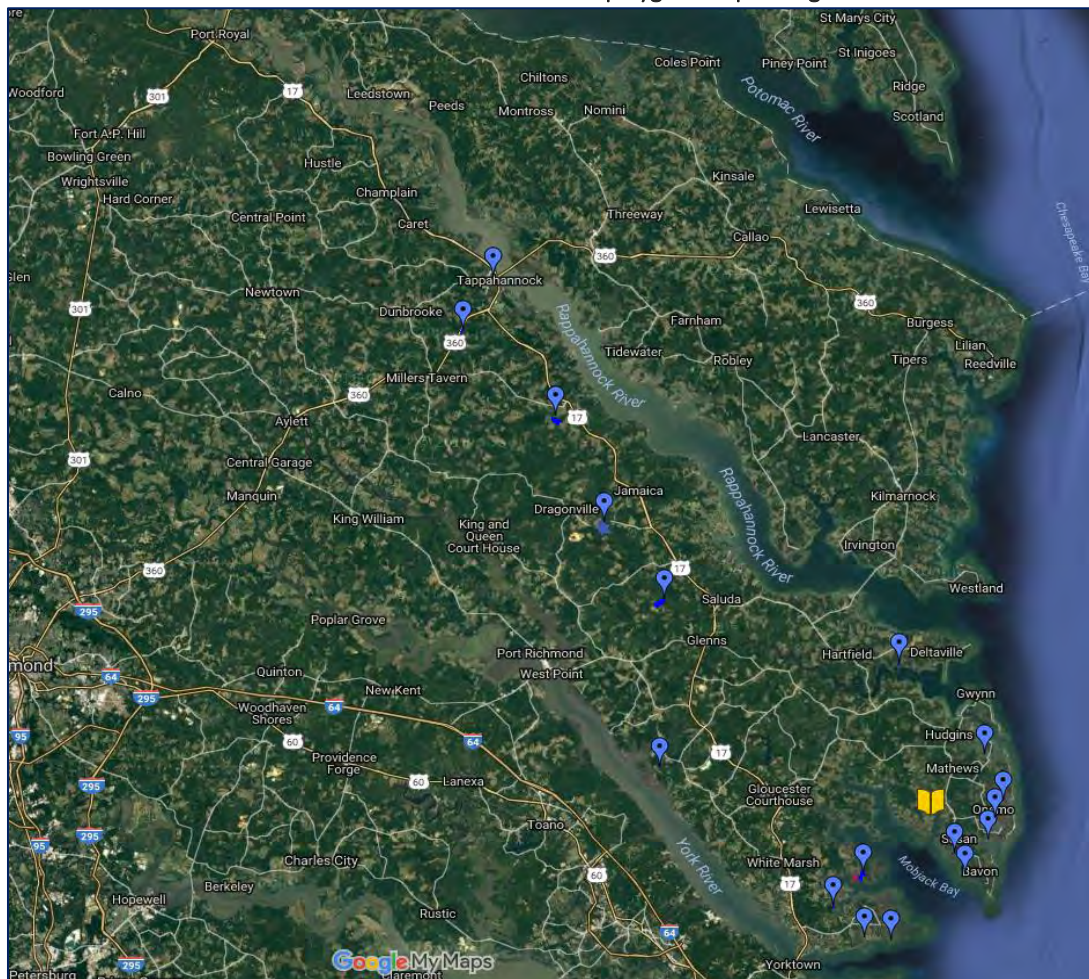
Another component of this project entailed the assessment of public access locations within Middlesex County selected by Middlesex County staff. For more information please see page 88.

Chapter Four: PAA LAND MANAGEMENT TOOLS AND POLICIES

Since 2003, the PAA has been an effective tool to improve public access throughout the region. From land acquisitions and to implementation land management tools the PAA as created a model for other local and regional governments and associations to develop a public access specific network.

To-date the PAA has acquired almost 1,000 acres of land through grant funding as well as through local land donations. Figure 10 shows the location of public access locations throughout the Middle Peninsula and then Figures 11A-11D show close ups of public access locations.

Figure 10: Map of PAA lands throughout the Middle Peninsula. The blue map markers designate PAA lands, the yellow book identifies an easement and the red polygon is a pending donation.



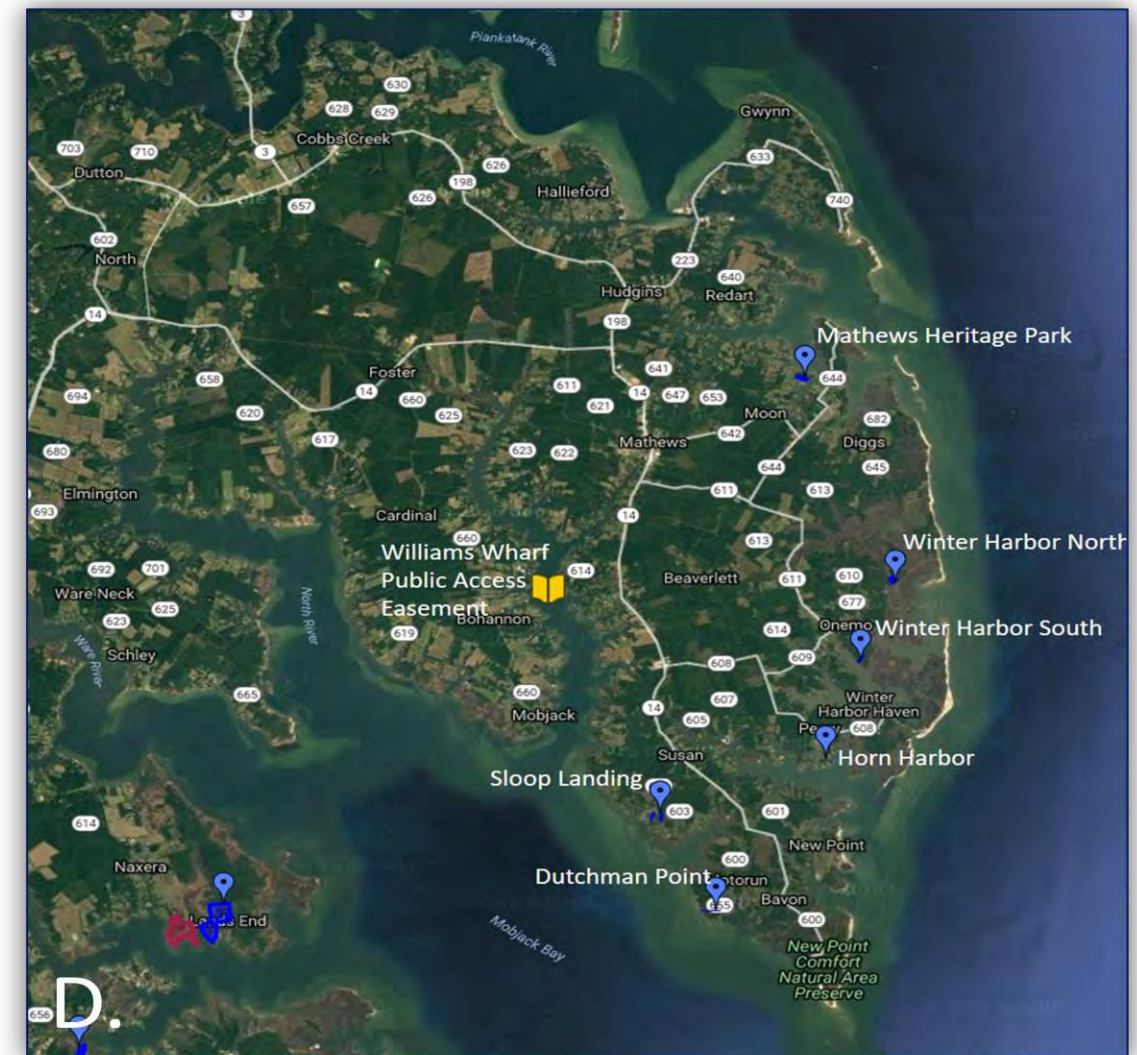
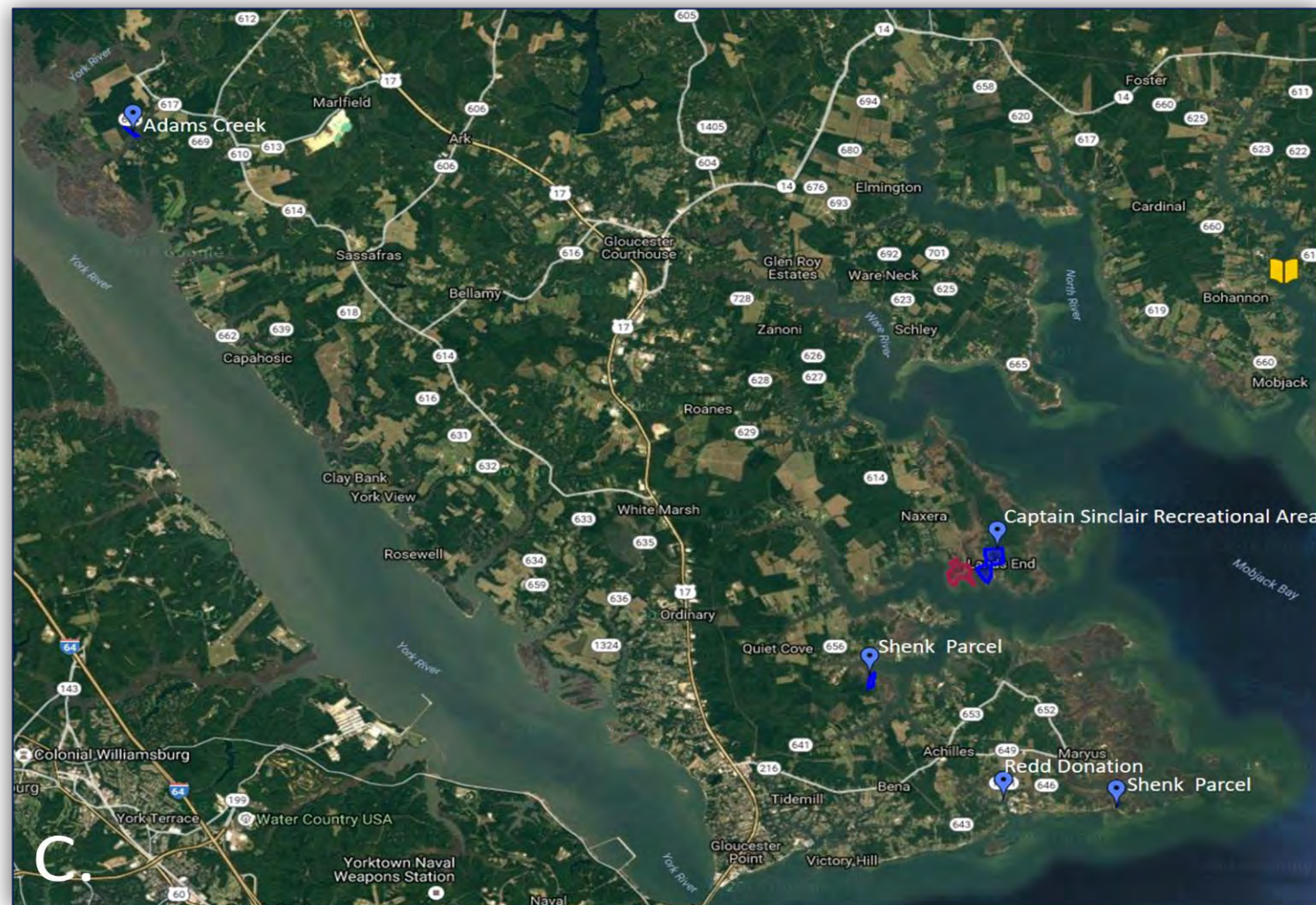
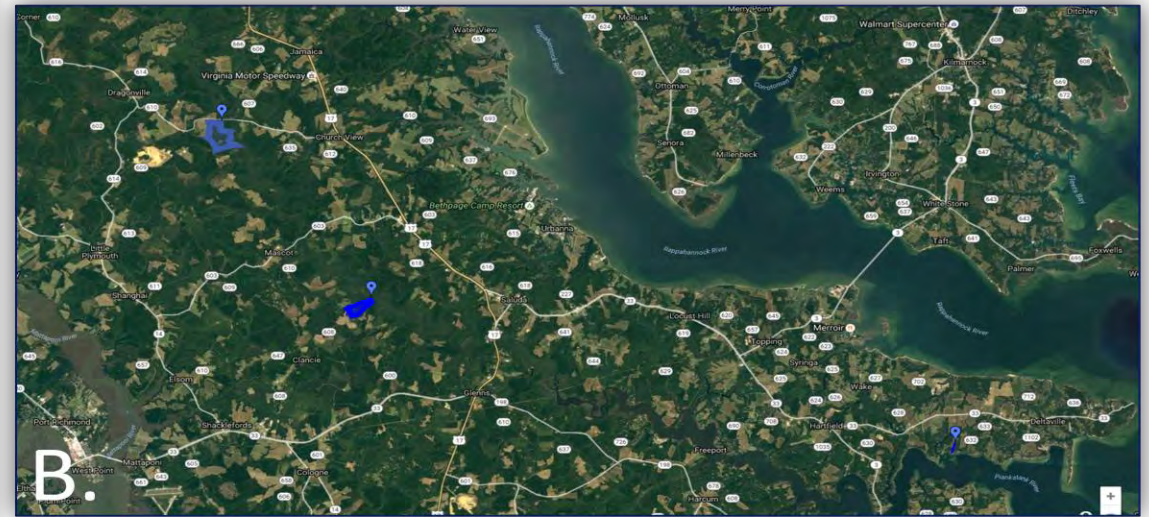
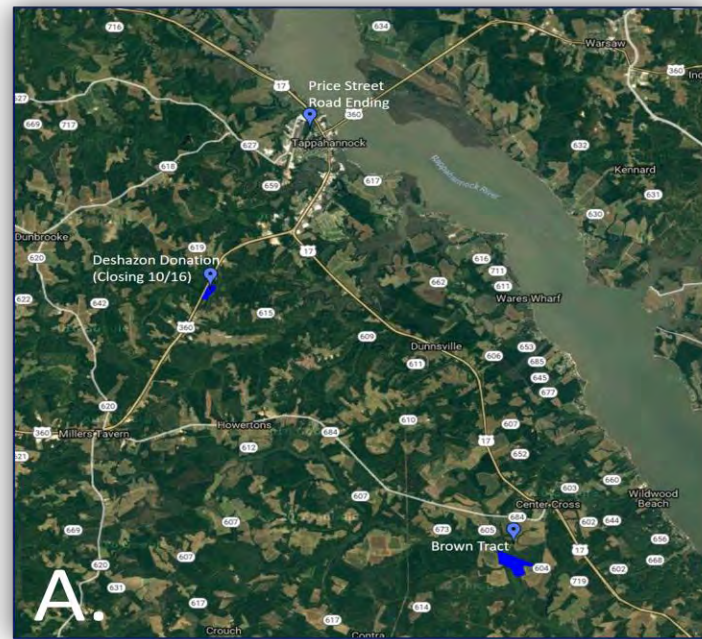
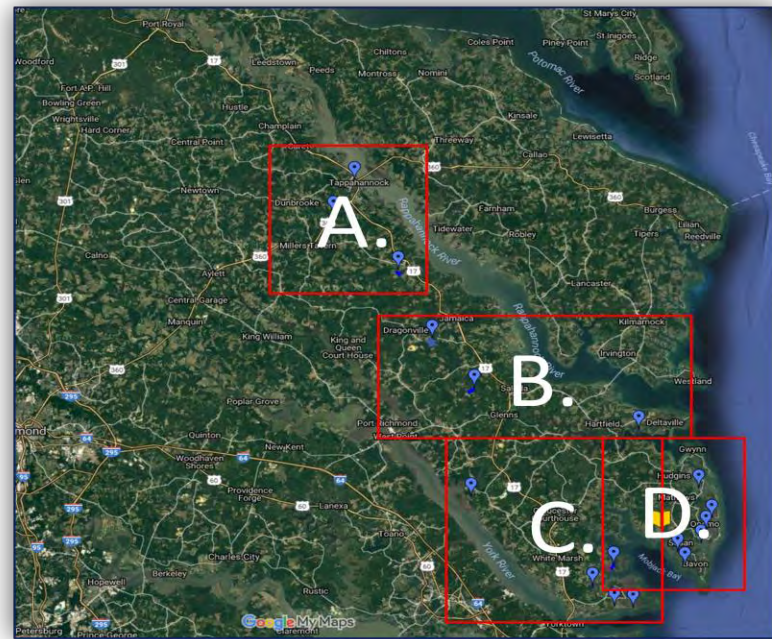


Figure 11: Close ups of the locations of PAA properties throughout the Middle Peninsula. A) Land holdings in Essex and King & Queen Counties as well as the Town. B) Land holdings in King & Queen and Middlesex County. C) Land holdings in Gloucester County. D) Land holdings in Mathews County.

Each PAA public access location offers unique amenities which are managed uniquely depending on the property’s environmental assets, accessibility, and public input. Descriptions of the properties are below and they are separated by properties acquired through grant funds and then donation.

Lands Acquired through Grant Funds

Browne Tract– Acquired in 2003, this 274 acre-parcel of land straddling Essex and King & Queen Counties and located within the Dragon Run Watershed, was purchased with funds from Virginia Coastal Zone Management Program. The PAA manages 137 acres of the tract as public open space, while the Virginia Department of Forestry (VOF) manages the remaining 137 acres as a state forest. The PAA manages the property for long-term, passive and low impact public access; natural resource protection and sustainable, traditional uses, such as forestry and hunting. There are 9 public hunting zones available for big game, small game and waterfowl hunting (Figures 12 &13). Also there is a small boardwalk that provides access to the Dragon Run for car-top boat access (Figure 14).

Figure 12: Map of the Browne Tract with hunting zones and trails.

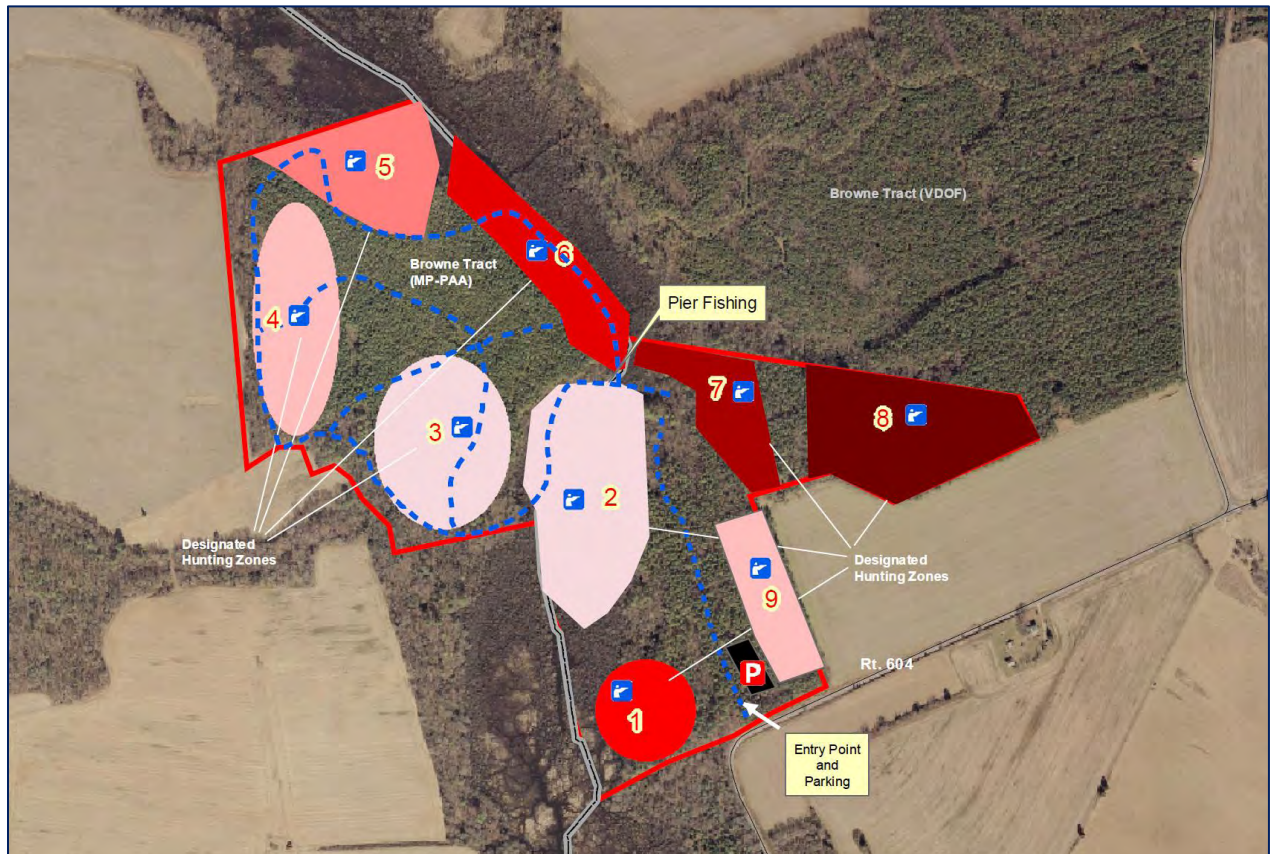




Figure 13: Photos of the Dragon Run on the Browne track and trails on the property (above).

Figure 14: Photos of the bridge across the Dragon Run (below).



Thurston Haworth Tract- Acquisition of this 167-acre property was funded by a Coastal and Estuarine Land Conservation Program (CELCP) grant from the National Oceanic and Atmospheric Administration (NOAA). This property, located on State Route 608 in King and Queen County, is open to the public for passive and low-impact use, as well as non-motorized outdoor recreation and nature appreciation. In particular, this tract offers 6 zones for bow hunting (Figure 15). Of its 167 acres, 69 acres are forested wetlands and greater than 88 acres are timberland forest.

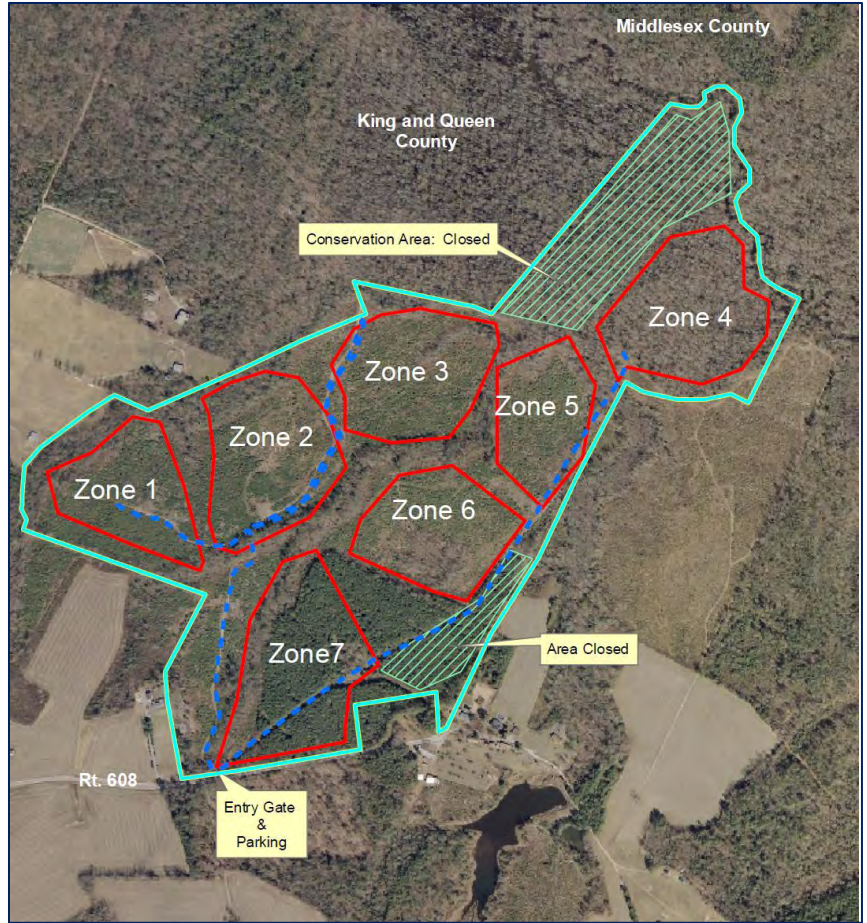


Figure 15: Map of Thurston Haworth Tract hunting zones.

Clay Tract – The Dragon Bridge, Jackson and Clay tracts were acquired by the PAA under a 2005 NOAA federal grant award under the CELCP. Collectively, these three parcels are managed as a 400 acre holding referred to as the “Clay Tract”. This tract, located on Route 610 in King and Queen County, abuts the Dragon Run and has one water access site. The majority of the property is mixed hardwoods, but there is a field that offers great feeding grounds to deer, turkey, quail, and a variety of other animals



Figure 16: Photos of the Clay track – trails on the property (left) and Dragon Run access (right).

(Figure 16).

In dedication to the former MPPDC Executive Director, the J. Dan Kavanagh Family Hunting Zone was developed. These forty acres of land offer access to a high quality hunting areas with controlled access designed to ensure a safe and positive outdoor experience for families.

Donated Land Acquired

Shenk Parcel – In 2006, the PAA Board of Directors accepted a gift of real property from Donald Shenk. This 14-acre property consisted of a large pine plantation and wetlands. The property fronts the South West branch of the Severn River in Gloucester County (Figure 17). As the property is conveniently located near a marina, campground and several public access sites, this holding has enhanced the PAA’s mission of providing access opportunities to the waterways of the Middle Peninsula.



Figure 17: Photo of the South West branch of the Severn from the Shenk Parcel.

Captain Sinclair’s Recreational Area –

In February 2013, the PAA was gifted 96.81 acres of waterfront property located on the Severn River in Gloucester County. Later renamed the Captain Sinclair’s Recreational Area, this property consists of twenty-one parcels. While much of the property is pristine coastal ecosystem (Figure 18), including densely forested mixed hardwood and pine trees, and tidal wetlands, there are three dwellings on the land.

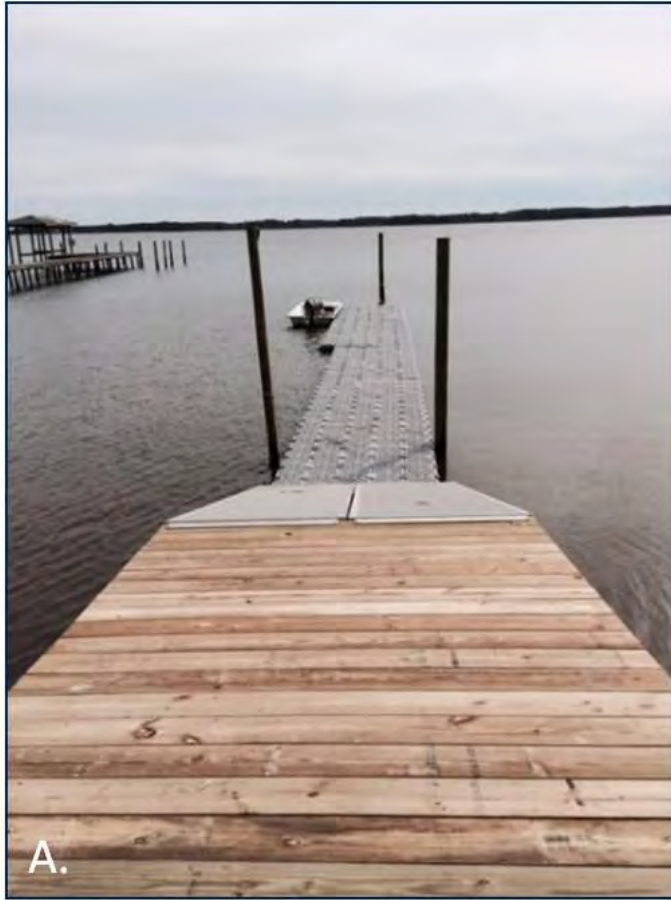


Currently the property is managed and is used in a variety way. Part of the property is set aside as a Family Outdoor Gathering Area. This area is available to reserve for picnics, birthday parties, and small gatherings on a 1/2 day and full day basis with a max capacity of 25 people. Permitted uses in this area include outdoor grilling, roasting of marshmallows in a fire pit, and yard games. Uses not permitted in this area include alcohol, loud music, and excessive partying. Also on this property there



Figure 18: Main house and fountains on the property.

are four hunting blinds/zones as well as a car-top boat launch on the canal with parking on the west end of the property. Finally, the Gloucester High School Crew Team utilizes access to the Severn River as well as the barn on the property to store their boats. Also in recent publically funded efforts a new pier was constructed to offer a kayak launch site (Figures 19A-19E).



A.



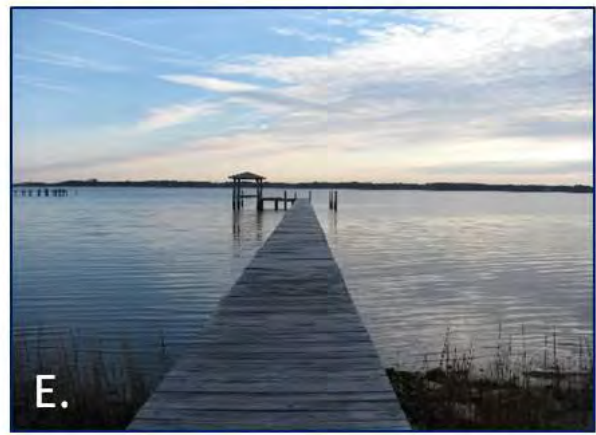
B.



C.



D.



E.

Figure 19: A, B, & C) New kayak launch on Captain Sinclair Property with signs; D) Canal on property for kayak access; and E) Pier on the property at the time of acquisition.

Adams Creek - This is a 2-acre property in Gloucester County on the York River (Adams Creek) located off Route 684, Starvation road (Figure 20 & 21). The site has a small entrance road and parking, with views of Adams Creek. Paddling of Adams Creek is available with a short walk to the water for a kayak launch.



Figure 20: Map of Adams Creek in Gloucester County. Adams Creek is a tributary of York River.



Figure 21: On the ground photos of Adams Creek – including pine stands and wetlands.

Sloop Landing Tract - Sloop Landing is located in the unincorporated community of Susan, VA in Mathews County (Figure 22). The Sloop Landing waterfront property sits on the Mobjack Bay and is about 3 acres large. The site is undeveloped with a common deeded access to the water.



Figure 22: Sloop Landing in Mathews County.

Dutchman's Point - This property is located on Dutchman Point in Mathews County, VA (Figure 23). The Property sits at the mouth of the Mobjack Bay. This site is open for passive recreation only. There's no access for parking. Walk-in access and water access allowed.

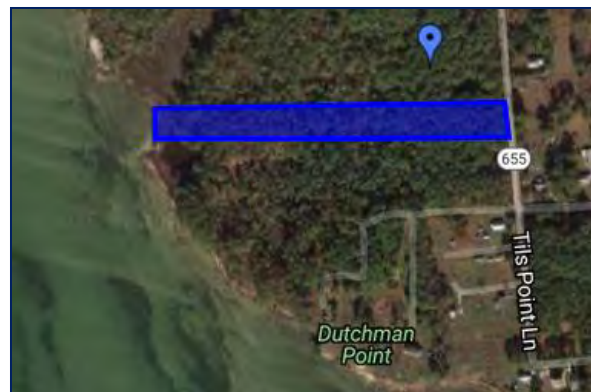


Figure 23: Location of Dutchman's Point in Mathews County.



Figure 24: Photos at Healy Creek, including deciduous forest as well as a look out deck.

Winter Harbor (North) - The nearly 9-acre property is located in the unincorporated community of Onemo in Mathews County, VA (Figure 25). Just across the street (Route 609) from Winter Harbor North are a series of narrow tributaries that lead to Winter Harbor and eventually the Chesapeake Bay. Water access is gained by crossing the VDOT road and launching into a small narrow channel and paddling to Winter

Harbor. Visitors should check tide tables to ensure that there is enough water to return to the parking spot. Limited onsite parking is available. The site is open for nature viewing.

Winter Harbor (South) - The 5-acre waterfront property is located in the unincorporated community of Onemo in Mathews County, VA (Figure 26). The property is located on the south-most part of the Winter Harbor known as the Winter Harbor Haven. This property is currently only by water. The site is open for water based nature viewing.



Figure 25: Aerial of Winter Harbor North.



Figure 26: Aerial of Winter Harbor South.

Horn Harbor - This is a 0.2-acre property on Horn Harbor in Mathews County. This is a small donation site that does not have current plans for recreational use, however it is available for use by contacting the PAA directly. (Figure 24)



Figure 27: Aerial of Horn Harbor in Mathews County.

Horn Harbor - This is a 0.26-acre property in Mathews County on Horn Harbor (Figure 27). This is a small donation site that does not have current plans for recreational use, however it is available for use by contacting the PAA directly.

Horn Harbor- This is a 0.34-acre property in Mathews County on Horn Harbor (Figure 27). This is a small donation site that does not have current plans for recreational use, however it is available for use by contacting the PAA directly.

Redd Donation – This is a 9.2-acre property in Gloucester County on the York River (Figure 28). It has a small sand beach and access to this site is only allowed by water.

Perrin Wharf Pier - Perrin Wharf is a 320 ft publicly owned wharf located in Perrin, Virginia. The wharf offers a variety of public uses. The wharf has been traditionally used by commercial watermen for vessel moorage and seafood offloading; however upon acquisition of the land there are now more recreational opportunities at the site. The PAA reorganized the first 100 feet of the pier by installing 15 new slip poles and 3 finger piers to create 9 slips for boat moorage and seafood offloading (Figure 29). The pier is available for commercial uses as well as limited recreational opportunities, such as crabbing, sightseeing, and boat-launching (i.e. large and small craft and car-top). The boat launch is an unimproved gravel ramp and there’s a small parking lot for parking for 8 cars. Handicapped access and bathroom facilities are permitted, but funding is not available.

Slips can be rented by waterman and/or the general public. Commercial watermen are given the first right of refusal. Slips may be leased on a monthly, quarterly, semiannual and yearly at a rate of \$100 per month. Any slip not reserved by watermen may be leased on a monthly basis for

recreational use at rate of \$100 month.

Mathews Heritage Park –The PAA acquired a 9.119-acre parcel of land in Mathews County as a gift from Mr. Conrad Hall in December 2010. The majority of this waterfront property is upland consisting of densely forested mixed hardwood and pine trees; the land transitions to wetlands and gradually into a narrow sandy beach. The beach abuts Billup’s Creeks on eastern boundary which stretches approximately 800 feet. Also structures on the property include a 1,178 square foot dwelling and the framework of a prier at the water’s edge. Currently this property is closed to the public.

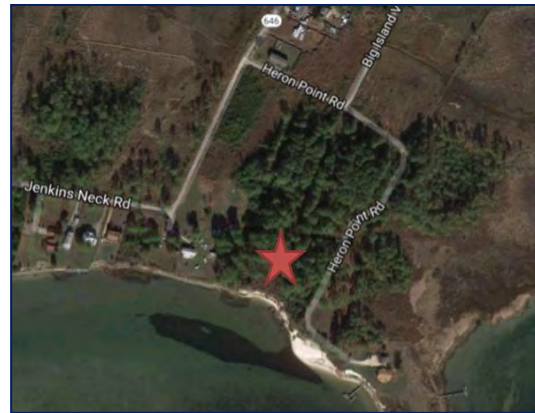


Figure 28: Aerial of Horn Harbor in Mathews County.



Figure 29: Photos the finished slips constructed at Perrin Wharf.

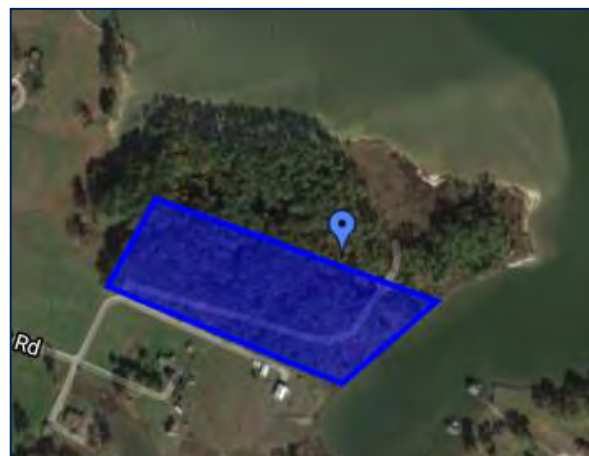


Figure 30: Aerial of Mathews Heritage Park on Billup’s Creek.

IMPLEMENTED MANAGEMENT TOOLS & POLICIES

With the acquisition of these lands the PAA has utilized and implemented a variety of management tools and policies to help manage use of the lands. While some of these tools and policies have been used in anticipation of public land use, others have been implemented in response to issues/conflicts that have occurred on PAA land. Below is a list and description of tools and policies implemented by the PAA:

1. **Bylaws and operating agreements** set in motion the charge of the PAA. In 2000, the MPPDC directed staff to develop a regional strategy for managing and preserving public access and to seek enabling legislation for the formation of a special purpose political subdivision for the sole purpose of protecting the public's right to access public water. Therefore, the concept of the PAA was introduced and enabling legislation was drafted to create the PAA. Legislation was then finalized and introduced in 2001 for the 2002 General Assembly session under HB619 Middle Peninsula Chesapeake Bay Public Access Authority Act. The legislation passed and the PAA came into existence and convened for the first time on June 13, 2003.

To create order and guidance, the PAA created by-laws for participating locality. Therefore each locality has signed an operating agreement. For a copy of the by-laws visit Appendix F.

2. **Designation of Land:** Upon acquisition of land, the PAA post signs on the property's boundary (Figure 31). In doing so the property line is clarified for public use and helps prevent the trespassing on neighboring lands.
3. **Land Management & Wildlife Habitat Management Plans** were developed through collaborative community approaches to outline the permitted recreational uses and activities on PAA owned tracts of land. The PAA also developed Wildlife Habitat Management Plans for three properties with assistance from the Virginia Department of Game and Inland Fisheries (DGIF), the US Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS), and the Conservation Management Institute. The goal of these plans is to provide the PAA with the most effective approach for managing access, wildlife and conservation values while promoting recreational opportunities for Middle Peninsula citizens.



Figure 31: PAA sign nailed on trees on the property's boundary line.

Management Plans developed by the PAA include:

- a. **Brown Tract Management Plan**¹⁰ provides guidance in managing a portion of the 274-acre tract. MPPDC staff coordinated with local stakeholders and developed a plan that offered a balance between recreation and conserving the area's unique natural and ecological characteristics.
- b. **Thurston Haworth Management Plan**¹¹ provides guidance in managing the 167-acre tract in King and Queen County. MPPDC staff coordinated with local stakeholders to develop a

¹⁰http://www2.vims.edu/seagrant/coastalaccess/resource/docs/BrownTract_FINAL_ManagementPlan_with%20MAPS2003.pdf

¹¹http://www2.vims.edu/seagrant/coastalaccess/resource/docs/THURSTON%20HAWORTH%20RECREATION%20AREA%20MANAGEMENT%20FINAL%20PLAN%201_09.pdf

management plan that established recreational “use zone” to geographically separate activities that have high potential for conflict.

- c. **Wildlife Habitat Management Plan (Brown Tract)**¹² provides the landowner/manager with the most effective approach for managing wildlife and conservation values while promoting recreational opportunities on the Brown Tract.
 - d. **Wildlife Habitat Management Plan (Haworth Tract)**¹³ offers best management practices to manage wildlife and conservation values while promoting recreational opportunities. Management recommendations included thinning, clear-cuts/expand log decks, prescribed burning, firebreaks, and forest roads.
 - e. **Wildlife Habitat Management Plan (Clay Tract)**¹⁴ provides the most effective approach for managing wildlife and conservation values while promoting recreational opportunities. This document offers management recommendations for 5 stands on the Clay Tract.
 - f. **Captain Sinclair Recreational Area Master Plan**¹⁵ is comprised of environmental, land use and economic research that supplemented a public participation process. This Plan creates a management framework for the 97 acres of the Captain Sinclair’s Recreational on the Severn River. This plan discusses passive and active schemes for the property.
4. **Harbor Management Plans** identify existing zoning and existing waterfront uses and develops recommendations to manage and preserve the harbor (i.e. infrastructure and uses) for the future.
- a. **Perrin River Commercial Seafood Harbor Master Plan**¹⁶ protects the traditional working waterfront of the Perrin River in Gloucester County through suggested community based strategies and specific public policy recommendations for commercial seafood industries on Perrin River.
 - b. **Aberdeen Creek Harbor Master Plan**¹⁷ conducts legal and land use research for the Harbor. Aberdeen Creek provides seasonally critical access for landing, docking, and mooring in close proximity to the public and private oyster grounds and public crabbing grounds on the upper York River. This location is vital to local business and the cultural heritage. Therefore this plan identifies current uses of the harbor, existing infrastructure at the site, as well as regulations impacting the location.
5. **Protocol & guidelines:** PAA staff conducts research on issues/conflicts identified by participating localities (i.e. use conflicts, legal conflicts and conundrums, etc.) and generates guidance documents to assist localities and the general public in navigating preventing or resolving the issue(s) at hand.

¹² http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Browne_Habitat_plan.pdf

¹³ http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Haworth_Habitat_plan.pdf

¹⁴ http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Clay_Habitat_plan.pdf

¹⁵ Part 1: [http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Sinclair's%20Recreation%20Area\(1\)_RED%20Part%201.pdf](http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Sinclair's%20Recreation%20Area(1)_RED%20Part%201.pdf)

Part 2: <http://www2.vims.edu/seagrant/coastalaccess/resource/docs/VASG-MPPDC%20RFP%20Waterfront%20Property%20Reuse%20%20Community%20Development%20Part%202.pdf>

Part 3: http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Accordino_3731_FullProposal%20Part%203.pdf

¹⁶ http://www.mppdc.com/articles/reports/Perrin%20River%20Master%20Plan%20Final%20Report_1_RED.pdf


¹⁷ (http://www.mppdc.com/articles/reports/Aberdeen%20Creek%20Harbor%20Master%20Plan_RED.pdf)

- a. **Landing and Road Ending Acquisitions**¹⁸ – This report reviews the legal issues associated with the transfer of VDOT road endings, as discussed in Chapter 3. Upon research there were three ways for road ending to be transferred to political subdivisions.
 - b. **Users Guide to Dredging in Tidewater Virginia**¹⁹ provides guidance through a dredging project – from the identification of a dredging need, to identification of a sediment disposal site, to applying for a dredging permit, to the actual dredging of the channel.
6. **Policy development:** Policies have been created by the PAA to state the position of the Authority and to resolve issues on PAA managed land.
- a. **Youth Hunting Policy**

PAA Youth Hunting Policy (Enacted December 14, 2012)

1. Hunters must follow all VDGIF and Local regulations
2. Hunters must follow all PAA rules and regulations
3. Adult is defined as age 16 or older
4. Youth is defined as age 0-15 (fee exempt)
5. To hunt on lands owned by the PAA: (a.) The adult must be registered and be in good standing with the PAA; (b.) The youth does not have to register and must hunt with a registered adult; and (c.) The youth must stay with the adult at all times
6. No youth may hunt PAA lands without a “registered/in good standing” adult

- b. **Game Law Violation Policy** – In reaction to hunting violations on the Brown Tract in 2009, the PAA created the a game law violation policy that informs hunters of the course of action that will occur if a game law is violated on PAA land.



**GAME LAW VIOLATION POLICY OF THE MIDDLE PENINSULA
CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY**

If a hunter receives a game law violation while hunting on PAA land.....

1. **Notify PAA administrative staff of violation:** Notification of violation should take place by the close of business the next business day. With a violation on PAA land, the hunter is temporarily suspended from using PAA land for all hunting until court rules on violations.
2. **Notify PAA administrative staff of court ruling:** Once the court has ruled, the hunter must notify the PAA administrative staff of the court ruling.

If innocent
the hunter’s suspension is lifted, upon a request by the hunter to the PAA administrative staff. If the hunter does not request the suspension to be lifted, the hunter continues to be suspended for the remainder of the season, plus the next full season upon which hunters use the PAA land.

If convicted.....
the hunter loses all hunting rights on PAA land for the remainder of the season plus the next full season upon which hunters use PAA lands. Below is a table of violation classes and the associated game law violation schedule.

If convicted of a the following offenses the following game law violation schedule will be ensued:

Class 4 offenses (e.g. Carrying licenses and certificates penalty; Permit requirements)
A hunter may request an appeal of the suspension and make a plea to the PAA Directors at the next meeting of the PAA. PAA Directors may determine the length of the suspension and/or reduce the suspension
Class 3, 2, or 1 offenses (e.g. Times for hunting; Hunting, trapping or fishing without a license; Selling or offering to sell wild bird or wild animal)
An automatic suspension follows for the remainder of the season, plus the next full seasons upon which hunters use the PAA lands
Multiple violations or any other violation(s)
PAA Directors may suspend hunting rights indefinitely for any action deemed valid.

Adoption: August 14th 2009

¹⁸ http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Protocol_PG1-48.pdf

¹⁹ http://www.mppdc.com/articles/reports/Dredging_Users_Guide_RED.pdf

7. **Education & Outreach:** The PAA generates a variety of educational and outreach documents to keep the public engaged and informed of public access issues and PAA happenings and progress.
 - a. **Annual Newsletters** review the work completed by the PAA and participating localities within a given year, however the development of this newsletter is dependent on available funding.
 - b. **Middle Peninsula Chesapeake Bay Public Access Authority Website** was developed in 2009 to provide the public with information concerning public access to the tidal waters of Virginia. This website also houses PAA reports and research. The website can be found at : <http://www.viriniacoastalaccess.net/MPPAA.html>
 - c. **PAA Private Land Giving Program** – MPPDC Staff developed information sheets for CPA’s, Attorney, and Soil Scientists regarding the benefits of donating land. Also newspaper articles were published to share this information with the general public about this program and benefits of giving land to political subdivisions.
 - d. **Public Access Surveys** have engaged the public to gain an understanding of their perceptions, desires and to gather issues of concern regarding public access within their jurisdiction. Three surveys have been developed for the Middle Peninsula Region (2008), Mathews County (2011), and Middlesex County (2016). Please Appendix C &D.
8. **Reservation and use management system:** The PAA, in partnership with Virginia Interactive, developed an online property management system to manage the public’s use of PAA lands. This site provides a new, innovative, mobile-friendly online recreation and facility reservation and payment service for hunting tracts, nature trails, public shoreline fishing, waterfowl hunting, crabbing, boat slips, and many other public outdoor recreational opportunities on PAA lands.

The reservation site can be visited at <https://mppa.viriniainteractive.org/Home/Index>. When a constituent visits the site they can search a list and/or map of PAA properties that are open to the public. Constituents can see the name of the property, a short description, and the cost to use the property. Figure 32 is screen shot of the website:

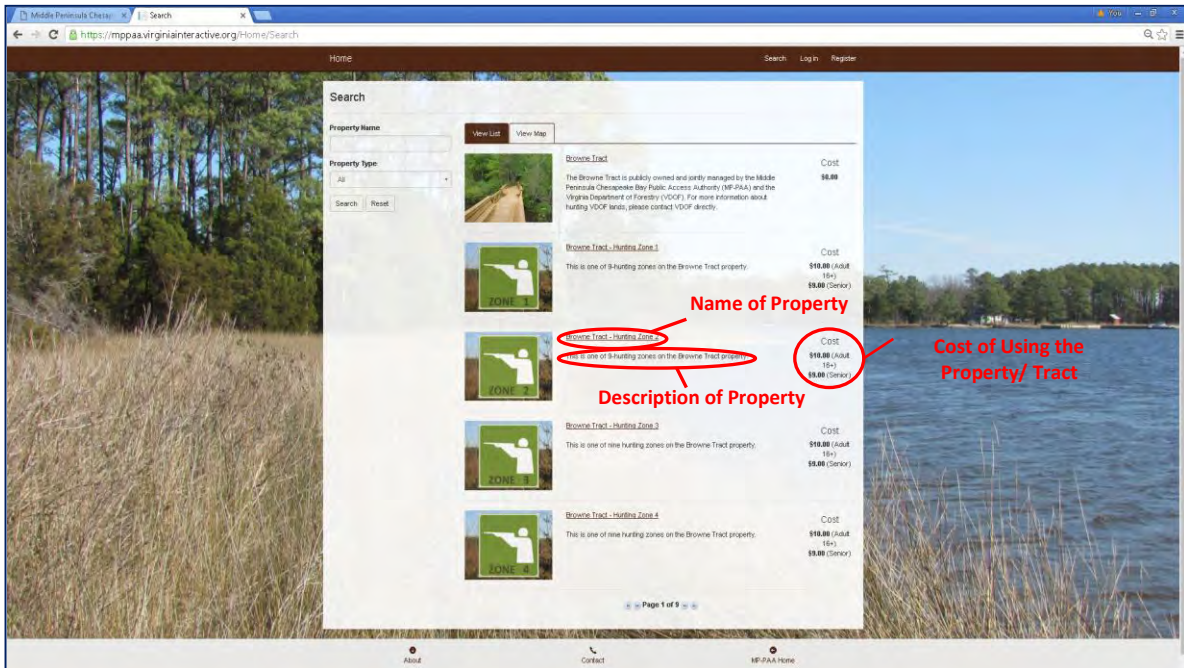


Figure 32: Screenshot of the Public Access Authority Reservation Site. This is a list of PAA properties, descriptions and costs for PAA lands available for reservation.

Once a constituent clicks on property name the screen depicted in Figure 33 is shown. This screen provides a longer description of the property, the uses allowed at the property, as well as the cost. There are also 4 other tabs that contain information about the property, including location, directions, photos, availability of the site as well as relevant rules/policies.

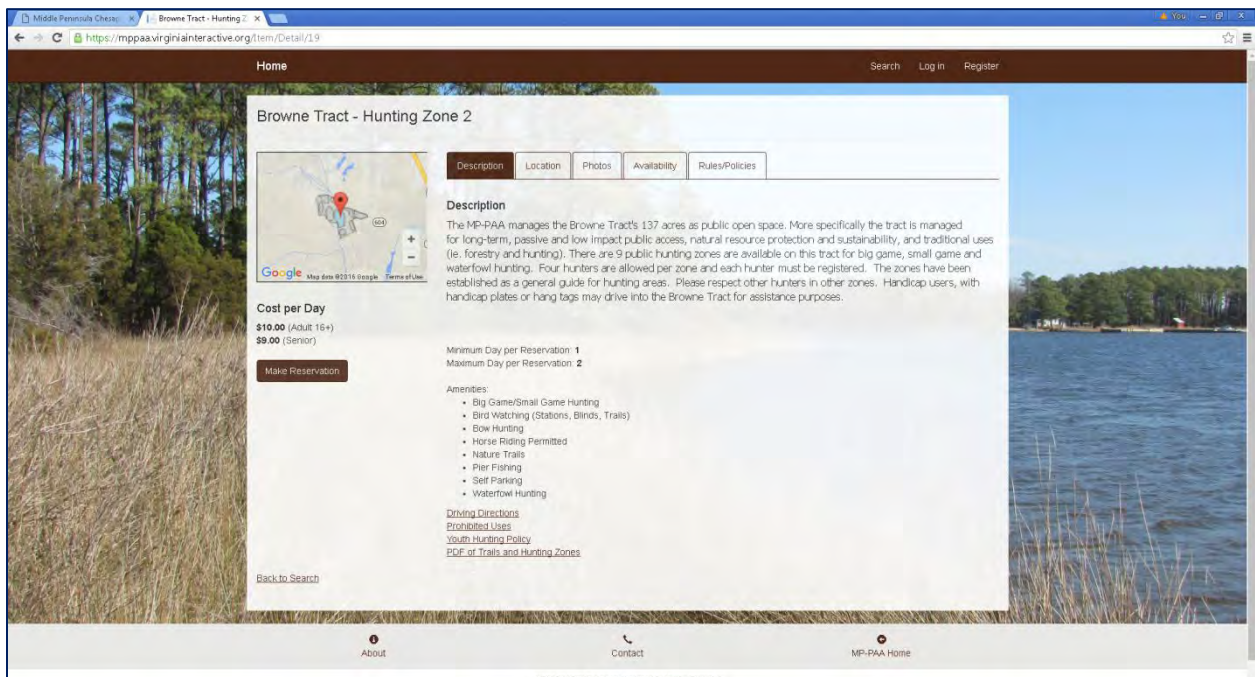


Figure 33: Screenshot of Browne Tract- Hunting Zone 2.

9. **Other management techniques that have been explored by the PAA:**
- a. **Tidal Wetland Bank**²⁰: The PAA contracted with Vanasse, Hangen, Brustlin, Inc. to investigate the feasibility of developing a regional tidal wetland mitigation bank on the Shenk Parcel (a PAA land). The Tidal Wetland mitigation band would offer credit units to offset unavoidable impacts permitted through the local tidal wetland boards. This investigation found that the Shenk Parcel was not a good candidate for the development of a tidal wetland bank site due to the small amount of uplands, location of the uplands, relative to the property boundaries and Resource Protection Area limits, and the fact that existing wooded buffers would have to be removed in order to create wetland habitat. While this approach was not a fit for the Shenk Parcel it may work at another location.
 - b. **Commercial Work Boat Moorage at Virginia Department of Transportation Wharfs, Pier, Docks and Landings**²¹. MPPDC staff and the PAA asked specific questions about public access and working waterfronts in hopes of benefiting the citizens and those using the water. In 2010, MPPDC staff asked VDOT, "Is there anything in Code of Virginia that allows VDOT to issue a permit to commercial vessels for overnight mooring to VDOT maintained wharves, or is there anything that prohibits the issuance of such permit?" Through research, VDOT staff found, "There is nothing in the Land Use Permit Regulations (24VAC-30-151) that allow VDOT to issue a permit for this type of request." This helps to clarify commercial work boats moorage can occur at VDOT wharfs, piers, docks and landings.
 - c. **Special Research studies**: To facilitate local policy development and dialog to assist with making informed decisions on matters related to public access at the local level, the PAA conducts legal ownership research and concept studies to supplement local policy decisions. The PAA also partners with MPPDC staff to prepare grant applications that may help fund research, management tool development and implementation, construction of infrastructure and land acquisition for public access.
 - d. **Conflict Resolution**: As the Middle Peninsula continues to transition from a less rural to more suburban community, public policies that currently serve as management tools for near-shore land, public water bodies, and water use rights and privileges must adapt. Conflicts are becoming increasingly common between waterfront property owners, watermen, boats, recreational fishermen, sportsmen, aquaculture industries and others seeking to use the Commonwealth's water resources. Therefore PAA and MPPDC staff work with Middle Peninsula localities to develop resolution/management to such conflicts when they present themselves.

Within the Middle Peninsula there are three general sources of conflict, including: *misunderstandings*, when parties are differently informed about an issue; *interest*, in which people want to use the same resource for different things; and *value* in which disputants differ in deeply rooted beliefs about what is "right" (Amy, 1987). The most typical form of recreation conflict that occurs is between participants in two different activities that are wholly or partly incompatible yet must share a recreation setting (Brunson, 1998). For instance on the waterways of the Middle Peninsula conflicts can arise between waterfront property owners and working waterfront, as well as the fishermen and motorized activities (i.e. wave runners, power boats, etc.). To help resolve such conflicts the MPPDC and PAA may assist with the management of such conflicts in order to balance the needs and interest of multiple constituencies. Additionally

²⁰ <http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Middle%20Peninsula%20Tidal%20Wetland%20Bank%20Memo.pdf>

²¹ <http://www2.vims.edu/seagrant/coastalaccess/resource/docs/VDOT%20Wharf%20Research.pdf>

conflict management is usually based on the intensity of the conflict. Initial efforts by PAA and MPPDC staff are motivated to choose the least costly approaches (in terms of dollars, time, and personnel) first (Brunson, 1998). Initial efforts are likely to focus on education/information campaigns, often in conjunction with increased enforcement of existing regulations, or development of a new policy. PAA and MPPDC staff recognize that conflicts are different in nature and therefore need to be managed on a case-by-case basis.

Needless to say the PAA has worked toward their goals of enhancing public access with in the Middle Peninsula. Depending in the management need, PAA will pick an appropriate management tool or create a new management tool to meet the public access needs of Middle Peninsula citizens.

Chapter Five: REGIONAL PUBLIC ACCESS

As mentioned earlier, in 2008, the PAA, in partnership with the Virginia Sea Grant inventoried coastal access needs, concerns and trends throughout the region. This included existing access and ownership patterns, public access needs of the residents in the lower Chesapeake Bay, waterfront conflicts, as well as land use conversion issues. Through the survey results a better understanding of public access within the region was gained.

PUBLIC WATER ACCESS IN THE MIDDLE PENINSULA

Although the waterways and shorelines of the Middle Peninsula are utilized by a variety of user groups, the average public water access user may be described as follows (Table 1):

Table 1: PROFILE- The Average Middle Peninsula Water Public Access User <i>(based on 2008 survey results)</i> .	
DESCRIPTION	Private or recreational boater (ie. power, paddling)
	Private or recreational angler
	Waterfront land owner
	\$75,000 + Household Income
	Swims in local waterways
	Will pay \$5-\$10 to launch their boat 50% of the time
	Gains access to water by a trailer or they currently have direct private access to the waterway
	Typically drives less than 5 miles to launch their boat
BELIEFS	Concerned most about lack of boat ramps and lack of beach access in the region
	Supports fee-pass system for annual or seasonal use or higher fees for non-local residents
	Prefers boat ramps with adequate parking for multiple users

While the majority of respondents focused on boating and boat ramps, the waterways and shorelines of the region are also popular locations for sailing, sunbathing, birding, hunting as well as fishing [from fishing piers].

Over the decades the region has endured wicked storms that have threatened, damaged, or removed water public access infrastructure to the region’s waterways. For instance, in 2003, Hurricane Isabel swept through the region causing major coastal erosion, impacting local shoaling, and loss and/or damage to private and public docks and piers. Other local coastal hazards, including flooding, erosion, shoaling, sea level rise and land subsidence also contribute to the water public access challenges as they may impeded ingress and egress to the site. Ultimately the PAA and participating localities are interested in providing for safe and adequate water public access infrastructure that is critical to meet the regional access demands of residents as well as tourists.

Below is a description of public access assets throughout the region.

STATE OWNED PUBLIC BOAT RAMPS

Public boat ramps within the regional provide residents and visiting boaters access to the Bay and its tributaries, however a major concern is that there is just not enough local and/or regional access sites. Consequently, current access sites become overcrowded and result in long wait times for the ramp. To complicate matters further, current sites lack adequate parking for both car top boats (i.e. canoes and kayaks) as well as boat trailers. Also in some cases ramp conditions at access sites are deteriorating which causes safety concerns, and ultimately inadequate public water access.

Within the Middle Peninsula Virginia Department of Game and Inland Fisheries (DGIF) owns and maintains 14 public boating access locations:



Essex County

Waterbody	Access Area	Barrier Free	Type	Ramps	Latitude	Longitude
Hoskin’s Creek	Hoskin’s Creek	No	Concrete Ramp	1	37° 55’ 12” N 37.9200873	76° 51’ 26” W -76.8571004
Directions: Town of Tappahannock, R T-1002 (Dock Street)						

Gloucester County

Waterbody	Access Area	Barrier Free	Type	Ramps	Latitude	Longitude
Piankatank River	Deep Point	Yes	Concrete Ramp	1	37° 32’ 10” N 37.5661228	76° 29’ 43” W -76.4953889
Directions: From Glenss, Rt. 198 East (7.5); L on Rt 606 (1.5)						
Poropotank River	Tanyard	No	Concrete Ramp	2	37° 27’ 17” N 37.4548078	76° 40’ 5” W -76.6679753
Directions: From Gloucester, Rt. 14 North (4.3); L on Rt. 613 (3.3); R on Rt. 610 (.6); L on Rt. 617 (.5)						
Ware River	Warehouse	Yes	Concrete Ramp	1	37° 24’ 11” N 37.4031611	76° 29’ 23” W -76.4896286
Directions: East of Gloucester on Rt. 621 (2)						

York River	Gloucester Point	Yes	Concrete Ramp	2	37° 14' 45" N 37.4031611	76° 29' 23" W -76.4896286
Directions: Town of Gloucester Point, Rt. 1208						

King & Queen County

Waterbody	Access Area	Barrier Free	Type	Ramps	Latitude	Longitude
Mattaponi River	Melrose	Yes	Concrete Ramp	1	37° 38' 14" N 37.6372145	76° 51' 18" W -76.8549627
Directions: From King & Queen C.H., Rt. 14 South (2.8); R on Rt. 602 (1.2) to Ramp						
Mattaponi River	Waterfence	Yes	Concrete Ramp	1	37° 35' 31" N 37.5920552	76° 47' 55" W -76.7987125
Directions: From West Pont, Rt. 33 East, turn L onto SR 14 (5), turn L onto SC 611 to end						

King William County

Waterbody	Access Area	Barrier Free	Type	Ramps	Latitude	Longitude
Mattaponi River	Aylett	Yes	Concrete Ramp	1	37° 47' 8" N 37.7856806	77° 6' 11" W -77.1030150
Directions: Aylett, Rt. 360 East, R onto Rt. 600						
Mattaponi River	West Point	Yes	Concrete Ramp	2	37° 32' 26" N 37.5406099	76° 47' 23" W -76.7896487
Directions: Town of West Point on Rt. 33						
Pamunkey River	Lestor Manor	Yes	Concrete Ramp	1	37° 35' 10" N 37.5861120	76° 59' 4" W -76.9845725
Directions: From King William C.H., Rt. 30 South (.7); R on Rt. 633 (7.4); L on Rt. 672 (.4)						

Mathews County

Waterbody	Access Area	Barrier Free	Type	Ramps	Latitude	Longitude
East River	Town Point	Yes	Concrete Ramp	1	37° 24' 55" N 37.4753723	76° 20' 15" W -76.3375842
Directions: From Mathews, Rt. 14 South (3.8); R on Rt. 615 (.6)						

Middlesex County

Waterbody	Access Area	Barrier Free	Type	Ramps	Latitude	Longitude
Parrotts Creek	Mill Stone	Yes	Concrete Ramp	1	37° 43' 36" N 37.7266569	76° 37' 19" W -76.6219992
Directions: Church View, Rt. 17 North (1.1); R on Rt. 640 (4.4); L on Rt. 608 (.8)						
Rappahannock River	Mill Creek	Yes	Concrete Ramp	1	37° 35' 3" N 37.5842494	76° 25' 28" W -76.4244480
Directions: From Hartfield, Rt. 3 North (.5); R on Rt. 626 (3.1)						
Rappahannock River	Saluda	Yes	Concrete Ramp	1	37° 37' 21" N 37.6225893	76° 34' 54" W -76.5816117
Directions: Rt. 618 North (1.4) of Saluda						

Other boat ramps within the region may be owned by County, Town, VDOT, or PAA entities and are captured in the individual County and Town assessment in Chapter 6.

PUBLIC BEACHES OWNED BY COUNTIES

Public beaches are important for low impact recreational purposes including swimming, walking, viewing scenic vistas and bird watching, however currently within the Middle Peninsula there are not enough officially marked beach access sites available to the public. The few beach access sites that do exist in the region, lack proper public facilities (i.e. restrooms, trash pickup and security) and parking which ultimately limits the use of beach access sites. Current public beaches within the region include

Bethel Beach and Festival Haven Beach in Mathews County, Gloucester Point in Gloucester County, and Ware's Wharf in Essex County.

PRIVATE BOAT SLIPS

Within the Middle Peninsula there are insufficient numbers of boat slips to satisfy the current demand. According to survey respondents, slips are priced over the market value. Another issue is that slips within the region, which were once public, have turned into private condo-related slips. The Middle Peninsula also faces shoaling in boat slips, therefore limiting the vessel size that can access certain slips.

PUBLIC AND PRIVATE WORKING WATERFRONTS

Within the Middle Peninsula there are access points that facilitate traditional and new maritime businesses, including commercial fishing as well as aquaculture. Although working waterfronts are not necessarily considered a top public access concern, residents do recognize that working waterfront infrastructure is essential to maintain the historical and coastal character of the region as well as the maritime heritage. With decreasing fishery stocks, watermen are finding it hard to make a living on traditional harvesting methods; however in recent decades' shellfish aquaculture has taken hold as the seafood industry of the 21st century. Thus, to maintain a regional maritime culture and to encourage new maritime business ventures, the Middle Peninsula needs a network of the sites sufficient to meet the working waterfront needs. In 2011, MPPDC staff inventoried and mapped working waterfronts in the region to gain a visual for the current network (Figure 34). Please see Appendix G for the key to working waterfront markers on the map below.

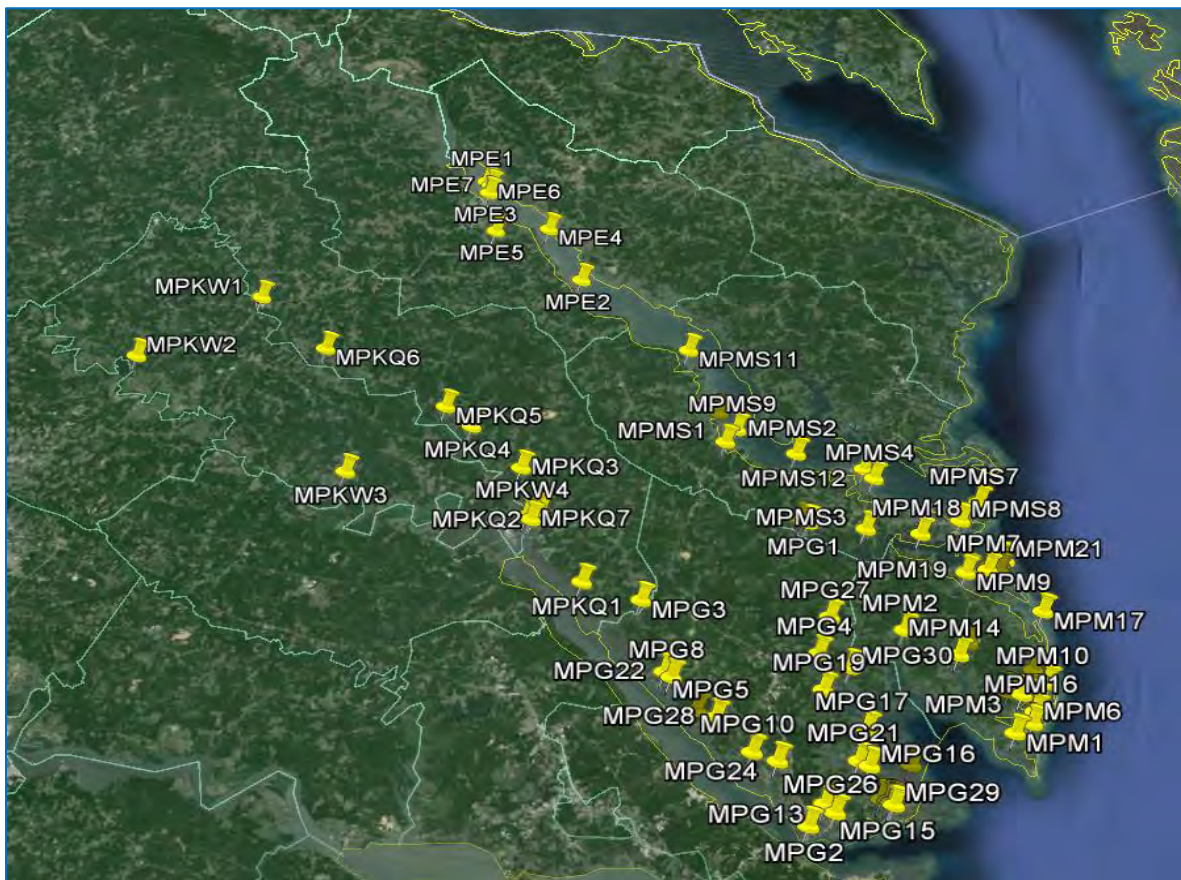


Figure 34: Map of working waterfront locations throughout the Middle Peninsula. Please reference Appendix G for the working waterfront key.

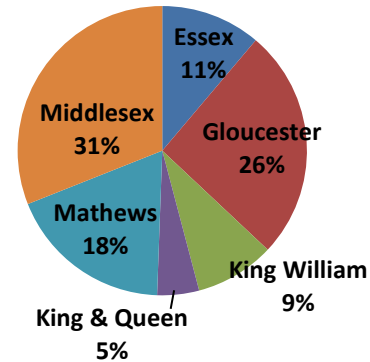
OTHER ACCESS LOCATIONS

The Middle Peninsula also has public access locations that do not fall in to the categories listed above. In some cases, access sites within the Middle Peninsula may consist of dirt or gravel area at a road terminus. As mentioned in Chapter 3 the PAA has identified over 300 roadways with public access capabilities running to or near waterways in the Middle Peninsula. Many of these sites do not have infrastructure or adequate parking, yet canoes and kayaks may gain access to the waterways through these sites.

While there is no way to know the number of the citizens and visitors that utilize each public access site, the number of boat registrations, freshwater and recreational fishing licenses, as well as commercial licenses offers insight into how the waterways are utilized and quantifies constituents utilizing the water. Please note that fishing licenses are not required for youth 16-years of age and younger and are therefore not captured in the data below.

County	Number of Boat Registrations
Essex	1,898
Gloucester	4,383
King William	1,510
King & Queen	794
Mathews	3,126
Middlesex	5,265
Total	16,976

Middle Peninsula: Percentage of Total Boat Registrations issued in each Locality



County	Number of Freshwater Fishing Licenses in a Given Year					Revenue Generated over 5 Years
	2012	2013	2014	2015	2016	
Essex*	553	554	570	519	315	\$ 77,912.50
Gloucester	1,661	1,620	1,701	1,678	1,017	\$ 222,805.00
King William*	512	538	516	488	296	\$186,563.50
King & Queen	1,345	1,459	1,401	1,402	882	\$68,495.50
Mathews	239	254	250	257	148	\$33,528.50
Middlesex*	262	251	289	311	174	\$38,833.00
Total	4,572	4,676	4,727	4,655	2,832	\$628,138

**Please note that the licenses issued in the Town of Tappahannock, West Point and Urbanna have been included in the respective County count.*

Table 4: Saltwater Recreational Fishing Licenses in the Middle Peninsula (VMRC, 2016)

County	Count	Revenue Generated
Essex*	714	\$17,919.50
Gloucester	2,536	\$68,064.50
King William*	952	\$25,427
King & Queen	381	\$9,160.50
Mathews	1,146	\$36,966
Middlesex*	790	\$24,379.50
Total	6,519	\$181,917

**Please note that the licenses issued in the Town of Tappahannock, West Point and Urbanna have been included in the respective County count.*

Table 5: Saltwater Commercial Fishing Licenses (VMRC, 2016)

County	Count	Revenue Generated
Essex*	111	\$6,994
Gloucester	2,545	\$178,586
King William*	160	\$7,417
King & Queen	156	\$6,650
Mathews	1,037	\$56,129
Middlesex*	1,037	\$69,364
Total	5,046	\$325,140

**Please note that the licenses issued in the Town of Tappahannock, West Point and Urbanna have been included in the respective County count.*

Chapter Six: PUBLIC ACCESS IN MIDDLE PENINSULA COUNTIES AND TOWNS

As part of this Public Water Access Master Plan the PAA and MPPDC worked closely with member localities over the years to address water public access concerns specific to each jurisdiction. To date Mathews and Middlesex Counties have surveyed constituents to gain a better understanding of public access within their jurisdictions, while other localities have utilized the PAA and MPPDC to research specific policy questions associated with water and land use conflicts that impact public access. While each locality has differing public access assets and amenities, the desire to increase and improve public access and associated facilities is a common thread.

A. MATHEWS COUNTY

Though the smallest rural county in Virginia, it has the longest shorelines. With approximately 340.92 miles of shoreline in the County, the life and livelihood of Mathews County has historically been tied to the waterfront. Besides harvesting seafood (i.e. oysters, crabs, hard clams and fin-fish) and building ships/workboats, Mathews's commercial landings were once vital centers of commerce and trade prior to the advent of roads. With the development of road infrastructure the need for water based commercial and passenger freight vanished, as well as their associated infrastructure. Additionally, as Mathews faces societal and demographic shifts, including the loss of employment opportunities, loss of revenue from business activity as water based businesses disappear, and an aging demographic, water public access is strained upon the increasing resource demand on the coast.

Accessing waterways within Mathews County is becoming increasingly difficult. In particular, due to Mathews County's high susceptibility to coastal storms (i.e. hurricanes and coastal flooding) water public access infrastructure (i.e. docks, piers, ramps, etc.) is vulnerable to wind and water damage. Additionally, the County faces an increase in private waterfront property ownership that limits and/or reduces the number of access areas.

Currently the economy in Mathews County is not dominated by any one economic sector. Nonetheless water based recreational and commercial activities substantially contribute to the local economy. In 2015, VMRC issued 1,037 commercial fishing licenses and permits to Mathews County citizens which represented 21% of commercial licenses and permits issued by VMCR in the Middle Peninsula region. These permits equated to approximately \$56,705 in revenues (Table 6). Table 6 also provides an understanding of the how Mathews County citizens are utilizing the waterway based on the various licenses and permits being issued.

Table 6: VMRC Sales of Commercial License and Permits in Mathews County (VMRC, 2015).				
Gear	Description	Count	Price	Total
102	OYSTER PATENT TONG-SINGLE	4	\$35.00	\$140.00
103	OYSTER DREDGE PUBLIC GROUND	2	\$50.00	\$100.00
104	OYSTERS BY HAND TONGS	13	\$10.00	\$130.00
106	OYSTERS BY HAND SCRAPE	37	\$50.00	\$1,850.00
108	OYS AQUACULT PROD OWNER PERMIT	33	\$10.00	\$330.00
109	OYS AQUACULT HARVESTER PERMIT	6	\$5.00	\$30.00
110	OYS AQUACULT VESSEL PERMIT	3	\$0.00	\$0.00
112	CLAM PATENT TONGS-SINGLE	5	\$58.00	\$290.00
119	CLAM AQUACULT PROD OWNER PERMIT	3	\$10.00	\$30.00
122	AQUACULTURE HUSBANDRY PERMIT	7	\$0.00	\$0.00
123	WARMWATER SHELLFISH GPS PRMT	1	\$0.00	\$0.00
124	OYSTERBULK SEED PRMT	5	\$0.00	\$0.00
125	SHELLFISH ICING PERMIT	1	\$0.00	\$0.00
131	CONCH-DREDGE	1	\$58.00	\$58.00
132	CHANNELED WHELK POT	4	\$51.00	\$204.00
133	SHELLFISH BULK TAG	5	\$10.00	\$50.00
134	SHELLFISH HARVESTER TAG	17	\$10.00	\$170.00
180	HSC GENERAL PERMIT	3	\$0.00	\$0.00
182	HSC CLASS A DREDGE PERMIT	1	\$0.00	\$0.00
183	HSC CLASS B DREDGE PERMIT	3	\$0.00	\$0.00
205	CRAD-ORDINARY TROT LINE	1	\$13.00	\$13.00
208	CRAB HAND SCRAPE-SINGLE	4	\$26.00	\$104.00
209	CRAB HAND SCRAPE-DOUBLE	1	\$53	\$53.00
211	CRAB POT-85 OR LESS	13	\$48.00	\$624.00
212	CRAB POT-170 TO 255	31	\$79.00	\$2,449.00
213	GRAB POT-256 TO 425	2	\$127.00	\$254.00
215	CRAB SHED TANK-20 OR LESS	5	\$9.00	\$45.00
216	CRAB SHED TANK-OVER 20	1	\$19.00	\$19.00
217	CRAB PEELER POT-210 OR LESS	21	\$36.00	\$756.00
222	CRAB POT-86 TO 127	4	\$79.00	\$316.00
223	CRAB POT-128 TO 170	1	\$79.00	\$79.00
228	ALTERNATIVE HOUR PERMIT, CRABBING	3	\$0.00	\$0.00
280	CRAB TRAP	63	\$8.00	\$504.00
303	GILL NETS-600 OR LESS	145	\$16.00	\$2,320.00
304	GILL NETS-1200 OR LESS	132	\$24.00	\$3,168.00
308	FISH TROT LINE	1	\$19.00	\$19.00
311	HAUL SEINE-UNDER 500 YDS & OVER	3	\$146.00	\$438.00
319	COMMERCIAL HOOK & LINE	1	\$31.00	\$31.00
331	COMM HOOK & LINE STRIPED BASS	1	\$31.00	\$31.00
340	FISH/EEL POT-100 OR LES	4	\$19.00	\$76.00
341	FISH/EEL POT-300 OR LESS	8	\$24.00	\$192.00
342	FISH/EEL POT-OVER 300	2	\$62.00	\$124.00
349	SB BAY PERMIT	19	\$0.00	\$0.00
350	SB OCEAN TAG TRANSFER	5	\$0.00	\$0.00
351	SB BAY TAG TRANSFER	7	\$0.00	\$0.00
352	SB BAY TAG TRANSFER	37	\$0.00	\$0.00
353	BLACK DRUM HARVET PERMIT	1	\$0.00	\$0.00
365	SPINY DOGFISH LIMIT ENTRY PRMT	9	\$0.00	\$0.00

370	CLASS A GILL NET PERMIT	54	\$0.00	\$0.00
372	CLASS B GILL NET PERMIT	18	\$0.00	\$0.00
379	USER FEE OYSTER ALL GEAR	39	\$300.00	\$11,700.00
382	USER FEE SHUCKING < 10000 GAL	1	\$1,000.00	\$1,000.00
385	USER FEE OYSTER SINGLE BUYER	3	\$100.00	\$300.00
386	USER FEE OYSTER SINGLE BUYER	2	\$300.00	\$600.00
387	USER FEE PRIVATE OYSTER AQUACULTURE	33	\$50.00	\$1,650.00
402	SHUCKING HOUSE-TO 10,000	1	\$33.00	\$33.00
410	SEAFOOD BUYERS TRUCK	6	\$63.00	\$378.00
411	BUYERS BUSINESS PLACE	3	\$126.00	\$378.00
412	OYSTER SINGLE BUYER LICENSE	3	\$50.00	\$150.00
413	OYSTER MULTIPLE BUYER LICENSE	2	\$100.00	\$200.00
414	OYSTER BUYER BOAT/TRUCK IDENTIFIER PERMIT	8	\$0.00	\$0.00
415	CHANNELED WHELK BUYERS PERMIT	1	\$0.00	\$0.00
417	BLACK DRUM BUYER PERMIT	1	\$0.00	\$0.00
419	STRIPED BASS BUYER PERMIT	2	\$0.00	\$0.00
421	EEL SELF-MARKET PERMIT	3	\$0.00	\$0.00
470	TILEFSH/GRPR REC LANDING PERMIT	3	\$0.00	\$0.00
471	SPRING REC STRIPED BASS TROPHY PERMIT	7	\$0.00	\$0.00
500	COMMERCIAL REGISTRATION	103	\$190.00	\$19,570.00
501	COMM REGISTRATION-SENIOR CITIZ	33	\$90.00	\$2,970.00
515	COMM REG TRANSRD FROM DELAYED	5	\$190.00	\$950.00
516	TRANSFERRED COMM REG CARD SR	2	\$90.00	\$180.00
711	TRANSFERRED CRAB POT 100	1	\$48.00	\$48.00
717	TRANSFERRED PEELER POT	2	\$36.00	\$72.00
732	TRANSFERRED CHALLELED WHELK	1	\$51.00	\$51.00
770	TRANS CLASS A GILL NET	1	\$0.00	\$0.00
800	CHARTER/HEAD BOAT-6 & UNDER	4	\$124.00	\$496.00
810	CLASS A FISHING GUIDE LICENSE	3	\$100.00	\$300.00
811	CLASS B FISHING GUIDE LICENSE	1	\$100.00	\$100.00
815	STRIPED BASS CHARTER PERMIT	4	\$0.00	\$0.00
816	TILEFSH/GRPR CHARTER LAND PERMIT	2	\$0.00	\$0.00
992	REPLACEMENT DECAL	6	\$1.00	\$6.00
Total		1,037		\$56,129.00

According to a report by the Kirkley, Murray and Duberg (2005), in 2004 a total of 138 (direct, indirect and induced) full and part time jobs were generated by saltwater angling and the industry contributed approximately \$3,221,000 to Mathews County economy (Table 7).

Fishing Mode	Value Added Impacts (000\$)				Output Impacts (00\$)				Employment Impacts (Full/part-time jobs)			
	Direct	Indirect	Induced	Total	Direct	Indirect	Induced	Total	Direct	Indirect	Induced	Total
Private/Rental Boat	3,188	282	354	3,824	5,350	488	568	6,406	117	9	9	135
Shore/pier/each	33	5	8	45	65	9	12	86	2	0	0	3
all fishing modes	3,221	287	362	3,869	5,415	497	580	6,492	119	9	9	138

Recreational fishing has also contributed to the local economy and uses of the water in Mathews County. In 2015, VMRC issued a total of 790 saltwater fishing licenses which amounted to \$24,379.50 in revenue

(Table 8). Moreover DGIF issued a total of 257 freshwater fishing licenses in 2015 amounting to \$8,342.50 (Table 9) in revenue.

Gear	Description	Count	Price	Total Revenue
611	Resident Individual Saltwater Sport Fishing	278	\$17.50	\$4,865.00
613	Resident Temporary 10-Day Saltwater Sport Fishing	2	\$10.00	\$20.00
615	Resident Saltwater Boat Sport Fishing	334	\$48.00	\$16,032.00
616	Non-resident Saltwater Boat Sport Fishing	2	\$76.00	\$152.00
617	DGIF-Saltwater Boat Sport Fishing (Transfer)	2	\$5.00	\$10.00
701	Resident State Fresh/Saltwater Fishing (saltwater share only)	85	\$17.50	\$1,487.50
715	Resident Tidal Boat Sport Fishing (saltwater share only)	6	\$48.50	\$291.00
SR60	Individual Resident Lifetime License age 56 - 60	2	\$66.00	\$132.00
SR64	Individual Resident Lifetime License age 61 - 64	2	\$35.00	\$70.00
SR65	Individual Resident Lifetime License age 65 and older	13	\$5.00	\$65.00
SRD	Disabled Resident Lifetime Saltwater License	1	\$10.00	\$10.00
453	Saltwater Recreational Use Five Crab Pots	25	\$36.00	\$900.00
454	Saltwater Recreational Use Crab Trotline	3	\$10.00	\$30.00
456	Saltwater Recreational Use 300 Ft Gill Net	35	\$9.00	\$315.00
Total		790		\$24,379.50

Licenses	Description	Count	Price	Total Revenue
101	Sportsman's Hunting and Fishing	6	\$133.00	\$798.00
335	Resident 65 and older Freshwater Fishing	24	\$9.00	\$216.00
353	Resident State Freshwater Fishing	122	\$23.00	\$2,806.00
354	Non-Resident State Freshwater Fishing	2	\$47.00	\$94.00
357	County/City Resident Freshwater Fishing	4	\$16.00	\$64.00
359	Resident 5-Day Freshwater Fishing	2	\$14.00	\$28.00
360	Non-Resident 1-Day Freshwater Fishing	-	\$8.00	-
371	Resident State Freshwater Fishing - 2 Year	3	\$44.00	\$132.00
389	Resident 70 Pct Disables Veteran Fishing	1	\$12.00	\$12.00
701	Resident State Fresh/Saltwater Fishing	87	\$39.50	\$3,436.50
703	Resident 5-Day Freshwater Fishing		\$14.00	-
715	Resident Tidal Boat Sport Fishing	6	\$126.00	\$756.00
Total		257		\$8,342.50

To sustain the economic contributions from working waterfronts as well as recreational boating and fishing, a network of adequate public access sites are essential in Mathews County. Currently, Mathews County has 25 public access locations that are distributed along the Mathews County coastline. Each other different amenities, with will determine the use of the site (Table 10). Mathews County also has a 90 miles Blueway Trails that surround the County for paddling (Figure 35). Figure 30, from the Mathews County Comprehensive Plan (2011), depicts the location of public access sites and blueway trails throughout the County.



Figure 35: Map of public access locations and blueway trails in Mathews County (Mathews County Comprehensive Plan 2030, 2011).

Table 10: Mathews County State waters Access – Waterway access, amenities, and Ownership

PUBLIC ACCESS POINT	WATERWAY	AMENITIES																OWNER (ie. County, DGIF, VDOT, PAA, Unknown, etc.)									
		Signs	Water Access Only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap		Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier	On-Top Launch	Unimproved Ramp	Cement Ramp	Swim Beach	Online Information
Auburn Landing	North River				X																	X					Easement on private property
Roane’s Point Landing	Piankatank River				X		X															X	X				Mathews County
Warehouse Creek Landing	Piankatank Creek			X																		X			X		Mathews County
Piankatank River Landing	Godfrey Bay				X			X	X				X									X			X		Mathews County
Roses Creek Landing	Queens Creek	X			X													X		X	X						Mathews County
Grimstead Public Landing	Milford Haven	X				X	X			X	X			X				X		X				X			Mathews County
Milford Landing	Edward Creek	X		X														X		X		X					Mathews County
Whites Creek Landing	Whites Creek				X		X													X	X	X					Mathews County
Festival Beach	Chesapeake Bay	X		X																		X					Mathews County
Haven Public Beach	Chesapeake Bay	X		X									X									X			X		Mathews County
Aaron’s Beach	Chesapeake Bay			X									X												X		VDOT road ending
Town Point Landing	Put-in-Creek	X			X	X														X	X	X					Mathews County (DGIF maintained)
William’s Wharf	East River	X				X	X			X			X			X		X	X	X							Mathews Land Conservancy
Winter Harbor haven (Old Mill Landing)	Winter Harbor	X		X														X		X	X	X					Mathews County
Winter Harbor Haven	Winter Harbor	X			X		X											X		X	X	X					Mathews County
Horn Harbor haven	Horn Harbor			X																		X					Mathews County
Davis Creek Landing	Davis Creek				X															X	X						Mathews County
Doctor’s Creek Landing	Doctor’s Creek			X																	X						Mathews County
New Point Comfort	Chesapeake Bay	X			X			X	X							X			X	X	X						The Nature Conservancy
East River Board Yard	East River			X																		X	X				Mathews County
Sloop Landing Tract	Mobjack Bay			X	X																					X	PAA, by deed
Dutchman’s Tract	Mobjack Bay		X										X													X	PAA, by deed
Bethel Beach	Chesapeake Bay				X		X					X	X													X	PAA, by deed

Horn Harbor	Horn Harbor (*3 small lots and one water access)		*X								*X													X	PAA, by deed
Winter Harbor	Chesapeake Bay		X								X													X	PAA, by deed

County partnerships drive the process:

In July 2009, the PAA was approached by the Mathews Maritime Foundation, Mathews Blueways Trail, and Mathews County to begin to address waterfront access concerns and issues specific to Mathews County. As an outcome of several planning meetings, a series of community outreach presentations were scheduled throughout the county. The meeting participants were provided with information relevant to public access and working waterfronts in the County, while participants shared their experiences of public access and working waterfront through dialog, mapping exercises, and a survey. Based on outcomes of the survey and citizen participatory process the average Mathews County Water Public Access User can be described as the following:

PROFILE- The Average Mathews County Water Public Access User	
DESCRIPTION	Have been a resident of the County for 10-25 years
	Private or recreational boater (primarily power boating and kayaking)
	Waterfront land owner
	Fish the local waterways
	Walk/Hike the shorelines
	Does not ever pay to launch their boat(s)
	Gains access to water through direct private access
	Typically drives less than 5 miles to launch their boat
BELIEFS	Concerned most about lack of beach access and lack of boat ramps in the region
	Many public boat ramps lack adequate parking
	Is opposed to fees or supports a fee-pass system for annual or seasonal use
	There is a lack of public fishing piers and fishing from the shore
	Access should be primarily for the residents

According to survey responses, Mathews County citizens believe that the loss of access for water-dependent commercial activity would have a negative consequence for Mathews and are most concerned about (in order of importance): (1) lack of access, (2) lack of ramps, (3) lack of safe swimming areas, (4) lack of public fishing piers, (5) lack of public municipal slips, (6) lack of public and private boat slips for transient users (7) lack of commercial fish houses, (8) lack of public parking at boat ramps, and (9) lack of charter boat activity.

More specifically Tables 10 and 11 show the biggest and smallest problems regarding public access in Mathews County according to survey respondents.

Topic	Specific Issue
Public Boat Ramps	<ul style="list-style-type: none"> - Ramp sites lack adequate parking - There is not enough access to serve all users - Ramp conditions are deteriorating and not being improved
Public Beaches/Swimming Access	<ul style="list-style-type: none"> - There are not enough public beach access sites - Lack of public facilities (rest rooms, trash pickup, security, etc.) at beach sites
Boat Slips	<ul style="list-style-type: none"> - Cannot be accessed due to shoaling - Are not available
Commercial Seafood Houses (Traditional Working Waterfront)	<ul style="list-style-type: none"> - Not enough catch for watermen to make a living - Are being replaced by private development

Topic	Specific Issue
Public Boat Ramps	<ul style="list-style-type: none"> - The wait time at ramp is too long or multiple ramps needed - Ramps are closing or being replaced for carry-on boats
Public Beaches/Swimming Access	<ul style="list-style-type: none"> - Public access sites lack parking
Boat Slips	<ul style="list-style-type: none"> - Are being demolished - Have been priced above market value
Commercial Seafood Houses (Traditional Working Waterfront)	<ul style="list-style-type: none"> - Property tax is too high for watermen to retain the property - Not enough workers/labor force available (crab pickers, oyster shuckers, dockhands, etc.)

Also according to the 2010 survey, public access sites that should be expanded in Mathews County, include (1) East River Boat Yard, (2) Put-in Creek, (3) Williams Wharf and (4) Seabreeze (Gwynn's Island); while new access locations suggested by respondents include: (1) East River, (2) North River, (3) Piankatank River, and (4) Put-in Creek.

Finally, improvements needed for public access, according to survey respondents, included (in no particular order:

- Maintenance of ramps and docks
- Dredging for accessibility
- Parking at access sites
- Renovations and/or preservation of structures
- Infrastructure (i.e. water, sewer, etc.)
- Regular trash pickup
- Waterfront economic development (i.e. restaurants)

Public Access Policies:

From references in the comprehensive plan to local ordinances to county initiatives/projects/reports, Mathews County has emphasized the importance of working waterfronts and water public access within their jurisdiction. An inventory of policies associated with public access in Mathews County may be found in Appendix H.

According to the Comprehensive plan there are multiple public access goals, recommendations, and strategies that address public access, including:

1. *Key Planning Recommendation*

Environmental

- Improve recreational access to the County’s waterfronts and beaches (pg. 4)

2. *2030 Vision for Mathews County*

In 2030, Mathews County will be a community where:

- Shoreline management and public access to the water are community priorities. (pg. 5)

3. *Mathews County Goals for 2030*

Environment

Provide public access to outstanding County waterways and shorelines. (pg. 7)

4. **Planning / Development Policies and Strategies for Economy**

E2 8. Affirm the commitment of the County to protect the working waterfront as a priority for economic development and preserving coastal character. Improve communication regarding pending development matters, water quality monitoring/reporting, water access, etc. Consider appropriate “good neighbor practices” that enable shared information and communication regarding development activities. (pg. 45)

E3 2. Encourage development of conference/lodging facilities in selected locations with water access. Ensure environmental compatibility with the area. (pg. 46)

5. **Planning/Development Policies, Action Strategies for Environment 2030**

EN4: The waterfront of Mathews County is a valuable ecological, recreational and scenic asset that should be available to all citizens. Use of waterfront lands should be balanced to provide reasonable access points for the public and protection of the environment, while recognizing the rights of private residential and business property owners.

1. Review and update the County Statewaters Access Plan at least every five years to ensure that public access and recreational needs are met. Update the 2003 Plan in conjunction with developing a Parks and Recreation Master Plan.
2. Site any new waterfront community facilities or marinas in accordance with the checklist and criteria established by the Virginia Marine Resources Commission for Marinas and Community Facilities for Boat Mooring (1988, www.mrc.state.va.us). Coordinate locations with aquaculture and blue infrastructure resources to minimize land use conflicts and ensure protection of water quality.
3. Identify desirable waterfront and off-shore locations for pursuing aquaculture. Develop a strategy for improving water quality, managing land use, and reducing development and pollution conflicts. (pg. 143-144)

6. **Planning/Development Policies, Action strategies for Public Facilities & Services 2030**

PFS 6: Parks and public recreation areas are important community amenities that directly influence the community’s quality of life and economic well-being. A well-thought out master plan is an effective tool for meeting community recreation needs and phasing capital improvements. (pg. 97)

1. Develop a Parks Master Plan that provides an inventory of public recreational facilities and programs and identifies needed improvements for the short and long-term.
2. Improve directional signage for existing public beaches and water access points. (A-19)

PFS 7: Mathews County is recognized for its natural environment and inherent recreational amenities. Public access to the water and shores enhances residents' quality of life and is fundamental to the eco-tourism segment of the County economy. The County should continue to promote public access and appropriate facilities along its waterways and shorelines. (pg. 97)

1. Update the adopted 2003 Mathews County Statewaters Access Plan to assess public needs, priorities, and recommended improvements for water access. Work with the Middle Peninsula Chesapeake Bay Public Access Authority to develop a survey to assess County residents' needs for new and/or expanded public water access sites and facilities.
2. Pursue site planning and recommended improvements to the East River Boatyard property for public recreation and access. Consider grant funding for planning and construction (e.g., Virginia Department of Conservation & Recreation, Virginia Game & Inland Fisheries, U.S. Fish & Wildlife, and EPA Brownfields).
3. Continue to work with VIMS and other partners to plan, map, and promote the Mathews County Maritime Heritage Trail. (A-20)

7. Development Policies and Strategies for West Mathews

WEST 4 Public access to the waterfront is a priority for the County. Increased public access to the waterfront should be provided in West Mathews. (pg. 214)

1. Pursue development of the East River Boat Yard property as a public access point in West Mathews. Develop a concept plan for the property and coordinate it with district residents. Solicit partners and applicable grant funds for implementation. Encourage small business, as well as recreational concepts. (A-35)

Additionally based on survey results two recommendations were developed to reflect the needs and concerns of citizens regarding public access:

1. County staff may consider the expanding parking for ideal locations. Consistently throughout the survey, inadequate parking was addressed by the survey respondent
2. Pursue development of the East River Boat Yard property as a public access point in West Mathews. Develop a concept plan for the property and coordinate it with district residents. Solicit partners and applicable grant funds for implementation. Encourage small business, as well as recreational concepts.

Therefore based on recommendations from the survey as well goals, recommendations, and strategies identified in the Comprehensive Plan, Mathews County has a direction to address and improve public access within its jurisdiction.

B. GLOUCESTER COUNTY

Gloucester County is the largest of the Middle Peninsula localities – not only geographically but economically and population wise. With about 500 miles of tidal shoreline, the County is bound by the Piankatank River, Mobjack Bay, and York River (CCRM, 2008).

Historically Gloucester County has had strong ties to the adjacent waterways for both commercial and recreational activities. Commercial water-related activities have included marinas, boatyards, seafood businesses and several small boat building and repair operations. In many cases they are located within or near residential land uses or areas with limited vehicular access. Six marinas are located within

the County, with the majority (five of the six) located in the southeastern part of the County. Some marinas have expanded to adjust to a more urban/suburban client base, but since 2003 one was converted to residential land use and two other have closed. The change taking place on the more urban waterfront areas is one of restaurants, shops and ship stores, boat slips and public places and possibly mixed use residential. The new era of the working waterfront is changing as Gloucester grows.

Dockside Value of Commercial Fish Landing in Gloucester County	
Year	Value
1974	\$1,409,121
1980	\$3,006,614
1985	\$2,191,581
1994	\$4,853,196
2004	\$893,000
<i>Source: Kirkley, 1997</i>	

In Gloucester, the majority of working waterfront lands are located in residential zoning districts, where they are either legally nonconforming uses, or allowed by special exception. Seafood Processing plants are allowed by special exception in all agricultural zones, and in all residential zones except for SC-1. Marinas and boat yards are allowed by special exception in the RC-2 agricultural zone, and in the C-2 and SC-1 residential zones. Overall this trend of land conversion poses a threat to the continuance of working waterfront lands and commercial fishermen due to lack of access. For instance, fewer and fewer places for local watermen to land or dock their boats and many recreational marinas and yacht clubs do not allow working watermen access to their facilities; however for those that do allow workboats, the slip fee for dock space is not affordable for most working watermen.

Besides marinas, numerous seafood businesses are disbursed throughout the County, including wholesale, retail, processing plants and landing facilities. These facilities are mostly concentrated in Guinea, and also scattered throughout the County. Between 1994 and 2004, the dockside value has declined significantly, by 37%. While the causes of this decline may be attributed to disease, federal quota regulations, and water quality (to name a few) it is important to note that the trend of working waterfront lands being converted into non-waterfront –dependent development is unfavorable for Gloucester’s local seafood economy (Kirkley, 1997).

While the commercial fishing industry may be declining there are still commercial industries within Gloucester that continue to work the water. In 2015, VMRC issued 2,545 commercial licenses and permits to Gloucester citizens which generated \$178,549 in revenue (Table 13).

Gear	Description	Count	Price	Total
102	OYSTER PATENT TONG-SINGLE	3	\$35.00	\$105.00
103	OYSTER DREDGE PUBLIC GROUND	19	\$50.00	\$950.00
104	OYSTERS BY HAND TONGS	109	\$10.00	\$1,090.00
106	OYSTERS BY HAND SCRAPE	197	\$50.00	\$9,850.00
108	OYS AQUACULT PROD OWNER PERMIT	26	\$10.00	\$260.00
109	OYS AQUACULT HARVESTER PERMIT	65	\$5.00	\$325.00
110	OYS AQUACULT VESSEL PERMIT	2	\$0.00	\$0.00
111	CLAM BY HAND/RAKE	1	\$24.00	\$24.00
112	CLAM PATENT TONGS-SINGLE	6	\$58.00	\$348.00
113	CLAM DREDGE-HAND	1	\$19.00	\$19.00
119	CLAM AQUACULT PROD OWNER PERMIT	1	\$10.00	\$10.00
122	AQUACULTURE HUSBANDRY PERMIT	5	\$0.00	\$0.00
123	WARMWATER SHELLFISH GPS PRMT	2	\$0.00	\$0.00
124	OYSTERBULK SEED PRMT	5	\$0.00	\$0.00
125	SHELLFISH ICING PERMIT	32	\$0.00	\$0.00
126	DAILY SHELLFISH RELAY PERMIT	7	\$150.00	\$1,050.00

132	CHANNELED WHELK POT	7	\$51.00	\$357.00
133	SHELLFISH BULK TAG	25	\$10.00	\$250.00
134	SHELLFISH HARVESTER TAG	74	\$10.00	\$740.00
205	CRAD-ORDINARY TROT LINE	1	\$13.00	\$13.00
208	CRAB HAND SCRAPE-SINGLE	2	\$26.00	\$52.00
209	CRAB HAND SCRAPE-DOUBLE	4	\$53	\$212.00
211	CRAB POT-85 OR LESS	20	\$48.00	\$960.00
212	CRAB POT-170 TO 255	76	\$79.00	\$6,004.00
213	GRAB POT-256 TO 425	14	\$127.00	\$1,778.00
215	CRAB SHED TANK-20 OR LESS	13	\$9.00	\$117.00
216	CRAB SHED TANK-OVER 20	9	\$19.00	\$171.00
217	CRAB PEELER POT-210 OR LESS	38	\$36.00	\$1,368.00
222	CRAB POT-86 TO 127	8	\$79.00	\$632.00
223	CRAB POT-128 TO 170	1	\$79.00	\$79.00
280	CRAB TRAP	47	\$8.00	\$376.00
302	STAKED GILL NET	7	\$24.00	\$168.00
303	GILL NETS-600 OR LESS	342	\$16.00	\$5,472.00
304	GILL NETS-1200 OR LESS	147	\$24.00	\$3,528.00
306	FYKE NET	4	\$13.00	\$52.00
308	FISH TROT LINE	3	\$19.00	\$57.00
310	HAUL SEINE-UNDER 500 YDS	6	\$48.00	\$288.00
311	HAUL SEINE-UNDER 500 YDS & OVER	7	\$146.00	\$1,022.00
319	COMMERCIAL HOOK & LINE	8	\$31.00	\$248.00
320	COMMERCIAL FISH PIER	2	\$83.00	\$166.00
331	COMM HOOK & LINE STRIPED BASS	4	\$31.00	\$124.00
340	FISH/EEL POT-100 OR LES	16	\$19.00	\$304.00
341	FISH/EEL POT-300 OR LESS	19	\$24.00	\$456.00
342	FISH/EEL POT-OVER 300	5	\$62.00	\$310.00
349	SB BAY PERMIT	38	\$0.00	\$0.00
350	SB OCEAN TAG TRANSFER	1	\$0.00	\$0.00
351	SB BAY TAG TRANSFER	1	\$0.00	\$0.00
352	SB BAY TAG TRANSFER	109	\$0.00	\$0.00
354	AM SHAD BYCATCH PERMIT	8	\$0.00	\$0.00
365	SPINY DOGFISH LIMIT ENTRY PRMT	6	\$0.00	\$0.00
370	CLASS A GILL NET PERMIT	88	\$0.00	\$0.00
372	CLASS B GILL NET PERMIT	41	\$0.00	\$0.00
379	USER FEE OYSTER ALL GEAR	200	\$300.00	\$60,000.00
382	USER FEE SHUCKING < 10000 GAL	3	\$1,000.00	\$3,000.00
385	USER FEE OYSTER SINGLE BUYER	4	\$100.00	\$400.00
386	USER FEE OYSTER SINGLE BUYER	4	\$300.00	\$1,200.00
387	USER FEE PRIVATE OYSTER AQUACULTURE	27	\$50.00	\$1,350.00
393	EEL POT- OVER 300	1	\$62.00	\$62.00
402	SHUCKING HOUSE-TO 10,000	3	\$33.00	\$99.00
409	SEAFOOD BUYERS BOAT	5	\$63.00	\$315.00
410	SEAFOOD BUYERS TRUCK	37	\$63.00	\$2,331.00
411	BUYERS BUSINESS PLACE	10	\$126.00	\$1,260.00
412	OYSTER SINGLE BUYER LICENSE	4	\$50.00	\$200.00
413	OYSTER MULTIPLE BUYER LICENSE	4	\$100.00	\$400.00
414	OYSTER BUYER BOAT/TRUCK IDENTIFIER PERMIT	36	\$0.00	\$0.00
415	CHANNELED WHELK BUYERS PERMIT	13	\$0.00	\$0.00

416	HORSESHOE CRAB BUYING PERMIT	13	\$0.00	\$0.00
417	BLACK DRUM BUYER PERMIT	13	\$0.00	\$0.00
418	BLK DRUM RESTAURANT BUYER PRMT	1	\$0.00	\$0.00
419	STRIPED BASS BUYER PERMIT	16	\$0.00	\$0.00
420	EEL BUYER PERMIT	2	\$0.00	\$0.00
421	EEL SELF-MARKET PERMIT	2	\$0.00	\$0.00
470	TILEFSH/GRPR REC LANDING PERMIT	6	\$0.00	\$0.00
471	SPRING REC STRIPED BASS TROPHY PERMIT	23	\$0.00	\$0.00
500	COMMERCIAL REGISTRATION	299	\$190.00	\$56,810.00
501	COMM REGISTRATION-SENIOR CITIZ	47	\$90.00	\$4,230.00
502	COMMERICAL REGISTRATION	3	\$0.00	\$0.00
510	COMM RESISTRATION-SENIOR CITIZ	2	\$190.00	\$380.00
515	COMM REG TRANSRD FROM DELAYED	11	\$190.00	\$2,090.00
516	TRANSFERRED COMM REG CARD SR	2	\$90.00	\$180.00
600	SEAFOOD LAND LICENSES	6	\$175.00	\$1,050.00
601	SUMMER FLOUNDER ENDORSEMENT	2	\$0.00	\$0.00
711	TRANSFERRED CRAB POT 100	3	\$48.00	\$144.00
712	TRANSFERRED CRAB POT 300	4	\$79.00	\$316.00
713	TRANSFERRED CRAB POT 500	3	\$127.00	\$381.00
714	TRANSFERRED CRAB POT 150	1	\$79.00	\$79.00
717	TRANSFERRED PEELER POT	4	\$36.00	\$144.00
770	TRANS CLASS A GILL NET	3	\$0.00	\$0.00
800	CHARTER/HEAD BOAT-6 & UNDER	5	\$124.00	\$620.00
805	CHARTER/HEAD BOAT-MORE THAN 6	1	\$209.00	\$209.00
810	CLASS A FISHING GUIDE LICENSE	4	\$100.00	\$400.00
811	CLASS B FISHING GUIDE LICENSE	2	\$100.00	\$200.00
815	STRIPED BASS CHARTER PERMIT	6	\$0.00	\$0.00
816	TILEFSH/GRPR CHARTER LAND PERMIT	4	\$0.00	\$0.00
820	COMMERICAL PIER-SALWTW RECREAT	2	\$632.00	\$1,264.00
825	BOAT RENTAL	6	\$14.00	\$84.00
992	REPLACEMENT DECAL	16	\$1.00	\$16.00
Total		2,545		\$178,549.00

In addition to commercial activity along the coastline recreational public boat access opportunities are available in the County. Access is offered by four DGIF boat ramps located at Gloucester Point, Tanyard Landing, Deep Point, and Warehouse Road and VDOT also allows public access at several landings throughout the County, as shown on Figure 36. Gloucester County owns several small parcels for fishing or boating access, but most are only suitable for car-top boats. Gloucester's only public beach is located on the York River at the Gloucester Point Beach Park, which is used by both residents and tourists, and features two (2) boat ramps, a saltwater fishing pier, picnic areas, and restroom and shower facilities. However, limited parking poses some issues when nearby lots are also utilized by Virginia Institute of Marine Science (VIMS) students.



Figure 36: Map of Gloucester County Public Boat Ramps (Gloucester County Comprehensive Plan, 2016).

In addition to commercial activities, recreational saltwater and freshwater fishing contributed immensely to the Gloucester County water based activity. In 2015, VMRC issued 2,536 recreational saltwater fishing licenses amounting to \$68,064.50 in revenue (Table 14). Additionally in 2015, DGIF issued 1,678 freshwater fishing licenses amounting to \$51,388.50 in revenue (Table 15).

Table 14: Recreational Saltwater Fishing Licenses in Gloucester County (VMRC, 2015).

Gear	Description	Count	Price	Total
611	Resident Individual Saltwater Sport Fishing	1089	\$17.50	\$19,057.50
612	Non-resident Individual Saltwater Sport Fishing	1	\$25.00	\$25.00
613	Resident Temporary 10-Day Saltwater Sport Fishing	3	\$10.00	\$30.00
615	Resident Saltwater Boat Sport Fishing	759	\$48.00	\$36,432.00
616	Non-resident Saltwater Boat Sport Fishing	1	\$76.00	\$76.00
617	DGIF-Saltwater Boat Sport Fishing (Transfer)	2	\$5.00	\$10.00
701	Resident State Fresh/Saltwater Fishing (saltwater share only)	525	\$17.50	\$9,187.50
704	Non-Resident 5-Day Fresh/Saltwater Fishing (saltwater share only)	1	\$10.50	\$10.50
715	Resident Tidal Boat Sport Fishing (saltwater share only)	16	\$48.50	\$776.00
SR44	Individual Resident Lifetime License	1	\$276.00	\$276.00
SR60	Individual Resident Lifetime License age 56 - 60	4	\$66.00	\$264.00
SR64	Individual Resident Lifetime License age 61 - 64	5	\$35.00	\$175.00
SR65	Individual Resident Lifetime License age 65 and older	40	\$5.00	\$200.00
SRD	Disabled Resident Lifetime Saltwater License	13	\$10.00	\$130.00
451	Saltwater Recreational Use Fish Cast Net	3	\$10.00	\$30.00
452	Saltwater Recreational Use Fish Dip Net	3	\$7.00	\$21.00
453	Saltwater Recreational Use Five Crab Pots	27	\$36.00	\$972.00
454	Saltwater Recreational Use Crab Trotline	4	\$10.00	\$40.00
456	Saltwater Recreational Use 300 Ft Gill Net	38	\$9.00	\$342.00
457	Saltwater Recreational Use Two Eel Pots	1	\$10.00	\$10.00
Total		2,536		\$68,064.50

Table 15: Freshwater Fishing Licenses in Gloucester County (DGIF, 2015).

Licenses	Description	Count	Price	Total Revenue
101	Sportsman's Hunting and Fishing	38	\$133.00	\$5,054.00
335	Resident 65 and older Freshwater Fishing	102	\$9.00	\$918.00
353	Resident State Freshwater Fishing	918	\$23.00	\$21,114.00
344	Non-Resident State Freshwater Fishing	1	\$47.00	\$47.00
357	County/City Resident Freshwater Fishing	47	\$16.00	\$752.00
358	Non-Resident 5-Day Freshwater Fishing	-	\$21.00	-
359	Resident 5-Day Freshwater Fishing	17	\$14.00	\$238.00
360	Non-Resident 1-Day Freshwater Fishing	1	\$8.00	\$8.00
371	Resident State Freshwater Fishing - 2 Year	9	\$44.00	\$396.00
373	Resident State Freshwater Fishing - 3 Year	1	\$65.00	\$65.00
375	Resident State Freshwater Fishing - 4 Year	1	\$86.00	\$86.00
385	Disabled Active Duty Military Fish/Trout	1	\$0	\$0
389	Resident 70 Pct Disables Veteran Fishing	1	\$12.00	\$12.00
701	Resident State Fresh/Saltwater Fishing	525	\$39.50	\$20,737.50
702	Non-Resident State Fresh/Saltwater Fishing	1	\$71.00	\$71.00
703	Resident 5-Day Fresh/Saltwater Fishing	-	\$24.00	-
715	Resident Tidal Boat Sport Fishing	15	\$126.00	\$1,890.00
Total		1,678		\$51,388.50

Public Access Policies:

From references in the comprehensive plan to local ordinances to county initiatives/projects/reports, Gloucester County has a variety of policies associated with public access within their jurisdiction.

First a Blueways Committee has been developed and designed a Blueways Trail Guide with five (5) access points and plans to add more as funding allows. The trails currently consist of 40 miles of trails that are particularly suited for small hand-powered craft such as canoes and kayaks. Figure 37 provides a map of the Gloucester County Blueways.

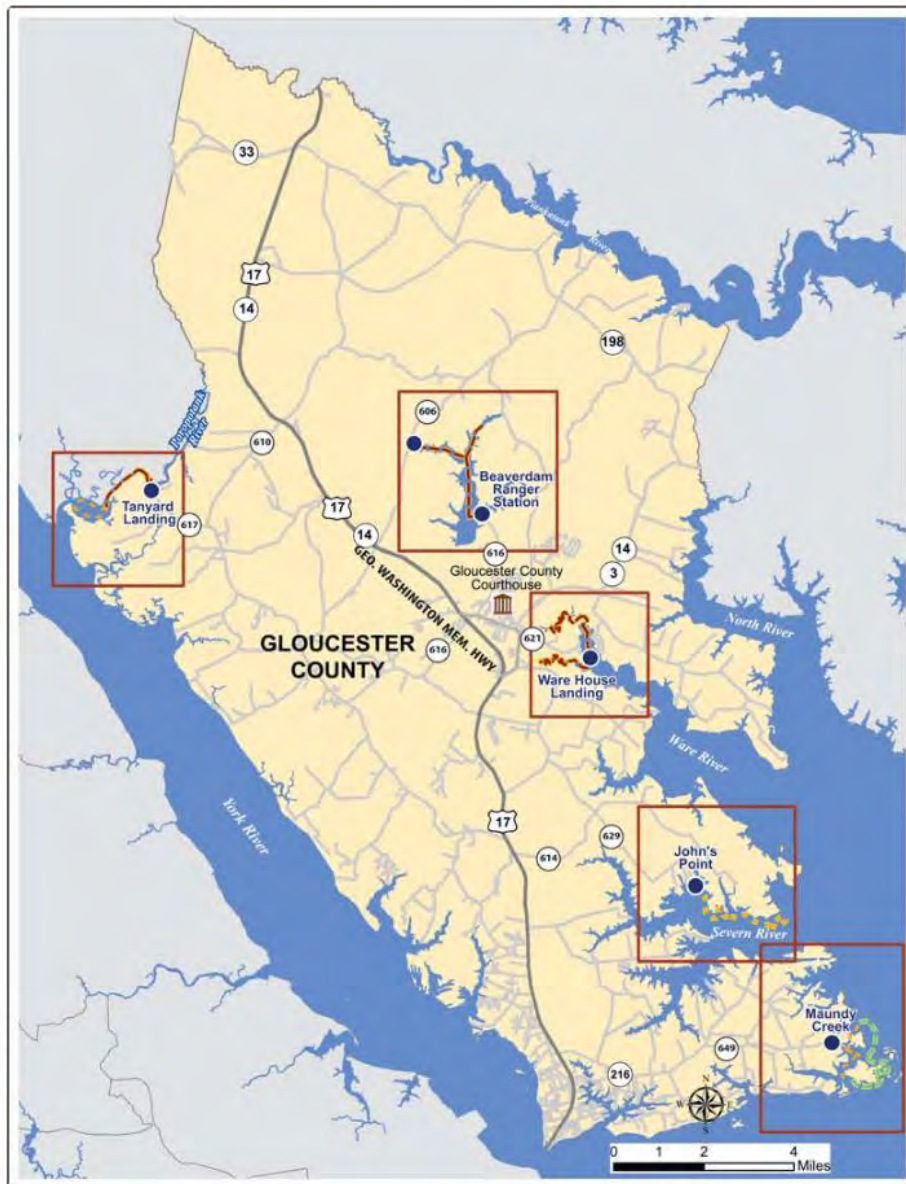


Figure 37: Blueway trails of Gloucester County (Gloucester Blueway Water Trails, 2016).

As mentioned in Chapter 3, in 2004, the York River Use Conflict Committee, consisting of major user groups (i.e. waterfront property owners, waterfowl hunters, recreational boaters and fishermen, as well as Gloucester County staff) discussed approaches to address water use conflicts that had arisen in the

York River. Outcome recommendations from the final report intended to influence County Code. Recommendations included the following:

Recommendation 1 –Develop and adopt a **Coastal Living Policy** to educate and inform County residents.

Recommendation 2 –Denote the County’s **Land, Air and Water territorial boundaries** in the County’s Comprehensive Plan and supporting maps.

Recommendation 3- Take **no action for now regarding aquaculture** within the County’s jurisdiction.

Recommendation 4 –Develop and adopt a **policy for the protection of working waterfronts**.

Recommendation 5 –Develop and adopt a **Waterfront Outdoor Lighting Ordinance**.

Recommendation 6 –Develop and adopt a **policy restricting floating homes** within the County;

Recommendation 7 –Develop and implement a **master plan for public access infrastructure** to ensure safe and equal water access for all user groups to the waterways within the County.

Along with the York River Use Conflict project recommendations, the 2036 Gloucester County Comprehensive Plan identifies policies, strategies and goals specific to improving or addressing public access within their jurisdiction.

1. **Community Facilities Services Goals/Objectives/Implementation**

Goals: CF-1: Review and prioritize capital improvements and public facilities to meet existing and future level of service needs for the County

Objective: Develop and adopt a plan to anticipate and address the long-term public facility needs to serve Gloucester residents based on the Comprehensive Plan, School Board Comprehensive Plan, and other plans and policies.

Implementation Strategy: Develop plans to address specific public needs and issues, such as public access, utility expansion, and inmate housing, among others. (pgC-26)

2. **Natural Resource Goals/Objectives/ Implementation**

NR-4: Conserve and management Gloucester’s natural resources

Objective: Protect and preserve open space through ordinances and policies

Implementation Strategy: Review Ordinances to better define “open space” and provide appropriate protection based on the use of the open space as buffers, natural habitat, or recreation areas

Objective: Identify appropriate sites for public waterfront access and boating facilities and preserve those that exist

Implementation Strategy: Inventory existing public access sites and identify their current and potential uses

Implementation Strategy: Work with the Chesapeake Bay Public Access Authority, FEMA, and other agencies to identify new site for public access

Implementation Strategy: Develop management plans for open space and public access parcels

Implementation Strategy: Develop a county policy for acquiring new sites through dedication donation, or acquisition

An inventory of policies associated with public access in Gloucester County may be found in Appendix H.

Therefore based on recommendation from the York River Use Conflict Steering Committee as well goals, objections, and strategies identified in the Comprehensive Plan, Gloucester County has a direction to address and improve public access within its jurisdiction.

C. KING WILLIAM COUNTY

King William County is boarded by the Mattaponi River to the North and the Pamunkey River to the South. Both rivers combine at the Town of West Point to create the York River. With approximately 118.5 miles of shoreline, the County has six public access locations (Figure 38). The Chesapeake Bay Area Public Access Plan, prepared in 1990 by the Chesapeake Executive Council includes a survey of recreational facilities in King William County. They are summarized as follows:

- Aylett Landing, located just east of Route 360 on the Mattaponi, includes a limited boat launch ramp and space for bank fishing and nature study.
- West Point / Glass Island Landing, located within the Town of West Point on Glass Island on the upstream side of Route 33. This site includes a boat launch ramp, bank fishing, picnic space as well as a kayak launch.
- West Point Kayak Launch at the West Point Creek Crossing at the Pharmacy
- Lester Manor Landing, a boat launching ramp for small boats, is located on the Pamunkey River at the end of Route 633.
- Route 604 (Landing Road), is a 9.32 acre tract of land that abut the Pamunkey River.
- Canoe / skiff landings at the end of Route 602 and at the mouth of Herring Creek (Zoar State Forest).

Channels in both rivers are deep enough to accommodate most small boats. Depths at the tidal line on the Mattaponi River near Aylett are in the four- to five-foot range and these extend to depths of 14 to 16 feet where that river enters the York River. But in between, there are depths that range to more than 50 feet. The deeper areas are almost always found on the outside of steep bends where currents have their highest erosive effect. The pattern is repeated in the Pamunkey River which starts in the Route 360 area with depths of approximately five feet and enters the York River through an 18-foot channel. In between, as in the Mattaponi, bottom depths reach to below 50 feet on the sharp bends.

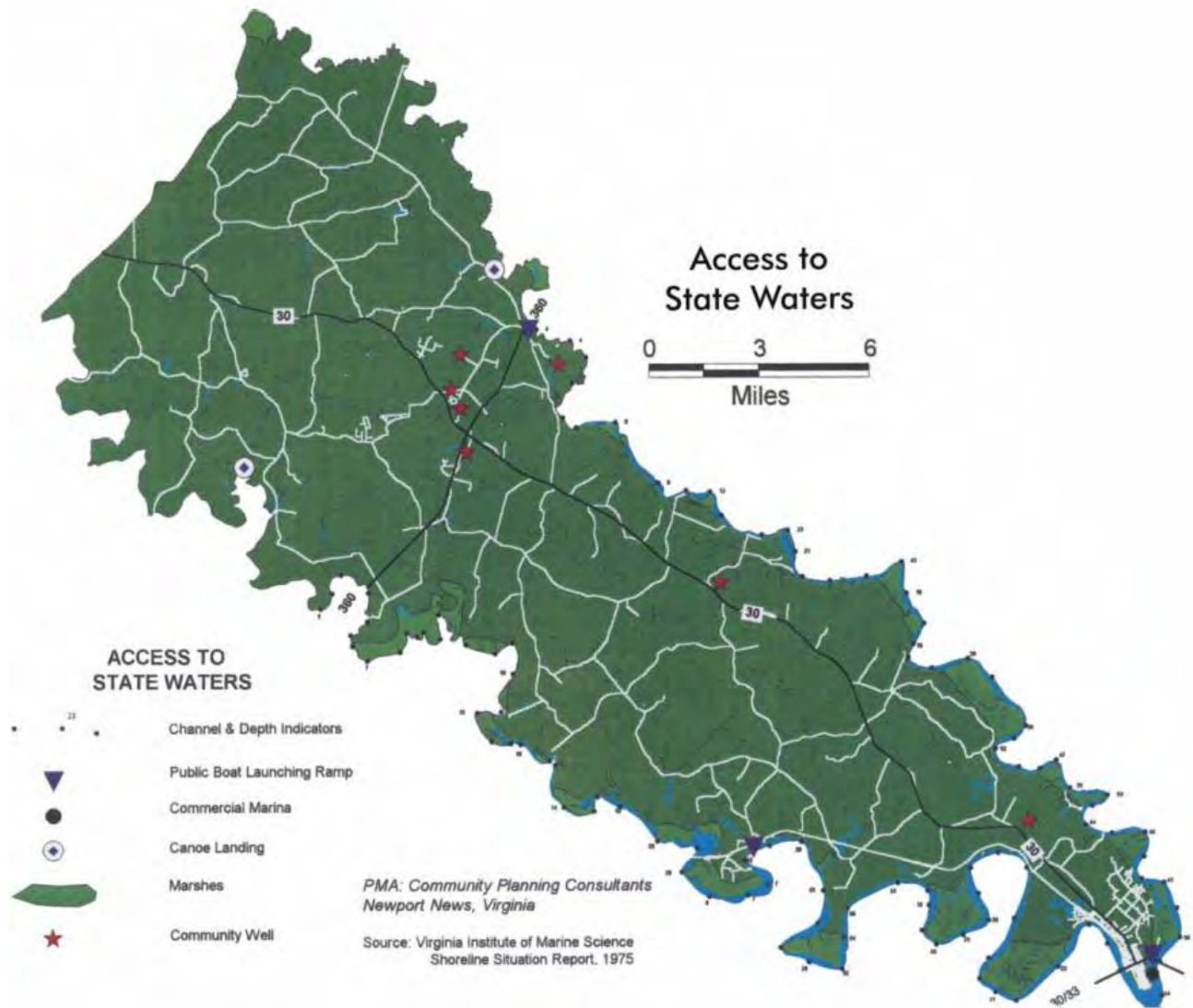


Figure 38: Access to State Waters from King William County (2003 King William Comprehensive Plan).

Table 16: King William County State waters Access –Waterway access, amenities, and Ownership

PUBLIC ACCESS POINT	WATERWAY	AMENITIES																OWNER (ie. County, DGIF, VDOT, PAA, Unknown, etc.)								
		Signs	Water Access Only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap		Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier	On-Top Launch	Unimproved Ramp	Cement Ramp	Swim Beach
Zoar State Forest	Mattaponi River	X	X		X			X				X	X												X	DGIF/DOF
Glass Island – West Point	Mattaponi River																						X		DGIF	
Lestor Manor	Pamunkey River							X															X	X	DGIF	
Sandy Point State Forest	Mattaponi River										X		X											X	DOF	
Aylett Boat Ramp	Mattaponi River		X	X			X					X								X			X	X	DGIF	
Landing Road	Pamunkey River		X	X																					King William County	
Route 604 –Landing Road	Pamunkey River				X																X				King William County	

Table 17: Town of West Point State waters Access – Waterway access, amenities, and Ownership

PUBLIC ACCESS POINT	WATERWAY	AMENITIES																OWNER (ie. County, DGIF, VDOT, PAA, Unknown, etc.)							
		Signs	Water Access Only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap		Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier	On-Top Launch	Unimproved Ramp	Cement Ramp
Glass Island – West Point	Mattaponi River					X	X	X	X	X		X									X	X	X		DGIF
West Point Kayak Launch	West Point Creek/Mattaponi River				X			X	X			X	X									X			Town of West Point
Beach Park	York River		X																			X		X	Town of West Point

Within King William County VMRC issued 160 commercial fishing permits and licenses in 2015, equating to \$7,417 in revenue.

Table 28: VMRC Sales of Commercial License and Permits in King William County (VMRC, 2015).

Gear	Description	Count	Price	Total
106	OYSTERS BY HAND SCRAPE	2	\$50.00	\$100.00
211	CRAB POT-85 OR LESS	9	\$48.00	\$432.00
212	CRAB POT-170 TO 255	4	\$79.00	\$316.00
215	CRAB SHED TANK-20 OR LESS	3	\$9.00	\$27.00
217	CRAB PEELER POT-210 OR LESS	5	\$36.00	\$180.00
222	CRAB POT-86 TO 127	1	\$79.00	\$79.00
302	STAKED GILL NET	1	\$24.00	\$24.00
303	GILL NETS-600 OR LESS	25	\$16.00	\$400.00
304	GILL NETS-1200 OR LESS	2	\$24.00	\$48.00
308	FISH TROT LINE	1	\$19.00	\$19.00
311	HAUL SEINE-500 YDS & OVER	1	\$146.00	\$146.00
319	COMMERCIAL HOOK & LINE	2	\$31.00	\$62.00
331	COMM HOOK & LINE STRIPED BASS	3	\$31.00	\$93.00
340	FISH/EEL POT-100 OR LESS	2	\$19.00	\$38.00
341	FISH/EEL POT-300 OR LESS	1	\$24.00	\$24.00
349	SB BAY PERMIT	10	\$0.00	\$0.00
352	SB BAY TAG TRANSFER	19	\$0.00	\$0.00
354	AM SHAD BYCATCH PERMIT	2	\$0.00	\$0.00
370	CLASS A GILL NET PERMIT	8	\$0.00	\$0.00
372	CLASS B GILL NET PERMIT	5	\$0.00	\$0.00
379	USER FEE OYSTER ALL GEAR	2	\$300.00	\$600.00
389	FISH POT-300 OR LESS	1	\$24.00	\$24.00
410	SEAFOOD BUYERS TRUCK	1	\$63.00	\$63.00
470	TILEFSH/CRPR REC LANDING PERMIT	4	\$0.00	\$0.00
471	SPRING REC STRIPED BASS TROPHY PERMIT	13	\$0.00	\$0.00
500	COMMERCIAL REGISTRATION	22	\$190.00	\$4,180.00
501	COMM REGISTRATION-SENIOR CITIZ	3	\$90.00	\$270.00
800	CHARTER/HEAD BOAT-6 & UNDER	1	\$90.00	\$90.00
810	CLASS A FISHING GUIDE LICENSE	2	\$100.00	\$200.00
815	STRIPED BASS CHARTER PERMIT	2	\$0.00	\$0.00
816	TILEFSH/GRPR CHARTER LAND PERMIT	1	\$0.00	\$0.00
992	REPLACEMENT DECAL	2	\$1.00	\$2.00
Total		160		\$7,417.00
<i>*Please note that the licenses issued in the Town of West Point have been included in the King William County count.</i>				

Recreational activities also contribute to use of waterways in King William. In 2015, VMRC issued 952 recreational saltwater fishing licenses amounting to \$25,427 in revenue (Table 19). In the same year DGIF issued 1,402 freshwater fishing licenses that amounted to \$41,084.50 in revenue (Table 20).

Table 19: Recreational Saltwater Fishing Licenses in King William County (VMRC, 2015).

Gear	Description	Count	Price	Total
611	Resident Individual Saltwater Sport Fishing	239	\$17.50	\$4,182.50
613	Resident Temporary 10-Day Saltwater Sport Fishing	17	\$10.00	\$170.00

615	Resident Saltwater Boat Sport Fishing	275	\$48.00	\$13,200.00
619	DGIF-Saltwater Boat Sport Fishing (Replacement)	1	\$0.00	\$0.00
701	Resident State Fresh/Saltwater Fishing (saltwater share only)	338	\$17.50	\$5,915.00
715	Resident Tidal Boat Sport Fishing (saltwater share only)	17	\$48.50	\$824.50
SR44	Individual Resident Lifetime License	1	\$276.00	\$276.00
SR64	Individual Resident Lifetime License age 61 - 64	3	\$35.00	\$105.00
SR65	Individual Resident Lifetime License age 65 and older	24	\$5.00	\$120.00
SRD	Disabled Resident Lifetime Saltwater License	3	\$10.00	\$30.00
451	Saltwater Recreational Use Fish Cast Net	2	\$10.00	\$20.00
452	Saltwater Recreational Use Fish Dip Net	1	\$7.00	\$7.00
453	Saltwater Recreational Use Five Crab Pots	11	\$36.00	\$396.00
456	Saltwater Recreational Use 300 Ft Gill Net	19	\$9.00	\$171.00
457	Saltwater Recreational Use Two Eel Pots	1	\$10.00	\$10.00
Totals		952		\$25,427.00
<i>*Please note that the licenses issued in the Town of West Point have been included in the King William County count.</i>				

Table 20: Recreational Freshwater Fishing Licenses in King William County (DGIF, 2015).				
Licenses	Description	Count	Price	Total Revenue
101	Sportsman's Hunting and Fishing	25	\$133.00	\$3,325.00
335	Resident 65 and older Freshwater Fishing	58	\$9.00	\$522.00
353	Resident State Freshwater Fishing	932	\$23.00	\$21,436.00
357	County/City Resident Freshwater Fishing	10	\$16.00	\$160.00
359	Resident 5-Day Freshwater Fishing	11	\$14.00	\$154.00
371	Resident State Freshwater Fishing - 2 Year	7	\$44.00	\$308.00
373	Resident State Freshwater Fishing - 3 Year	-	\$65.00	-
375	Resident State Freshwater Fishing - 4 Year	4	\$86.00	\$344.00
385	Disabled Active Duty Military Fish/Trout	-	\$0.00	-
389	Resident 70 Pct Disables Veteran Fishing	1	\$12.00	\$12.00
701	Resident State Fresh/Saltwater Fishing	337	\$39.50	\$13,311.50
703	Resident 5-Day Fresh/Saltwater Fishing	-	\$24.00	-
715	Resident Tidal Boat Sport Fishing	17	\$126.00	\$2,142.00
Total		1,402		\$41,714.50
<i>*Please note that the licenses issued in the Town of West Point have been included in the King William County count.</i>				

Public Access Policies:

From references in the comprehensive plan to local ordinances and county initiatives/projects/reports, King William County has a variety of policies associated with public access within their jurisdiction. An inventory of policies associated with public access in King William County may be found in Appendix H.

According to the 2003 Comprehensive plan, there are specific goals to improve access to public waters from King William County:

- One method of making the waters of the Pamunkey and Mattaponi Rivers more available for recreation of the public would involve opening up more access points for small boats. The State has in past years installed boat ramps at key points along existing rivers. In addition, it is also possible for ramps to be established by others such as in private campgrounds or marinas. The Virginia Marine Resources Commission (VMRC) establishes criteria for new access points to state waters. Major items are as follows:
 - Water depth must be not less than three feet below mean low water.
 - The site must not interfere with shellfish production. VMRC did not report any active or condemned shellfish beds in either the Mattaponi or Pamunkey Rivers so this criterion should not be an issue in King William County.
 - Wave height and current should be very low. The meanderings of the two rivers and the large marsh areas should act as a barrier to most wind and current damage. These factors should not be a major deterrent to establishing new boat access points.
 - The tidal exchange shall be adequate to maintain water quality. According to NOAA's nautical charts, the range between mean-high and mean low tide is about three (3) feet in the Pamunkey and Mattaponi Rivers. Since there are few inlet water bodies with perennial flow that are potentially navigable, the tidal flushing action of these two rivers should not be a barrier to meeting this criterion.
 - No encroachment upon wetlands, habitat areas, submerged aquatic vegetation or existing recreational use.
 - Shoreline stabilization is required without use of artificial structures.
- Access to Public Waters
ISSUE The need to improve public access to State waters is one of the major goals of the Chesapeake Bay Program. That program emphasizes the desire to improve access for boat-related activities, swimming, fishing, and for natural wildlife areas. At the same time, it is recognized that some shoreline erosion is caused by speeding boats, particularly when pulling water skiers in an area with exposed shorelines.

GOALS

- To improve existing public boat ramps and increase the number of access points for public use.
- To provide policies that reduce erosive effects of operating motor-driven boats.
- To manage the use of the proposed Cohoke Creek Reservoir for recreational purposes.
- Ensure the provision of safe and adequate public waterfront access facilities in King William County.

IMPLEMENTATION STRATEGIES

- a. Request that the State develop additional boat ramps with adequate parking and boat handling areas.
- b. Identify areas where shoreline accesses could be developed.
- c. Establish "NO WAKE" operating rules in areas of the rivers where the shorelines are subject to erosion by boat wakes.
- d. Identify sites of public access to the proposed Cohoke Creek Reservoir.

- e. Develop a shoreline access and management plan.
(pg VII-15)

This will provide direction for King William County to improve and expand public access.

TOWN OF WEST POINT

The Town of West Point is an incorporated town in King William County. It's located at the lower end of the County where the Pamunkey and Mattaponi River merge to create the York River. With the advantage of water-borne transportation, due to the Town of West Point's proximity to the water, ocean-going vessels drawing up to 18 feet of water can navigate safely the length of the York River and a short way up the Pamunkey River. This water commerce is associated with the WestRock paper mill. In addition to this deep-water commerce, West Point is accessible by barges and shallow-draft, intercoastal traffic. In addition to transportation these waters also offer recreational and commercial opportunities, but still serve as a solid economic base for the area.

The Town of West Point has nine miles of waterfront and four public access locations (Table 17). The subdivision of waterfront property into smaller lots creates competing interests of those water front property owners seeking privacy and the upland residents and tourists seeking use of the waters. The increasing use of waterways leads to concern of environmental damage due to improper or reckless activities, such as unmanaged marsh walks in sensitive areas or boat propeller destroying Submerged Aquatic Vegetation (SAV). These activities can cause habitat destruction or pollution. This concern leads to the need of greater management capability over waterfront access and water uses.

The Town has identified two waterfront issues that require planning. First, the use of the waterfront for boating access, whether it be at a marina, a boat dock, ramp and pier, or car-top boat landing. Second, is the utilization of the shoreline and near-shore areas for recreational activities such as swimming, bank fishing, nature studying, and picnicking. Either public or private facilities can provide these activities. Both boating and shore recreation are allowed exemptions as water dependent facilities under the requirements of the Chesapeake Bay Preservation Area (CBPA), provided that non-water dependent components are located outside of the Resource Protection Area (RPA).

Boating access to the tidal waters of Town is provided at a public dock and park, and by individual or community piers.

Two publicly owned sites provide limited boat launching, fishing and swimming facilities. These include:

- A DGIF Boat Ramp Site on State Route 1130 and a public park nearby
- A small car top landing and park at the end of Main Street
- West Point Kayak Launch at the West Point Creek Crossing at the Pharmacy

Due to the limited number of boating facilities and the generally low level of daily boating activity in the Town, no significant water quality problems are known to exist as a result of boating activity; however in future years as development occurs, the Town will monitor such activities. Waterfront recreation areas are also provided through public and private avenues. Public beaches and parks are options for recreation and nature study. Public and private access to the water and shoreline areas are important to the economy and environment of the Town. The only commercial marina in the Town is presently closed. The facility provided slips for 35 boats. Boat storage facilities were also provided. Any future development of marinas and other boat related facilities may have a number of adverse impacts on water quality and near shore habitats. Such impacts can include:

- Clearing of shoreline vegetation to provide access or accommodate parking facilities which can add impervious surface and in turn generate additional runoff, carrying pollutants and sediment loads to adjacent waters which can be harmful to marine wildlife habitat
- On-shore storage of fuel, oil, and sewage waste which may adversely impact water quality if not properly managed
- Dredging or channel widening, often required to provide access to boating facilities which can release settled pollutants and increased turbidity in the water and adversely impact shellfish
- Bulkheading to protect the shoreline which may obstruct the free passage of groundwater into the adjacent water body and/or may create reflection waves that tend to scour the bottom and increase turbidity

Public Access Policies:

From references in the comprehensive plan to local ordinances and county initiatives/projects/reports, Town of West Point has a variety of policies associated with public access within their jurisdiction.

According to the Comprehensive Plan (2000) the Town has identified policies/goals and strategies to work toward:

- As consistent with the recreation goal of improving open space, the Town will explore opportunities to expand public access, but does not anticipate any such improvements in the near future. When new facilities do occur, it is the policy of the Town to locate these facilities where:
 - There is sufficient water depth, without frequent dredging
 - There are not public or private shell fishing grounds which would be impacted
 - There is adequate tidal flushing
 - There are suitable soils for sanitary facilities or connection to a municipal sewer system
 - There is limited harm to fish and wildlife habitat
 - There are compatible existing land and water uses nearby (pg 50)
- **Goal: Increase public access to the Mattaponi, Pamunkey and York Rivers as well as the West Point Creek.**
Objective: Establish recreational programs through the Parks and Recreation Department, to allow the public an opportunity use the water resources. Objective: Construct additional boat landings for access to the rivers. Objective: Develop playgrounds and marsh walks. Objective: Develop a Marina (pg 26)
- **Recreation and Open Space Goals:** The Town should provide its citizens with adequate recreation, open space, and cultural opportunities.
Objective: The Town should improve public access to the waterfront through acquisition of property or easements (pg 28)
- **Waterfront Access and Boating Facilities**
 - It is the policy of the Town that any new water dependant development consult with the Virginia Marine Resources Commission to follow siting criteria established for the protection and management of water dependent development sites (pg 40)

- It is the policy of the Town that any new water dependent development must consult with the Virginia Marine Resources Commission to follow siting criteria established for the protection and management of water dependent development sites. Additional information is available from the Virginia Marine Resources Commission. (pg 51)

In addition to goals and policies outlined in the comprehensive plan, the Town of West Point has developed a Waterfront Master Plan and Zoning overlay for the entire nine miles of the Town's waterfront. According the plan, "The waterfront currently includes residential, wetland and industrial areas with open space, having potential for development. The Master Plan serves to guide that development by establishing the Town's goals and establishing to achieve them. A zoning overlay has been developed to establish design guideline sand performance standings for waterfront development in the future." The below "Vision Statement" comes directly from the Master Plan. To achieve this vision



statement the Town developed a list of Goals and Objectives. Those relating specifically to public access include:

Goal: build one or more marina

Objective: utilize recently awarded Boating Infrastructure Grant funds to partner with the private developer and construct a marina on the Pamunkey River

Objective: investigate the potential of constructing an additional marina and amenities on the Mattaponi River at 7th Street

Goal: provide additional recreation activities

Objective: implement current plans for Kiwanis Park development

Objective: construct a marsh walk along Kirby Street along with restored wetland

Objective: develop one or more public beaches

Objective: acquire property for public waterfront parks

Goal: include historical and natural interpretation as part of improvements

Objective: include educational/interpretational information as part of habitat restoration and public access to the water

Therefore with goals and policies established in the Comprehensive Plan (2000) as well as the Waterfront Master Plan, the Town of West Point has ultimately developed a direction to improve public access within their jurisdiction.

An inventory of policies associated with public access in Town of West Point may be found in Appendix H.

D. KING AND QUEEN COUNTY

King and Queen County is bound to the south by the Mattaponi River and is bound to the north by the pristine waters of the Dragon Run. There are currently seven public access locations within King & Queen, four provide access to the Mattaponi River and three access sites on the Dragon Run (Table 21 & Figure 39). While the Mattaponi River can accommodate power boats and small craft (i.e. kayak, canoes, etc.), the Dragon Run is only suited for small craft. According to the Friends of the Dragon Run, most access points are only reached by nearly a miles trek over rugged back country, however it's important to note that the PAA has 3 access locations on to the Dragon for citizens to enjoy (i.e. Brown Track, Thurston-Haworth Tract, and Clay Tract).

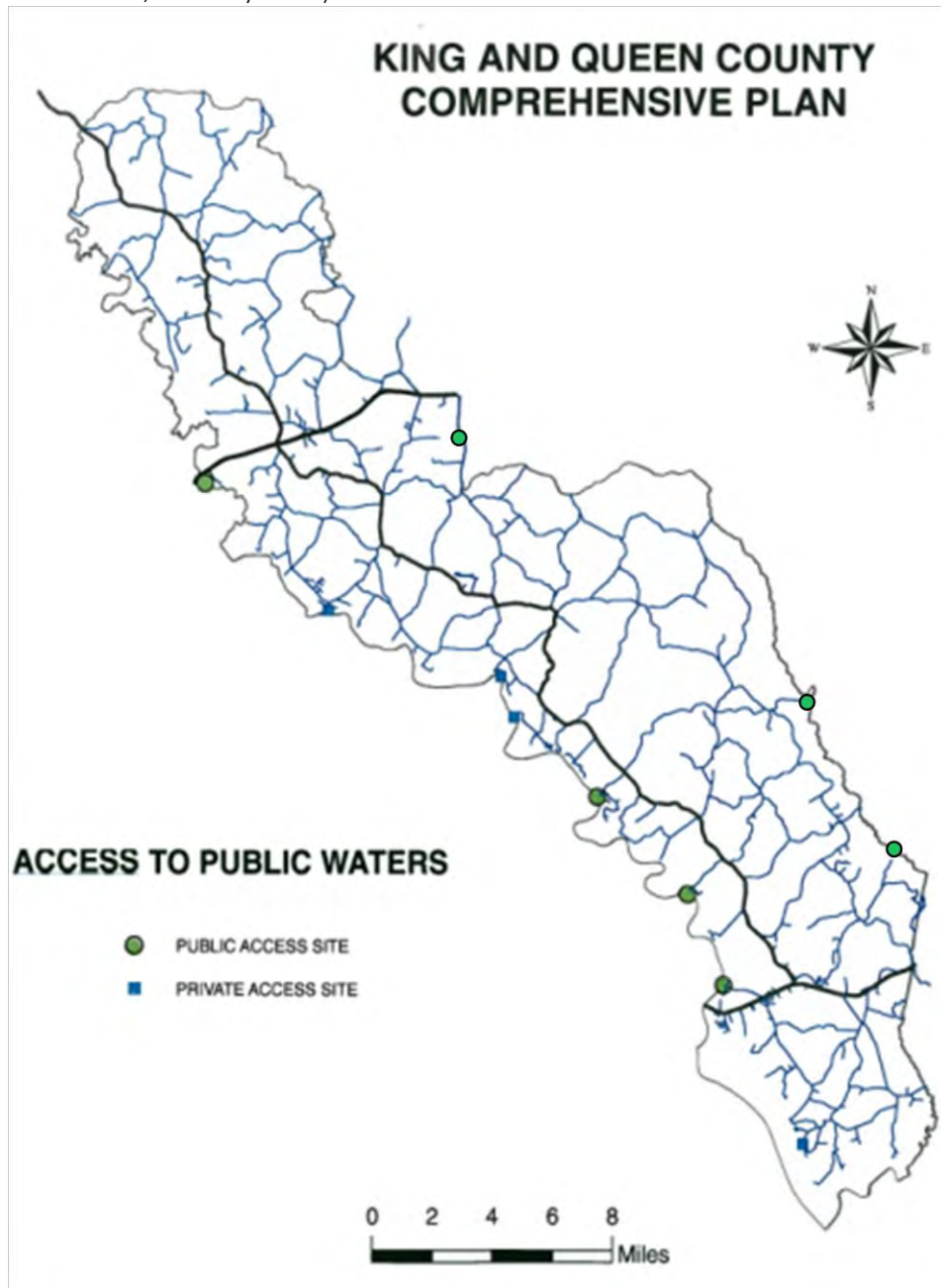


Figure 39: Map of access locations to public waters from King & Queen County (King & Queen Comprehensive Plan, 2006).

Table 21: King & Queen County State waters Access – Waterway access, amenities, and Ownership

PUBLIC ACCESS POINT	WATERWAY	AMENITIES																OWNER & how the ownership exists (ie. County, DGIF, VDOT, PAA, Unknown, etc.)									
		Signs	Water Access Only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap		Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier	On-Top Launch	Unimproved Ramp	Cement Ramp	Swim Beach	Online Information
Mattaponi River (new site)	Mattaponi River	X				X	X	X	X	X				X			X				X						County
Melrose	Mattaponi River	X			X																X			X		DGIF	
Waterfence	Mattaponi River	X			X																X			X		DGIF	
Mattaponi River (Chain Ferry Rd) Dead End	Mattaponi River		X		X																					VDOT (Deed Book 57, Page 526) State Hwy Plat Book, Page 296)	
Brown Track	Dragon Run	X				X		X				X		X			X				X	X				PAA, by deed	
Thurston-Haworth Tract	Dragon Run			X								X														PAA, by deed	
Clay Tract	Dragon																							X		PAA, by deed	

In 2015, VMRC issued 156 commercial licenses and permits in King & Queen County (Table 22) amounting to \$6,650 in revenue.

Gear	Description	Count	Price	Total
102	OYSTER PATENT TONGS-SINGLE	1	\$35.00	\$35.00
104	OYSTERS BY HAND TONGS	2	\$10.00	\$20.00
106	OYSTERS BY HAND SCRAPE	5	\$50.00	\$250.00
108	OYS AQUACULT PROD OWNER PERMIT	1	\$10.00	\$10.00
109	OYS AQUACULT HARVESTER PERMIT	2	\$5.00	\$10.00
125	SHELLFISH ICING PERMIT	1	\$0.00	\$0.00
134	SHELLFISH HARVESTER TAG	4	\$10.00	\$40.00
208	CRAB HAND SCRAPE-SINGLE	1	\$26.00	\$26.00
211	CRAB POT-85 OR LESS	2	\$48.00	\$96.00
212	CRAB POT-170 TO 255	2	\$79.00	\$158.00
215	CRAB SHED TANK-20 OR LESS	3	\$9.00	\$27.00
216	CRAB SHED TANK - OVER 20	1	\$19.00	\$19.00
217	CRAB PEELER POT-210 OR LESS	4	\$36.00	\$144.00
280	CRAB TRAP	22	\$8.00	\$176.00
302	STAKED GILL NET	2	\$24.00	\$48.00
303	GILL NETS-600 OR LESS	20	\$16.00	\$320.00
304	GILL NETS-1200 OR LESS	8	\$24.00	\$192.00
308	FISH TROT LINE	2	\$19.00	\$38.00
340	FISH/EEL POT-100 OR LES	1	\$19.00	\$19.00
341	FISH/EEL POT-300 OR LESS	2	\$24.00	\$48.00
342	FISH/EEL POT-OVER 300	1	\$62.00	\$62.00
354	AM SHAD BYCATCH PERMIT	2	\$0.00	\$0.00
365	SPINY DOGFISH LIMIT ENTRY PRMT	1	\$0.00	\$0.00
370	CLASS A GILL NET PERMIT	6	\$0.00	\$0.00
372	CLASS B GILL NET PERMIT	2	\$0.00	\$0.00
379	USER FEE OYSTER ALL GEAR	5	\$300.00	\$1,500.00
387	USER FEE PRIVATE OYSTER AQUACULTURE	1	\$50.00	\$50.00
410	SEAFOOD BUYERS TRUCK	1	\$63.00	\$63.00
471	SPRING REC STRIPED BASS TROPHY PERMIT	3	\$0.00	\$0.00
500	COMMERCIAL REGISTRATION	15	\$190.00	\$2,850.00
825	BOAT RENTAL	32	\$14.00	\$448.00
992	REPLACEMENT DECAL	1	\$1.00	\$1.00
Total		156		\$6,650.00

Recreational activities also contribute to use of waterways in King and Queen. In 2015, VMRC issued 381 saltwater fishing licenses amounting to \$9,160.50 in revenue (Table 23). In the same year DGIF issued 488 freshwater fishing licenses amounting to \$14,611.50 in revenue (Total 24).

Gear	Description	Count	Price	Total
611	Resident Individual Saltwater Sport Fishing	89	\$17.50	\$1,557.50
613	Resident Temporary 10-Day Saltwater Sport Fishing	4	\$10.00	\$40.00
614	Non-resident Temporary 10-Day saltwater Sport Fishing	1	\$10.00	\$10.00

615	Resident Saltwater Boat Sport Fishing	83	\$48.00	\$3,984.00
701	Resident State Fresh/Saltwater Fishing (saltwater share only)	161	\$17.50	\$2,817.50
703	Resident 5-Day Fresh/Saltwater Fishing (saltwater share only)	1	\$10.50	\$10.50
715	Resident Tidal Boat Sport Fishing (saltwater share only)	6	\$48.50	\$291.00
SR64	Individual Resident Lifetime License age 61 - 64	4	\$35.00	\$140.00
SR65	Individual Resident Lifetime License age 65 and older	16	\$5.00	\$80.00
SRD	Disabled Resident Lifetime Saltwater License	4	\$10.00	\$40.00
451	Saltwater Recreational Use Fish Cast Net	1	\$10.00	\$10.00
453	Saltwater Recreational Use Five Crab Pots	3	\$36.00	\$108.00
456	Saltwater Recreational Use 300 Ft Gill Net	8	\$9.00	\$72.00
Total		381		\$9,160.50

Table 24: Recreational Freshwater Fishing Licenses in King & Queen County (DGIF, 2015).

Licenses	Description	Count	Price	Total Revenue
101	Sportsman's Hunting and Fishing	5	\$133.00	\$665.00
335	Resident 65 and older Freshwater Fishing	33	\$9.00	\$297.00
353	Resident State Freshwater Fishing	274	\$23.00	\$6,302.00
357	County/City Resident Freshwater Fishing	3	\$16.00	\$48.00
359	Resident 5-Day Freshwater Fishing	2	\$14.00	\$28.00
371	Resident State Freshwater Fishing - 2 Year	3	\$44.00	\$132.00
373	Resident State Freshwater Fishing - 3 Year	-	\$65.00	-
375	Resident State Freshwater Fishing - 4 Year	-	\$86.00	-
389	Resident 70 Pct Disables Veteran Fishing	-	\$12.00	-
701	Resident State Fresh/Saltwater Fishing	161	\$39.50	\$6,359.50
702	Non-Resident State Fresh/Saltwater Fishing	-	\$71.00	-
703	Resident 5-Day Fresh/Saltwater Fishing	1	\$24.00	\$24.00
715	Resident Tidal Boat Sport Fishing	6	\$126.00	\$756.00
Total		488		\$14,611.50

Public Access Policies:

From references in the comprehensive plan to local ordinances to county initiatives/projects/reports, King & Queen County has a variety policies associated with public access within their jurisdiction. An inventory of policies associated with public access in Mathews County may be found in Appendix H.

According to the Comprehensive plan there are specific references to public access including:

- Parks and Recreation
 - It is not anticipated that the County will in the near future be able to establish extensive park facilities. However, there are opportunities for recreational use of natural areas and local waters for canoeing, kayaking, nature and bike trails, scenic byways, etc., and Tea-21 grants are being used to establish some of these activities.
 - Provision of recreational and cultural facilities by civic organizations and private enterprise will be encouraged. Possible designation of portions of the Mattaponi as a Scenic River should be investigated.

Additionally as part of the comprehensive plan King & Queen County adopted the Dragon Run Watershed Management Plan that includes goals and recommended actions specific to public access along the Dragon:

- Dragon Run Watershed Management Plan (2003)
GOALS 1. Establish a high level of cooperation and communication among the four counties within the Dragon Run Watershed to achieve consistency across county boundaries. 2. Foster educational partnerships and opportunities to establish the community's connection to and respect for the land and water of the Dragon Run. 3. Promote the concept of landowner stewardship that has served to preserve the Dragon Run Watershed as a regional treasure. (Appendix C page 3)

ACTIONS:

Recommended:

1. Land Use and Resource Preservation
 - A. Designate a Unified "Dragon Run Planning Area"
 - B. Implement Tools to Preserve Farm, Forest, and Natural Resources
 - C. Address Public and Landowner Access Issues

E. ESSEX COUNTY

Essex County is bound to the north by the Rappahannock River and is bound to the south by the pristine waters of the Dragon Run. There are currently five public access locations within Essex, four provide access to the Rappahannock River and one access the Dragon Run (Table 25 & Figure 40). The Rappahannock River, tidal waters, and flowing streams of the County are resources for recreation and commerce and are essential to the growth and diversification of the economic base for the area.

A public boat launching area adjacent to Route 17 along Piscataway Creek provides access to fresh water fishing opportunities in the County and is perhaps the most actively used boat launching facility in the County. Publicly owned lands which are County owned provide limited boat launching or swimming/fishing beach facilities in Essex County. These facilities which are largely unimproved include:

- the Layton Launching Ramp located at the end of route 637 just south of Otterburn Marsh;
- Wares Wharf, located at the end of Route 611, located below Lowry's Point; and
- the Bowlers Wharf boat ramp located at the end of Route 660.

A public boat launching area adjacent to Route 17 along Piscataway Creek provides access to fresh water fishing opportunities in the County and is perhaps the most actively used boat launching facility in the County. While the Rappahannock River can accommodate power boats and small boats (i.e. kayak, canoes, etc.), the Dragon Run is only suited for small craft. According to the Friends of the Dragon Run, *most access points are only reached by ay of nearly a miles trek over rugged back country*, however the PAA has one access locations on to the Dragon for citizens to enjoy (i.e. Browne Tract).

Essex County Boating Access



Figure 40: Map of Essex County with the boating access locations signified by purple triangles (Essex County Comprehensive Plan, 2015).

Table 25: Essex County State waters Access – Waterway access, amenities, and Ownership

PUBLIC ACCESS POINT	WATERWAY	AMENITIES																OWNER & how the ownership exists (ie. County, DGIF, VDOT, PAA, Unknown, etc.)								
		Signs	Water Access only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap		Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier	On-Top Launch	Unimproved Ramp	Cement Ramp	Swim Beach
Hoskin's Creek	Hoskin's Creek				X	X							X										X			DGIF
Brown Tract	Dragon Run	X			X	X					X	X	X			X				X	X					PAA, by deed
Ferry Landing Road	Piscataway Creek			X																		X				VDOT
Rappahannock Wildlife Refuge	Mount Landing Creek	X			X		X			X	X	X	X			X									X	Federal
Prince Street Park	Rappahannock River			X	X		X	X					X									X				Town of Tappahannock

Table 26: Town of Tappahannock State waters Access – Waterway access, amenities, and Ownership

PUBLIC ACCESS POINT	WATERWAY	AMENITIES																OWNER & how the ownership exists (ie. County, DGIF, VDOT, PAA, Unknown, etc.)									
		Signs	Water Access Only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap		Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier	On-Top Launch	Unimproved Ramp	Cement Ramp	Swim Beach	Online Information
Prince Street	Rappahannock River		X	X	X		X	X					X									X		X	X	X	For non-motorized boats only—No swimming allowed from beach. Town of Tappahannock & PAA
Hoskins Creek	Rappahannock River	X				X	X																X			DGIF	

In 2015, VMRC issued 111 commercial licenses and permits (Table 27) in Essex County amounting to \$6,994 in revenue.

Table 27: VMRC Sales of Commercial License and Permits in Essex County (VMRC, 2015).				
Gear	Description	Count	Price	Total
104	OYSTERS BY HAND TONGS	1	\$10.00	\$10.00
106	OYSTERS BY HAND SCRAPE	2	\$50.00	\$100.00
109	OYS AQUACULT HARVESTER PERMIT	1	\$5.00	\$5.00
125	SHELLFISH ICING PERMIT	1	\$0.00	\$0.00
134	SHELLFISH HARVESTER TAG	1	\$10.00	\$10.00
209	CRAB HAND SCRAPE-DOUBLE	1	\$53	\$53.00
211	CRAB POT-85 OR LESS	7	\$48.00	\$336.00
212	CRAB POT-170 TO 255	2	\$79.00	\$158.00
215	CRAB SHED TANK-20 OR LESS	3	\$9.00	\$27.00
217	CRAB PEELER POT-210 OR LESS	5	\$36.00	\$180.00
280	CRAB TRAP	1	\$8.00	\$8.00
303	GILL NETS-600 OR LESS	12	\$16.00	\$192.00
304	GILL NETS-1200 OR LESS	1	\$24.00	\$24.00
310	HAUL SEINE-UNDER 500 YDS	1	\$48.00	\$48.00
340	FISH/EEL POT-100 OR LES	1	\$19.00	\$19.00
341	FISH/EEL POT-300 OR LESS	2	\$24.00	\$48.00
349	SB BAY PERMIT	4	\$0.00	\$0.00
352	SB BAY TAG TRANSFER	9	\$0.00	\$0.00
354	AM SHAD BYCATCH PERMIT	1	\$0.00	\$0.00
370	CLASS A GILL NET PERMIT	5	\$0.00	\$0.00
372	CLASS B GILL NET PERMIT	1	\$0.00	\$0.00
379	USER FEE OYSTER ALL GEAR	2	\$300.00	\$600.00
382	USER FEE SHUCKING < 10000 GAL	1	\$1,000.00	\$1,000.00
385	USER FEE OYSTER SINGLE BUYER	1	\$100.00	\$100.00
402	SHUCKING HOUSE-TO 10,000	1	\$33.00	\$33.00
410	SEAFOOD BUYERS TRUCK	1	\$63.00	\$63.00
411	BUYERS BUSINESS PLACE	1	\$126.00	\$126.00
412	OYSTER SINGLE BUYER LICENSE	1	\$50.00	\$50.00
414	OYSTER BUYER BOAT/TRUCK IDENTIFIER PERMIT	2	\$0.00	\$0.00
471	SPRING REC STRIPED BASS TROPHY PERMIT	12	\$0.00	\$0.00
500	COMMERCIAL REGISTRATION	16	\$190.00	\$3,040.00
501	COMM REGISTRATION-SENIOR CITIZ	3	\$90.00	\$270.00
717	TRANSFERRED PEELER POT	1	\$36.00	\$36.00
800	CHARTER/HEAD BOAT-6 & UNDER	1	\$124.00	\$124.00
805	CHARTER/HEAD BOAT-MORE THAN 6	1	\$134.00	\$134.00
810	CLASS A FISHING GUIDE LICENSE	1	\$100.00	\$100.00
811	CLASS B FISHING GUIDE LICENSE	1	\$100.00	\$100.00
815	STRIPED BASS CHARTER PERMIT	2	\$0.00	\$0.00
816	TILEFSH/GRPR CHARTER LAND PERMIT	1	\$0.00	\$0.00
Total		111		\$6,994.00
<i>*Please note that the licenses issued in the Town of Tappahannock have been included in the Essex County count.</i>				

Recreational activities also contribute to use of waterways in Essex County. In 2015, VMRC issued 714 saltwater fishing licenses amounting to \$17,919 in revenue (Table 28). In the same year DGIF issued 519 freshwater fishing licenses amounting to 17,179 in revenue (Table 29).

Gear	Description	Count	Price	Total
611	Resident Individual Saltwater Sport Fishing	222	\$17.50	\$3,885.00
613	Resident Temporary 10-Day Saltwater Sport Fishing	10	\$10.00	\$100.00
615	Resident Saltwater Boat Sport Fishing	175	\$48.00	\$8,400.00
616	Non-resident Saltwater Boat Sport Fishing	1	\$76.00	\$76.00
617	DGIF-Saltwater Boat Sport Fishing (Transfer)	1	\$5.00	\$5.00
701	Resident State Fresh/Saltwater Fishing (saltwater share only)	240	\$17.50	\$4,200.00
715	Resident Tidal Boat Sport Fishing (saltwater share only)	9	\$48.50	\$436.50
SR55	Individual Resident Lifetime License age 51 - 55	1	\$99.00	\$99.00
SR60	Individual Resident Lifetime License age 56 - 60	3	\$66.00	\$198.00
SR64	Individual Resident Lifetime License age 61 - 64	1	\$35.00	\$35.00
SR65	Individual Resident Lifetime License age 65 and older	30	\$5.00	\$150.00
SRD	Disabled Resident Lifetime Saltwater License	8	\$10.00	\$80.00
453	Saltwater Recreational Use Five Crab Pots	5	\$36.00	\$180.00
454	Saltwater Recreational Use Crab Trotline	3	\$10.00	\$30.00
456	Saltwater Recreational Use 300 Ft Gill Net	5	\$9.00	\$45.00
Total		714		\$17,919.50

**Please note that the licenses issued in the Town of Tappahannock have been included in the Essex County count.*

Licenses	Description	Count	Price	Total Revenue
101	Sportsman's Hunting and Fishing	12	\$133.00	\$1,596.00
335	Resident 65 and older Freshwater Fishing	51	\$9.00	\$459.00
353	Resident State Freshwater Fishing	206	\$23.00	\$4,738.00
357	County/City Resident Freshwater Fishing	4	\$16.00	\$64.00
359	Resident 5-Day Freshwater Fishing	5	\$14.00	\$70.00
371	Resident State Freshwater Fishing - 2 Year	2	\$44.00	\$88.00
373	Resident State Freshwater Fishing - 3 Year	-	\$65.00	-
375	Resident State Freshwater Fishing - 4 Year	-	\$86.00	-
385	Disabled Active Duty Military Fish/Trout	-	\$0	-
389	Resident 70 Pct Disables Veteran Fishing	2	\$12.00	\$24.00
701	Resident State Fresh/Saltwater Fishing	228	\$39.50	\$9,006.00
715	Resident Tidal Boat Sport Fishing	9	\$126.00	\$1,134.00
Total		519		\$17,179.00

**Please note that the licenses issued in the Town of Tappahannock have been included in the Essex County count.*

Public Access Policies:

From references in the comprehensive plan to local ordinances to county initiatives/projects/reports, Essex County has a variety policies associated with public access within their jurisdiction. An inventory of policies associated with public access in Essex County may be found in Appendix H.

According to the 2015 Comprehensive Plan goals and objectives are specifically identified to address public access within Essex County.

- **COMMUNITY FACILITIES AND PUBLIC SERVICES**

Goal: To provide a system of community facilities, public services, and infrastructure that is consistent with existing and future needs and resident well-being and that encourages a form of development consistent with the Land Use Plan.

Objectives:

- Maintain and improve existing facilities to serve future demand.
- Encourage the development of Parks and Recreation facilities to serve the needs of County residents. Explore opportunities to provide greater public access to the river and creeks.

Boating Facilities:

Essex County has determined that boating facilities should be located only where: there is sufficient water depth, without frequent dredging; there are not public or private shell fishing grounds which would be impacted; there is adequate tidal flushing; there are suitable soils for sanitary facilities or connection to a municipal sewer system; there is limited

Existing marinas and boat repair facilities should adopt operational procedures consistent with BMPs. For proposed boating facilities, BMPs should be required as a condition of development.

Implementation:

Work closely with the Middle Peninsula Public Access Authority and other agencies to explore opportunities to provide greater public access to the river and creeks

- **THE ECONOMY**

Goal: Create a balanced sustainable community through moderate economic growth within the County's existing growth management plan.

Objectives:

- Preserve the tradition of agricultural, forestry, fishing and shellfish industries as important components of County rural character and the local economy. Promote additional tourism/travel industry or Eco-tourism related development which complements the rural, scenic, and historic qualities of the County

Maritime Economy

- Essex County's naturally built environment works well with promoting recreation and tourism as one of the more dominant industries in the County while protecting and preserving its natural resources. The travel industry provides employment and tax benefits with substantial dollars spent by travelers circulating through the local economy. Tourism plays a small role in the County economy; however, its role can be maximized through enhancement of recreational facilities.
- From the historical and cultural aspects of Tappahannock to the Rappahannock River waterfront and natural environment and wildlife refuge, Essex County has many assets to assist with the promotion of tourism. The County should focus on building on these assets to make them more attractive to the thousands of travelers that intersect the communities in route to urban areas

Implementation

- Develop a Tourism and Recreation Plan that will outline Essex County's strategy in promoting the County and its assets as a tourist community. The Plan should include the use of outdoor recreation enhancements such as Trails, Bike and Pedestrian activities as well as walking tours of the historic and cultural landmarks. The Plan should also exploit of the County's waterfront access and seek to enhance water recreation opportunities.
- Provide trails, bicycle and pedestrian infrastructure as well as waterfront access and amenities to promote tourism and economic development in the county. Coordinate with the Town of Tappahannock and other agencies to create and implement a county tourism plan.

In addition to the County Comprehensive Plan the, Essex County's Department of Parks and Recreation developed a Land Inventory and Potential Recreational and Cultural Uses (2015) report. This report reviewed two tracts of land, including the DeSha Road Tract and the Poor House Tract, and describes current conditions of the parcels and proposes the development of the tracts for parks and recreational and educational purposes that may provide benefits for the local population and economy. These locations will also increase public access to the water. Site improvements described in the report include:

DeSha Road Tract Description: The DeSha Road tract is a curvilinear 5.6 acre tract is bounded to the north and west side by a curve in DeSha Road as one heads south towards the Hoskins Creek bridge. It is also bounded on the south and east side of a similar curve by a marsh and Hoskins Creek. It is bound on the northeast by private property. The most obvious and proposed development of this tract would be for water access – canoes, kayaks and bankside fishing. This particular tract has its beauty and assets strongly defined by the natural environment and DeSha Road. However, that which is beautiful; the proximity of the road to the marsh and creek, are going to likely create a permitting process that could be rather lengthy and expensive. So there is a likelihood that development of the tract for the County's managed recreation purposes might not be in the near future. Launching canoes and kayaks into the creek and fishing from the bank are not as much a concern as creating parking for vehicles related to the floating activities. The launching platform for the crafts can be floated so as to not impact the tidal creek.

Poor House Tract Description: The Poor House Tract is off of Kino Road, and the main paved road into the property provides access back to the area of the tract commonly called the County Dump and Landfill (Figure 41). This area is Parcel E, and it is presently unavailable for recreational access by the public. In the eastern center portion of Parcel D, there is a small shooting range used by the sheriff's department and a local sporting goods store. These areas are to be respected in any development plan that is proposed. The Poor House Tract is a considerably larger tract of approximately 675 acres with an interesting history to be respected and presented to the eventual users of the park. Recreational activities being considered: Recreational Possibilities Multiuse Trails, Walking/Running Trails, Biking Trails, Horse Trails, Kayaking, Canoeing, Picnic Areas (Open and Shelters), Scheduled Primitive Camping, Retreats, Shooting Range, Sporting Clay, Archery, Golf Driving Range, Educational Opportunities and Events.



Figure 41: Map of Poor House Tract. This map was taken from the Land Inventory and Potential Recreational and Cultural Uses draft report (2015).

With these goals, objects and implementation actions identified in the Comprehensive Plan and the improvements identified in the Land Inventory and Potential Recreational and Cultural Uses report, this provides direction for Essex County to improve public access to state waters.

TOWN OF TAPPAHANNOCK

The Town of Tappahannock is an incorporated town in Essex County. In less than three square miles of land area, Tappahannock features a waterfront overlooking the Rappahannock River, a historic downtown, residential subdivisions, public and private schools, public facilities, an industrial center, a business corridor and extensive wetland areas. Waterways in Tappahannock are navigable however commercial use of the waterways is limited due to lack of access and facilities. Commercial transport to Newport News from Tappahannock is limited to some light barge activity, although potential exists for the expanded use of this waterway for transport. Presently, water navigation on the Rappahannock is predominantly private pleasure craft. Public ramps are maintained at Dock and Prince Streets (Table 26). The only actual Marina facility in Tappahannock is the June Parker Marina or Tappahannock Marina located at the edge of the Town along the Rappahannock shorefront just north of the Bridge. The facility provides slips for some 48 boats. Other privately owned facilities or publicly owned lands in the Town provide only limited boat launching or swimming/fishing beach facilities. These facilities which are largely unimproved include:

- Riverside Condominiums (maximum of 14 privately owned slips)
- The Haven Marina located on Hoskins Creek (maximum capacity of 20 slips)

- Southside Motel Marina located on Hoskins Creek (maximum capacity of 8 slips)
- Boat launching facilities at Dock Street in Tappahannock.
- Non-Motorized boat Launching area at the foot of Prince Street in Tappahannock:

The location of these facilities which provide boating access to the Rappahannock are shown on Figure 42.

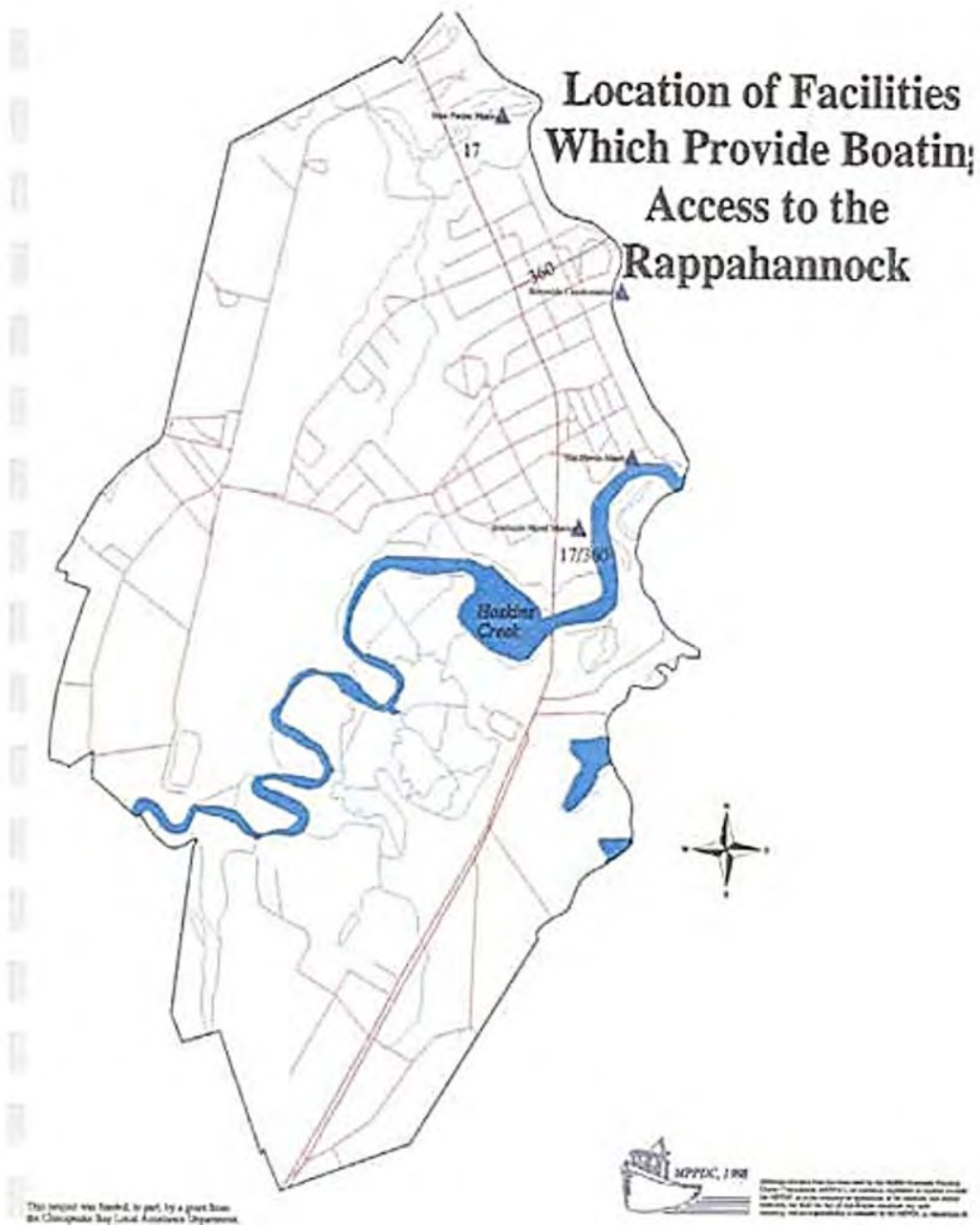


Figure 42: Location of facilities that provide boating access to the Rappahannock from the Town of Tappahannock (Town of Tappahannock Comprehensive Plan, 2014).

Public Access Policies:

From references in the comprehensive plan to local ordinances to county initiatives/projects/reports, Town of Tappahannock has a variety policies associated with public access within their jurisdiction. An inventory of policies associated with public access in the Town of Tappahannock may be found in Appendix H.

Within the 2014 Comprehensive Plan the Town identifies goals and objectives associated with improving public access. Goals and objectives include:

- **Environmental Protection**

GOAL: Provide protection for the environment including but not limited to protecting wetlands and other natural resources from erosion and ensuring that shoreline structures are maintained and erosion is minimized.

Objectives:

- Promote the use of Water Conservation Measures among Town residents and businesses.
- Maintain and protect the extensive wetlands in and around Tappahannock for open space.
- Protect the non-hardened shoreline from erosion through available laws and regulations.
- Minimize adverse impacts of gas or oil drilling and development activities on public health, safety, welfare, the character of the County's communities, the environment and the Chesapeake Bay.

Implementation Recommendations:

- Coordinate with the county, the Middle Peninsula Planning District Commission and the Virginia Institute of Marine Science to develop a comprehensive shoreline management plan that provides a coordinated strategy for managing the impacts of shore erosion, including appropriate wetland planting programs, recommend maintenance practices for existing waterfront property owners, and better assess the impacts of current structures protecting the Town shorefront and downstream county areas. Correct any failing shoreline stabilization structures.
- Study the needs for waterfront public access in conjunction with state, federal, regional, and private agencies. Coordinate with the Middle Peninsula Public Access Authority for assistance with local efforts in planning water access, open space, and park facilities which will benefit education and habitat vital to water quality.

- **Economic Development**

GOAL: Provide and maintain a positive environment that fosters economic and employment growth.

Implementation Recommendation:

Revitalize Tappahannock Main Street, including the waterfront to attract and retain business in the old downtown area. Coordinate with the Middle Peninsula Planning District Commission to explore funding options to implement the current revitalization plan.

- **Recreation**

Goals: Develop and improve recreation services, facilities and programs for the citizenry of Tappahannock.

Provide safe public access for the residents of Tappahannock to public lands, government buildings, schools and open spaces and to a system of parks and facilities for recreation.

Objectives:

- Provide recreation programs in association with a system of neighborhood parks, pocket parks, public lands, playgrounds and open spaces.
- Provide public access and water trails to the waterfront on the Rappahannock River or on Hoskins Creek or both.
- Explore possibilities for the acquisition, development and maintenance of waterfront acreage for public use

Implementation Recommendations:

- Designate existing publicly owned lands shown on the land use plan as park lands/open space lands. These sites would include the elementary, middle and high schools, the Dock Street dock, the parcel under lease to VDOT that is managed by the U.S. Fish and Wildlife Service and owned by the Town, the government building sites and the Downtown statue, as well as the conservation lands associated with Hoskins Creek.
- Continue to plan and develop a waterfront park facility. Seek funding mechanisms required for the downtown waterfront park land acquisitions and development as a cooperative effort between the town and Adkins Oil Co.
- Explore a town/county collaboration as one approach to planning and maintenance for future park and recreational facilities.
- Establish a program to upgrade all park sites for appropriate public use as recreation facilities.

CLOSE UP: *As part of the 2014 Comprehensive Plan Recreational analysis, there is a description of a Waterfront Park that provides the Town of Tappahannock with a recreational opportunity. According to the plan:*

WATERFRONT PARK

The town recognizes the opportunities for public shoreline enjoyment made available due to the proximity of the Rappahannock River. The following program for waterfront park development has been considered at the foot of Prince Street.

Potential Waterfront Park Development actions would include:

- Acquire 2 parcels between bridge and condominiums for development as a passive urban park
- Provide limited parking for park

Additional Activities Envisioned with this Proposed Park Concept

- Farmers market, produce market, seafood emporium
- Festival event for "kick-off" and annual follow-up
- Antiques "Alley" in downtown
- Dock activities: crabbing, fishing, walking, itinerant boat use

While opportunity for waterfront park development exists in this location, the site size is limited and the location of nearby residents suggests use should be limited to passive recreational offerings. This park concept is further discussed in the implementation recommendations of this section.

F. MIDDLESEX COUNTY

Middlesex County is bound to the north by the Rappahannock River and to the Dragon Run that feeds into the Piankatank River. According to the County Comprehensive Plan, “The County’s rural nature and its proximity to the Chesapeake Bay and its tributaries will continue to be the major force influencing residential, commercial and water-access-oriented development and population growth. In all there are seventeen access locations throughout the County (Figure 38), each offering different amenities (Table 43).

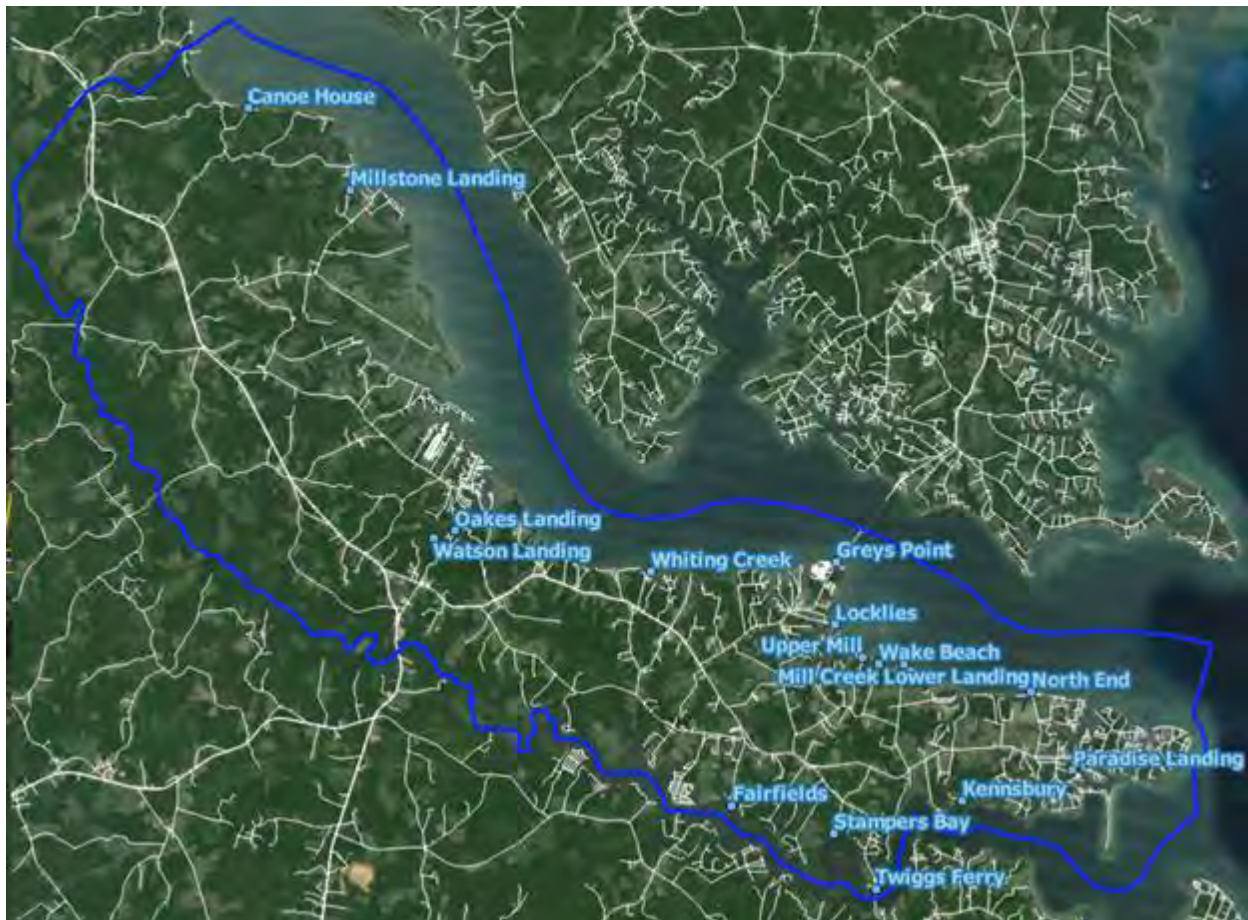


Figure 43: Map of Public Access locations within Middlesex County (Lee, 2016).

In 2015-2016 Middlesex County partnered with the MPPDC and the MPCBPAA to better understand public access needs and larger waterfront conflicts that may be occurring along the shoreline of Middlesex County. In part, MPPDC staff (1) developed a Public Access Survey to assess public perceptions of public access sites, (2) conducted site assessments of prioritized public access sites (i.e. Canoe House, Wake Beach, Jackson Creek, Fairfield Landing, Rappahannock River Bridge Site, and Healy Creek Site), (3) inventoried local policies and ordinances that currently influence how the public gains access and/or is restricted access to the water’s of the Commonwealth, and (4) partnered with Virginia Universities to complete a detailed assessment of public access sites selected by Middlesex County.

As MPPDC staff and Middlesex County staff developed a public access survey, the survey was made available at Middlesex County offices as well as online through Survey Monkey in winter 2016. In all 102 constituents participated in this survey. Of the 102 citizens 84 (82.35%) were concerned about access to the waterways of the Commonwealth from Middlesex County; 41 (40.20%) have been a resident of or

property owner in Middlesex County for 10-25 years, while 35 (34.31%) respondents have been a resident for more than 25 years, and 19 (18.63%) respondents have been a resident for 5-10 years. Only 2 (1.96%) survey participants were not a resident of or property owner in Middlesex County. The respondents describe themselves as private or recreational boaters (83.33%), waterfront land owners (59.80%), and private or recreational anglers (41.18%). The primary uses of the waterways or shorelines of Middlesex County include boating (91.18%), fishing (64.71%), swimming (60.78%), waterfront land owner (58.82%), walking/hiking (40.20%), sun-bathing (36.27%), birding (16.67%), public fishing pier (10.78%), hunting (2.94%), as well as picnicking, sightseeing, beach access and photography.

Common themes found to run throughout survey responses, including:

- Need of channel dredging (especially in Jackson Creek)
- Need of parking at many public access sites
- Need for outreach material about the public access
- No fees wanted to launch at access sites
- Need for new public policy regarding public access
- Oversight of people at sites is needed, particularly at public beaches
- Having proper facilities at public access locations (i.e. porta potties; trash cans) is needed.

Additionally, throughout the survey respondents stated multiple times that the conditions at Paradise Lane, including the shallow water depth, the waterway traffic, and being in a residential area, were not suitable for a new access site. Paradise Lane was also ranked first to be closed /sold based on access site conditions. For a more detailed analysis of the survey results please see Appendix I.

The MPPDC staff contracted with two students from Virginia Commonwealth University to assess select Middlesex County Public Access locations. Each student conducted individual assessments and they took different approaches. One student developed a concise report that described each public access location, evaluated each public access location with the use of a ranking system that took into account sites location based on amenities, infrastructure and proximity to resident or commercial entities, and the report provided improvement recommendations for each location (Appendix J for the full report). The second student organized files of Site Assessments that included deeds, plats and letters, photos/maps, and a narrative assessment of each site as well as GIS Maps (Appendix K for Executive Summary).

Table 30: Middlesex County State waters Access – Waterway access, amenities, and Ownership

PUBLIC ACCESS POINT	WATERWAY	AMENITIES																OWNER (ie. County, DGIF, VDOT, PAA, Unknown, etc.)								
		Signs	Water Access Only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap		Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier	On-Top Launch	Unimproved Ramp	Cement Ramp	Swim Beach
Greys Point Landing / Norris Bridge Beach (Route 3)	Rappahannock River		X		X																	X				VDOT
Canoe House Landing Beach (Route 605)	Rappahannock River	X	X	X	X		X	X	X													X		X		County
Mill Stone Landing and Ramp (Route 608)	Parrotts Creek	X	X			X	X		X				X			X	X			X	X	X	X			DGIF
Oakes Landing and ramp (Route 618)	Urbanna Creek	X	X		X								X				X				X	X	X			DGIF
Locklies Landing and County dock (Route 621)	Locklies Creek	X	X		X					X			X					X								County
Upper Mill Creek Landing and ramp (Route 626)	Mill Creek	X	X			X	X						X				X			X	X		X			DGIF
Garlands Landing / Mill Wharf Road Landing / Wake Beach (Route 627)	Mill Creek	X	X		X			X					X								X			X		VDOT
Mill Creek Road Lower Landing (Route 628)	Mill Creek	X	X		X								X								X					VDOT
Stamper’s Bay Landing and ramp (Route 630)	Piankatank River	X	X	X			X						X								X	X				VDOT
Whiting Creek Landing and ramp (Route 634)	Whiting Creek	X	X	X			X						X								X	X				County
North End Landing (Route 631)	Rappahannock River	X	X																							County
Twiggs Ferry Landing (Route 655)	Piankatank River	X	X																		X	X				VDOT
Quarter Landing (Route 661)	Locklies Creek	X		X																						VDOT
Fairfield Landing (Route 708)	Piankatank River	X	X	X																	X					County
Watson’s Landing (Off of State Route 617)	Urbanna Creek		X																							County
Paradise Lane	Jackson Creek		X																							County

Middle Peninsula Chesapeake Bay Public Access Authority Kennsbury Road Tract	Healy Creek	X																																PAA, by deed
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Table 31: Town of Urbanna State waters Access – Waterway access, amenities, and Ownership																															
PUBLIC ACCESS POINT	WATERWAY	AMENITIES																				OWNER & how the ownership exists (ie. County, DGIF, VDOT, PAA, Unknown, etc.)									
		Signs	Water Access Only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap	Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier		On-Top Launch	Unimproved Ramp	Cement Ramp	Swim Beach	Online Information				
Town of Urbanna Marina	Urbanna Creek	X				X		X	X	X	X						X	X	X									X		X	Town

In 2015, VMRC issued 1,037 commercial licenses and permits (Table 32) in Middlesex County amounting to \$69,364 in revenue.

Gear	Description	Count	Price	Total
102	OYSTER PATENT TONG-SINGLE	7	\$35.00	\$245.00
103	OYSTER DREDGE PUBLIC GROUND	10	\$50.00	\$500.00
104	OYSTERS BY HAND TONGS	13	\$10.00	\$130.00
106	OYSTERS BY HAND SCRAPE	51	\$50.00	\$2,550.00
108	OYS AQUACULT PROD OWNER PERMIT	8	\$10.00	\$80.00
109	OYS AQUACULT HARVESTER PERMIT	24	\$5.00	\$120.00
110	OYS AQUACULT VESSEL PERMIT	5	\$0.00	\$0.00
122	AQUACULTURE HUSBANDRY PERMIT	1	\$0.00	\$0.00
123	WARMWATER SHELLFISH GPS PRMT	1	\$0.00	\$0.00
125	SHELLFISH ICING PERMIT	1	\$0.00	\$0.00
132	CHANNELED WHELK POT	2	\$51.00	\$102.00
133	SHELLFISH BULK TAG	3	\$10.00	\$30.00
134	SHELLFISH HARVESTER TAG	25	\$10.00	\$250.00
208	CRAB HAND SCRAPE-SINGLE	3	\$26.00	\$78.00
210	CRAB DIP NET	1	\$13	\$13.00
211	CRAB POT-85 OR LESS	28	\$48.00	\$1,344.00
212	CRAB POT-170 TO 255	35	\$79.00	\$2,765.00
213	GRAB POT-256 TO 425	3	\$127.00	\$381.00
215	CRAB SHED TANK-20 OR LESS	14	\$9.00	\$126.00
216	CRAB SHED TANK-OVER 20	19	\$19.00	\$361.00
217	CRAB PEELER POT-210 OR LESS	58	\$36.00	\$2,088.00
222	CRAB POT-86 TO 127	3	\$79.00	\$237.00
228	ALTERNATE HOURS PERMIT, CRABBING	1	\$0.00	\$0.00
280	CRAB TRAP	25	\$8.00	\$200.00
303	GILL NETS-600 OR LESS	112	\$16.00	\$1,792.00
304	GILL NETS-1200 OR LESS	57	\$24.00	\$1,368.00
306	FYKE NET	2	\$13.00	\$26.00
319	COMMERCIAL HOOK & LINE	5	\$31.00	\$155.00
331	COMM HOOK & LINE STRIPED BASS	6	\$31.00	\$186.00
340	FISH/EEL POT-100 OR LES	6	\$19.00	\$114.00
341	FISH/EEL POT-300 OR LESS	9	\$24.00	\$216.00
342	FISH/EEL POT-OVER 300	3	\$62.00	\$186.00
349	SB BAY PERMIT	20	\$0.00	\$0.00
352	SB BAY TAG TRANSFER	52	\$0.00	\$0.00
354	AM SHAD BYCATCH PERMIT	2	\$0.00	\$0.00
365	SPINY DOGFISH LIMIT ENTRY PRMT	2	\$0.00	\$0.00
370	CLASS A GILL NET PERMIT	49	\$0.00	\$0.00
372	CLASS B GILL NET PERMIT	21	\$0.00	\$0.00
379	USER FEE OYSTER ALL GEAR	51	\$300.00	\$15,300.00
381	USER FEE SHUCKING < 1000 GAL	3	\$500.00	\$1,500.00
382	USER FEE SHUCKING < 10000 GAL	4	\$1,000.00	\$4,000.00
385	USER FEE OYSTER SINGLE BUYER	2	\$100.00	\$200.00
386	USER FEE OYSTER MULTIPLE BUYER	3	\$300.00	\$900.00
387	USER FEE PRIVATE OYSTER AQUACULTURE	8	\$50.00	\$400.00
401	SHUCKING HOUSE-UNDER 1000	3	\$12.00	\$36.00

402	SHUCKING HOUSE-TO 10,000	4	\$33.00	\$132.00
409	SEAFOOD BUYERS BOAT	1	\$63.00	\$63.00
410	SEAFOOD BUYERS TRUCK	2	\$63.00	\$126.00
411	BUYERS BUSINESS PLACE	4	\$126.00	\$504.00
412	OYSTER SINGLE BUYER LICENSE	2	\$50.00	\$100.00
413	OYSTER MULTIPLE BUYER LICENSE	3	\$100.00	\$300.00
414	OYSTER BUYER BOAT/TRUCK IDENTIFIER PERMIT	19	\$0.00	\$0.00
417	BLACK DRUM BUYER PERMIT	1	\$0.00	\$0.00
419	STRIPED BASS BUYER PERMIT	1	\$0.00	\$0.00
421	EEL SELF-MARKET PERMIT	2	\$0.00	\$0.00
470	TILEFSH/GRPR REC LANDING PERMIT	1	\$0.00	\$0.00
471	SPRING REC STRIPED BASS TROPHY PERMIT	7	\$0.00	\$0.00
500	COMMERCIAL REGISTRATION	120	\$190.00	\$22,800.00
501	COMM REGISTRATION-SENIOR CITIZ	26	\$90.00	\$2,340.00
502	COMMERICAL REGISTRATION	2	\$0.00	\$0.00
510	COMM RESISTRATION-SENIOR CITIZ	1	\$190.00	\$190.00
515	COMM REG TRANSRD FROM DELAYED	3	\$190.00	\$570.00
516	TRANSFERRED COMM REG CARD SR	2	\$90.00	\$180.00
711	TRANSFERRED CRAB POT 100	2	\$48.00	\$96.00
717	TRANSFERRED PEELER POT	2	\$36.00	\$72.00
770	TRANS CLASS A GILL NET	1	\$0.00	\$0.00
780	TRANSFERRED CRAB TRAP	14	\$8.00	\$112.00
800	CHARTER/HEAD BOAT-6 & UNDER	13	\$124.00	\$1,612.00
805	CHARTER/HEAD BOAT-MORE THAN 6	3	\$194.00	\$582.00
810	CLASS A FISHING GUIDE LICENSE	13	\$100.00	\$1,300.00
811	CLASS B FISHING GUIDE LICENSE	3	\$100.00	\$300.00
815	STRIPED BASS CHARTER PERMIT	15	\$0.00	\$0.00
816	TILEFSH/GRPR CHARTER LAND PERMIT	3	\$0.00	\$0.00
992	REPLACEMENT DECAL	6	\$1.00	\$6.00
Total		1,037		\$69,364.00
<i>*Please note that the licenses issued in the Town of Urbanna have been included in the Middlesex County count.</i>				

Recreational activates also contributed to use of waterways in Middlesex County. In 2015, VMRC issued 1,146 saltwater fishing licenses (Table 33) amounting to \$36,966 in revenue. In the same year DGIF issued 311 freshwater fishing licenses (Table 34) amounting to \$9,883 in revenue.

Gear	Description	Count	Cost	Total
611	Resident Individual Saltwater Sport Fishing	394	\$17.50	\$6,895.00
612	Non-resident Individual Saltwater Sport Fishing	1	\$25.00	\$25.00
613	Resident Temporary 10-Day Saltwater Sport Fishing	7	\$10.00	\$70.00
615	Resident Saltwater Boat Sport Fishing	530	\$48.00	\$25,440.00
616	Non-resident Saltwater Boat Sport Fishing	1	\$76.00	\$76.00
617	DGIF-Saltwater Boat Sport Fishing (Transfer)	2	\$5.00	\$10.00
701	Resident State Fresh/Saltwater Fishing (saltwater share only)	137	\$17.50	\$2,397.50
703	Resident 5-Day Fresh/Saltwater Fishing (saltwater share only)	1	\$10.50	\$10.50
715	Resident Tidal Boat Sport Fishing (saltwater share only)	8	\$48.50	\$388.00
SR44	Individual Resident Lifetime License	1	\$276.00	\$276.00
SR50	Individual Resident Lifetime License age 45-50	1	\$132.00	\$132.00

SR55	Individual Resident Lifetime License age 51-55	1	\$99.00	\$99.00
SR60	Individual Resident Lifetime License age 56 - 60	2	\$66.00	\$132.00
SR64	Individual Resident Lifetime License age 61 - 64	3	\$35.00	\$105.00
SR65	Individual Resident Lifetime License age 65 and older	24	\$5.00	\$120.00
SRD	Disabled Resident Lifetime Saltwater License	1	\$10.00	\$10.00
453	Saltwater Recreational Use Five Crab Pots	18	\$36.00	\$648.00
454	Saltwater Recreational Use Crab Trotline	4	\$10.00	\$40.00
456	Saltwater Recreational Use 300 Ft Gill Net	8	\$9.00	\$72.00
457	Saltwater Recreational Use Two Eel Pots	2	\$10.00	\$20.00
Total		1,146		\$36,966.00
<i>*Please note that the licenses issued in the Town of Urbanna have been included in the Middlesex County count.</i>				

Table 34: Recreational Freshwater Fishing Licenses in Middlesex County (DGIF, 2015)				
Licenses	Description	2015	Cost	Total Revenue
101	Sportsman's Hunting and Fishing	11	\$133.00	\$1,463.00
335	Resident 65 and older Freshwater Fishing	26	\$9.00	\$234.00
353	Resident State Freshwater Fishing	158	\$23.00	\$3,634.00
354	Non-Resident State Freshwater Fishing	-	\$47.00	-
357	County/City Resident Freshwater Fishing	6	\$16.00	\$96.00
358	Non-Resident 5-Day Freshwater Fishing	1	\$21.00	\$21.00
359	Resident 5-Day Freshwater Fishing	7	\$14.00	\$98.00
360	Non-Resident 1-Day Freshwater Fishing	-	\$8.00	-
371	Resident State Freshwater Fishing - 2 Year	1	\$44.00	\$44.00
389	Resident 70 Pct Disables Veteran Fishing	-	\$12.00	-
392	Non-Resident Totally Disabled Veteran Fish	1	\$12.50	\$12.50
701	Resident State Fresh/Saltwater Fishing	95	\$39.50	\$3,752.50
703	Resident 5-Day Freshwater/Saltwater Fishing	1	\$24.00	\$24.00
715	Resident Tidal Boat Sport Fishing	4	\$126.00	\$504.00
Total		311		\$9,883.00
<i>*Please note that the licenses issued in the Town of Urbanna have been included in the Middlesex County count.</i>				

Public Access Policies:

From references in the comprehensive plan to local ordinances to county initiatives/projects/reports, Middlesex County has a variety of policies associated with public access within their jurisdiction. An inventory of policies associated with public access in Middlesex County may be found in Appendix H.

The comprehensive plan identifies specific goals and actions steps regarding public access within the locality, including:

- **Promote a Balanced Transportation System**

As stated previously, Middlesex County's transportation system is comprised of more than just highways. Air transportation, rails facilities, waterways, bikeways and pedestrian facilities are all elements of the County's transportation network. Although its authority and resources are

limited, the County should continue to promote a balanced transportation system. Specifically the County can:

- Encourage the use of transit and rail options for County citizens.
- Request that bike lanes, consistent with the adopted bikeway plan, be incorporated into VDOT road projects. The County's subdivision and zoning ordinances will be amended to require bike and pedestrian facilities.
- Encourage new development along the county's shorelines to provide public access to the waterways.
- Encourage and look for new ways to improve secondary roads including new funding sources.

- **Community Facilities and Services**

Goals:

CF-G-1 To plan for, construct, and maintain needed community facilities in a manner that is cost effective, environmentally sound and consistent with the growth objectives contained in this plan.

Objectives:

CF-O-2 Consistent with this plan, develop and maintain public water and wastewater systems as necessary, to meet the needs of a growing community

CF-O-3 Provide the facilities and services required to meet the recreational needs of County citizens.

Action Steps

5. Prepare a parks and recreation master plan for the County.
6. Develop a shoreline access and management plan and explore and pursue all opportunities to provide additional public water access.
7. Support the activities of a Parks and Recreation committee in the organization and implementation of a county-wide recreation program, including access to the water.
8. Provide the necessary facilities to support the Parks and Recreation Program and to increase public access to natural and recreational resources. Access should not be detrimental to that resource.
9. Expand the number of county parks and expand recreation facilities at public schools and County properties and make facilities available to the programs of the Parks and Recreation Department.
12. Establish a program for the evaluation of properties owned by the County which have potential as suitable sites for public use as access points to the waterways, natural areas and scenic and historic assets. Consideration should be given to the liquidation of such properties having no foreseeable potential use to the County.
14. Investigate public-private partnerships to enhance the recreational opportunities within the county. For example, consider partnering with the YMCA to provide recreation programs for county residents. (pg. 129-130)

- **Environment**

Goals:

EN-G-1 To encourage the protection and stability of the natural and man-made environment of Middlesex County by encouraging growth to occur in accordance with the Comprehensive Plan.

EN-G-2 To preserve existing shorelines to the maximum extent possible through the use of best management practices.

Objectives:

EN-O-1 Protect and enhance the County's surface and ground water resources.

EN-O-3 Protect the natural and rural character of the County by encouraging the retention of forests, agricultural lands, and open-space areas.

EN-O-4 Protect rivers, marshes, wetlands, and other bodies of water, e.g. the Dragon Run System, from pollution, disturbance, and destruction.

Action Steps:

2. Participate in the overall state program to protect the waters of the Chesapeake Bay through the administration and enforcement of applicable zoning, subdivision, and erosion and sediment control, floodplain, and wetlands land use development ordinance and the periodic review and amendment of said ordinances when required.
6. Support the continued update of shoreline mapping and conditions for Middlesex County by the Middle Peninsula PDC.
9. Participate in the overall state program to protect the waters of the Chesapeake Bay through the administration and enforcement of applicable zoning, subdivision, and erosion and sediment control, floodplain, and wetlands land use development ordinance and the periodic review and amendment of said ordinances when required.

- **Land Use**

Goals:

LU-G-1 To achieve a balanced land use system that provides sufficient and compatible land areas for all community land use needs, while protecting sensitive natural environments and important local historic and cultural resources.

LU-G-2 To encourage the preservation of areas and properties of historic and cultural significance in Middlesex County.

LU-G-3 To encourage the character, appearance, and image of Middlesex County is perpetuated in new development and redevelopment proposals.

Objectives:

LU-O-2 Discourage development patterns which are incompatible with the County's ability to provide adequate and cost effective public services and facilities.

LU-O-3 Enhance the rural and environmental character of the County through the preservation of agricultural and forestal lands, wetlands, flood hazard areas, and Chesapeake Bay Resource Protection Areas.

LU-O-4 Develop new zoning districts that preserve open space, promote the clustering of development, allow a range of housing and lot area choices, protect ground and surface water resources, protect wetlands and other sensitive environmental features, and reduce stormwater runoff.

Action Steps:

10. Support efforts of local conservation organizations and the Virginia Outdoors Foundation to acquire and provide stewardship for locally obtained conservation easements.

In addition to the goals and action steps identified in the Comprehensive Plan, the outcomes from the most public access site assessments has provided a wealth of information about public access in

Middlesex County. From identifying threats, to current issues, to shaping a vision for public access in the County for the future, Middlesex County has a wealth of information to consider.

TOWN OF URBANNA

The Town of Urbanna is located in Middlesex County, on the Rappahannock River, on a finger of land bounded by the Perkins Creek and Urbanna Creek comprising approximately one half square mile within its incorporated limits. According to the 2012 Comprehensive Plan, *From the colonial period through the 19th century, Urbanna continued to serve as a port center for the inland settlers, plantations, and farms along the Rappahannock. The Town was closely connected to the major cities through the Chesapeake Waterways prior to the development of modern road networks. Shipping and boating continued to play a major role in Urbanna's history and economy. Until the 1930's the Town was a port of call for commercial vessels and steamboats from Baltimore and Norfolk. Through the 1950's seafood was the principal industry of the Town and the watermen made a living on the abundance of fish, crab, and oysters in the nearby waters. Today the Town of Urbanna features opportunities and promotes tourism through its historic heritage, scenic setting, and many waterborne recreational activities.* The Town currently as one public access location owned by the Town with a variety of amenities (Table 31).

Public Access Policies:

From references in the comprehensive plan to local ordinances to county initiatives/projects/reports, Town of Urbanna has a variety policies associated with public access in their jurisdiction. Within the Comprehensive Plan the Town offers multiple goals and objectives associated with public access:

- **Environmental Goals and Objectives**

Goal: Enhance the natural setting of the Town; promote a greater awareness of the natural beauty and positive attributes of the area and preserve environmentally sensitive areas.

Objectives:

1. Protect environmentally sensitive areas such as the designated wetlands and the coastal areas, as prescribed in the Chesapeake Bay Preservation Act of 1988 or other related laws.
3. Preserve and promote permanent open spaces and natural areas to enhance bird and wildlife habitats, maintain vegetation buffers and screening/filter areas to mitigate runoff and protect the stream environment.
4. Promote appreciation and use of scenic areas in and around the Town and encourage the development of recreation opportunities along the creek and cove areas.

- **Water Resources Goals and Objectives**

Goal: Protect and manage water resources, the beauty, and desirability as an asset for vacation and retirement housing. Positive contributions to the water based economies should be promoted.

Objectives:

1. Continue development of the Urbanna Town Marina at Upton's Point for the use of Urbanna Creek.
2. Oversee and coordinate with Federal and State officials a means of insuring the safe passage of commercial and pleasure boats in the Urbanna Creek and harbor area.

An inventory of policies associated with public access in the Town of Urbanna may be found in Appendix H.

Chapter Seven: Assessing Public Access Locations

To address particular public access concerns and issues within the region and in individual counties and towns, local governments should have keen vision of current public access (i.e. locations, infrastructure, and uses) within their community. Once a vision is established a locality is able to understand the public access needs, gaps, and conflicts which help to form a direction and ‘wish-list’ for public access within their jurisdiction. With such an understanding local and region governments may explore funding opportunities in order to meet their water public access needs. While localities may try tackling public access improvements and issues alone, Middle Peninsula localities may also choose to enlist the assistance of the PAA.

To gain an understanding of the current public access assets, site assessments are critical. Depending on the approach, site assessments allow for the public as well as the locals governments to understand a site’s ownership, maintenance responsibilities, public rights acquired, conditions of the site, neighboring uses, size and location of assets, as well as the needs.

In 2016, the MPPDC staff developed an assessment to be applied to the public access sites in Middlesex County. The assessment was utilized as a baseline methodology to assess all public access sites within the locality to provide consistency among the assessments. The assessment entailed:

A. Site Assessment - The following information is needed for each access site. If additional information is found that may impact the current or future management of this site please include it in your assessment.

1. Access Site Name and closest VDOT route :
2. County/Town:
3. Body of water & Describe:
 - Head water of a creek with many houses between the access site and open water
 - Large creek with few houses
 - Small compact access with no houses
4. Parcel ID or Tax Map#:
5. Acreage:
6. Deed in the name of:
 - a. How were public rights acquired?
 - Dedication and acceptance

- Purchase
- Gift
- Prescriptive use
- Tax acquired property
- Other _____

b. Maintained by:

7. Describe the access road:

- a. Route #:
- b. If the travel road is from a major arterial, such as Rt 17/33, to the access site, what the travel time from the arterial to the site?
- c. Type of Road into the site:

- Public road
- Public easement
- Privately-owned
- Other _____

d. Condition of the access road leading to the site and into the site

- One Lane
- Two Lane
- Dirt
- Gravel
- Paved
- Other _____

Describe findings:

e. If the access site is a road ending or terminus how is the state of maintenance?

- Natural state
- Grass Cut
- Flower Beds between access point and water
- Fence Present
- Surveying Tape Present
- Bulkhead or any type of shore line hardening present
- Other _____

Describe findings:

f. Neighboring land uses?

- Right _____
- Left _____
- Structures in Distance to Left _____
- Structures in Distance to Right _____

g. How many yards are between the road area and the water?

- 10 yards or less to the water
- 11 to 50 yards to the water
- 51 yards or more to the water

h. Is the route leading from the arterial to the site generally safe and appropriate for trucks and boat trailers? Or is it a windy and tight- canoe and kayak carried on top of a truck is best? Describe route to access point.

i. In the event of a travel emergency:

- Are the ditches leading to the site deep or shallow
- Are there public or business locations that would allow for safe pull offs
- Is access along the road private and would cause problems if the public pulled off the road in an emergency

Describe findings:

8. Site Description:

a. Is access to the water established by:

- Pier
- Pathway to water
- Dirt ramp to water
- Concrete ramp to water
- No path
- Other _____

Access grade at the site

- Level
- Moderate Steep
- Sleep
- Very Steep

b. List amenities:

c. List structures and describe:

d. Parking area? Number of parking spaces?

e. Access area

- Sand shoreline
- Mud Shoreline
- Marsh Shoreline
- Out Bank
- Other _____

Describe findings:

f. Would the access site be considered-

- High density single family -
 - Is there a likely hood of conflict? Yes or No
- Medium density single family -
 - Is there a likely hood of conflict? Yes or No
- Low density rural -
 - Is there a likely hood of conflict? Yes or No

g. Distance from the center of the access site to neighboring houses & businesses

h. Observed damages to site.

i. Is there dumping/trash present?

- None
- Slight
- Moderate
- Serious Abuse

Describe findings:

j. Articulate any NIMBY or LULU's potential

9. Does this location have signage delineating public from private land?

10. Local Record (Deed Book # & Page) (VDOT records for road endings)

11. Recorded survey plat or other record?

B. Photos/Diagrams – All diagrams should be a jpg. file. Please include the following diagrams with or in the site assessment

1. Current photographs of the site
2. Historical photographs and maps (if available)
3. Plat of site (if available) or at least a parcel map where the site is located.

Furthermore the assessments included recommendations for potential highest and best uses for each site, an explanation of the pros and cons of each recommendation as well as suggested strategies to advance the recommendations. Middlesex County staff also gathered property deeds going back 50 years to determine ownership and property encumbrances which may influence assessment recommendations specific to each site.

Such research provides a wealth of specific information for Middlesex County Board of Supervisors to consider about the management of their public access sites.

Access standards will vary greatly across the coastal US and even within the Middle Peninsula region. Therefore the questions should address the locality's concerns and interests that will hopefully move them toward accomplishing their vision for public access. Other questions that be considered when trying to develop a thorough inventory of public access locations may include:

1. Who are we providing access for—residents, commercial applications, and transients?
2. Should different types of access be provided for different users groups?
3. Should the user groups intermingle at all access sites?
4. What are the types of access that should be provided?

a. Geographical Based

- i. Regional usage site
- ii. Local usage sites
- iii. Community usage sites

b. Use Based

- i. Boating with trailer
- ii. Paddling—car top/limited parking
- iii. Paddling—car top/no parking
- iv. Walking and birding/limited parking
- v. Walking and birding/no parking

- c. Natural Feature Based
 - i. All tide facilities
 - ii. Part tide facilities
 - iii. Foot access
 - iv. No tide

- d. Density and Infrastructure Based
 - i. Access site every "X" miles of road
 - ii. Access site every "X" miles of shoreline
 - iii. Access site based on diversity of opportunities

Localities may also create a list of demand criteria to guide policy development and implementation as well as management to development and implementation the following is an example of demand standards for coastal communities:

1. One access site for every 16 miles of shoreline
2. One access site for every 1.3 miles of coast line
3. All tide areas, designated for trailerable and hand carried boats
4. Part tide area designated for use dependant on tide range
5. Foot access for fishing, clamming, nature study
6. View shed usage for peace of mind
7. Access sites based on relation to population centers
8. Access sites based on the relations to existing sites
9. Local access site, portals 10 ft. in width serving foot traffic at the walking level
10. Neighborhood access sites with 5-25 parking sites access site 40-50 feet wide

Chapter Eight: IMPROVING PUBLIC ACCESS

In order to acquire new public access locations and to improve current public access sites, the MPPDC and the PAA take advantage of and support a variety of efforts and tools. From new legislation being introduced at the federal level to funding programs at the state level and citizens altruistic giving at the local level, the PAA and the MPPDC can work to ultimately accomplish their public access goals for the region and citizens.

WATERFRONT COMMUNITY REVITALIZATION AND RESILIENCY ACT OF 2015

The Waterfront Community Revitalization and Resiliency Act of 2015 was introduced on August 4, 2015, and on July 14, 2016 the Senate passed it with an amendment. This bill requires the Department of Commerce to designate a resilient waterfront community a unit of local government or Indian tribe that meets specific criteria, including:

- bound in part by the Great Lakes or the ocean, or bordered or traversed by a riverfront or an inland lake;
- self-nominated as a resilient waterfront community; and
- designated as one by Commerce on the basis of a community-developed plan.

In making such a designation for inland lake and riverfront communities, Commerce will work with the Environmental Protection Agency and the heads of other federal agencies as necessary. Communities will develop a resilient waterfront community plan that is a community-driven vision. A resilient waterfront community plan shall consider all, or a portion of, the waterfront area and adjacent land and water to which it is connected ecologically, economically, or through local governmental or tribal boundaries, and integrate consideration of:

- the economic opportunities resulting from water proximity and access and the community's relationship to the water;
- ecosystem challenges and projections, including extreme weather and water conditions;
- infrastructure needs and opportunities to facilitate specified strategic and sustainable capital investments; and
- such other factors that align with metrics or indicators for resiliency, considering environmental and economic changes.

After the designation of a resilient waterfront community, its plan may be effective for a 10-year period. A resilient waterfront community would also be eligible of grant funding through program to advance various projects, such as: (1) improving waterfront access or acquiring easement from developers for public amenities and (2) making infrastructure upgrades that improve coastal resiliency.

If this legislation is passed, Middle Peninsula localities have the potential to benefit from funding upon being designated as a resilient waterfront community.

KEEP AMERICA'S WORKING WATERFRONTS WORKING ACT OF 2016

Representative Rob Witman (VA-01) and Chellie Pingree (ME-01) introduced legislation on May 18, 2016 to US Congress, to protect waterfront access and infrastructure that many businesses and thousands of jobs depend on. Two major components of this legislation is the establishment of a Working Waterfront Task Force and a Working Waterfront Grant Program.

The Secretary of the Interior will establish a task force to identify and address critical needs with respect to working waterfronts. The members of the task force will also be appointed by the Secretary of the Interior, including (A) experts in the unique economic, social, cultural, ecological, geographic, and resource concerns of working waterfronts; and (B) representatives from the National Oceanic and Atmospheric Administration's Coastal Services Center, the United States Fish and Wildlife Service, the Department of Agriculture, the Environmental Protection Agency, the United States Geological Survey, the Navy, the National Marine Fisheries Service, and such other Federal agencies as the Secretary considers appropriate. The task force will be authorized to:

- (A) identify and prioritize critical needs with respect to working waterfronts in States that have a management program approved by the Secretary of Commerce (pursuant to section 306), in the areas of—
 - i. economic and cultural importance of working waterfronts to communities;
 - ii. changing environments and threats working waterfronts face from environment changes, trade barriers, and marketplace variables; and
 - iii. identifying working waterfronts and highlighting them within communities;
- (B) outline options to address such critical needs;
- (C) identify Federal agencies that are responsible under existing law for addressing such critical needs; and
- (D) recommend Federal agencies best suited to address any critical needs for which no agency is responsible under existing law.

In conjunction with the task force the Secretary will 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. In awarding a grant to a coastal state, the Secretary will consider—

- (A) the economic and cultural significance of working waterfront to the coastal state;
- (B) the demonstrated working waterfront needs of the coastal state as outlined by a working waterfront plan approved for the coastal state under subsection (d), and the value of the proposed project for the implementation of such Plan;
- (C) the ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other government units, landowners, corporations, or private organizations;
- (D) 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 existing 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;
- (E) the impact of the working waterfront plan approved for the coastal state under subsection (d) on the coastal ecosystem and the users of the coastal ecosystem; and
- (F) the extent of the historic connection between working waterfronts and the local communities within the coastal state.

To be eligible for a grant funds a coastal state must submit and have approved by the Secretary a comprehensive working waterfront plan or be in the process of developing such a plan and have an established working waterfront program at the State and local level. The plans shall include:

- (i) an assessment of the economic, social, cultural, and historic 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 businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business, and the level of that threat;
- (iv) identification of geographic areas with a historic connection to 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) a strategic and prioritized plan for the preservation, expansion, and improvement of working waterfronts in the coastal state;
- (vii) for areas identified under clauses (iii), (iv), (v), and (vi), identification of current availability and potential for expansion of public access to coastal waters;
- (viii) a description of the degree of community support for such strategic plan; and
- (ix) a contingency plan for properties that revert to the coastal state pursuant to determinations made by the coastal state under subsection (h)(4)(C);

To-date there has been no action taken on this place. For the full piece of legislation please see Appendix L.

If this legislation was passed Middle Peninsula localities could be eligible for grant funds, particularly as the MPPDC and other Coastal PDCs (ie. Northern Neck Planning District Commission, Hampton Roads Planning District Commission and the Accomack-Northampton Planning District Commission) have been funded through the Virginia Coastal Zone Management Program to develop a Virginia Working Waterfront Master Plan.

ECONOMIC DEVELOPMENT ADMINISTRATION

The Economic Development Administration (EDA), an agency within the Department of Commerce, administers several economic development programs under its authorizing statute, the *Public Works and Economic Development Act of 1965 (PWEDA)*. Assuming application by an eligible recipient and that a project is competitive under EDA's evaluation criteria, EDA may provide planning, design, and construction assistance to support waterfront projects. While not specifically aimed at coastal communities, EDA's programs have supported many waterfront projects in coastal communities throughout the nation.

COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM (CELCP)

Established in 2002, the CELCP provides funding for the acquisition and conservation of coastal and estuarine land with significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses. The program gives funding priority to lands which can be effectively managed, protected and that have ecological significance. Funding is administered by NOAA's Office of Coastal Resource Management and is available to state and local governments with matching funds to purchase coastal and estuarine lands, or conservation easements on such lands, from willing sellers.

VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION

The Land and Water Conservation Fund Act of 1965 established a federal reimbursement program for the acquisition and/or development of public outdoor recreation areas. The Land and Water Conservation Fund (LWCF) is administered in Virginia by the Department of Conservation and Recreation (DCR) for the National Park Service. The program represents a federal, state and local partnership. A key feature of the program is that all LWCF assisted areas must be maintained and opened, in perpetuity, as public outdoor recreation areas. This requirement ensures their use for future generations.

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

VDOT is responsible for building, maintaining and operating the Commonwealth's roads, bridges and tunnels. Through the Commonwealth Transportation Board (CTB) it provides funding for airports, seaports, rail and public transportation. The PAA has worked closely with VDOT to identify road endings/terminus points that could yield access to public waters. To-date the PAA has acquired two road endings at Perrin Wharf and Prince Street from VDOT.

VIRGINIA SALTWATER RECREATIONAL FISHING DEVELOPMENT FUND

As the funds collected by the Commonwealth of Virginia for the sale of license are deposited in a special non-reverting fund that is used to improve recreational fisheries in Virginia. The Recreational Fishing Advisory Board of the VMRC is charged with advising the Commission on the management of the fund. Projects funded through this program support the management and enhancement of recreationally important species and enhances recreational fishing opportunities. In 2015, the MPPDC received funding through this fund, on behalf of King & Queen County, to construct a fishing pier at a King & Queen County owned property on the Mattaponi River.

LAND TRUSTS

Land Trusts and conservation organizations can serve as third party interests in addressing access issues. For more information, contact the Middle Peninsula Land Trust (<http://www.mplandtrust.org/>), the Virginia Outdoors Foundation (<http://www.virginiaoutdoorsfoundation.org/>), Land Trust of Virginia (<http://www.landtrustva.org/>) and/or Friends of Dragon Run (<http://www.dragonrun.org/>).

CASE STUDY:

UTILIZING FUNDS TO IMPROVE PUBLIC ACCESS

In September 2007, PAA received funds federal funds through the Coastal and Estuarine Land Conservation Program to acquire and open 357 acres of land for public access. Again in early 2008, CELCP funding was used to acquire another 209 acres within the Dragon Run watershed. Currently two of the four parcels obtained through these funds have management plans that were developed as a result of a public, local and state government stakeholder-driven process. Each plan focuses on passive and low-impact active public access to associated land- and water- based ecosystem, habitat core conservation and multiple, traditional uses and ultimately long term stewardship of the land.

ALTRUIST GIVING

While grant funds for land acquisition have diminished over the years, the PAA continues to successfully acquire land – and from an unexpected source.

Within the Middle Peninsula, private property owners have gifted sizeable tracts of waterfront property to the PAA. Between 2006 and July 2015, the PAA has been gifted 33 separate parcels totaling over 162 acres and valued at \$3,657,000 with limited or no deed encumbrances. Additionally the PAA has 4 more pending parcels to add to their list of public access sites that would add 100 acres and \$1,181,750 in land value to the MPCBPAA portfolio. The largest donation to date was 96.81 acres of serene waterfront property on the Severn River in Gloucester County in February 2013. Valued at \$1.6 million, this property consisted of 21 parcels with three dwellings as well as pristine coastal ecosystems.

To be eligible to donate land to the Public Access Authority, a landowner must meet three criteria:

- Have a clear property title
- Be adjacent to the water
- Be in Virginia's Middle Peninsula

While not everyone has coastal land they can part with—and that's why donors are so important! By donating unwanted parcels, landowners will:

- **Leave a coastal legacy** for the benefit of their community
- **Inspire the next generation** by providing adults and children with water access
- **Support the economy** of the Middle Peninsula by creating a new recreational site
- **Receive significant income tax benefits**

For more information about the tax benefit of donating land, consult the [Virginia Department of Taxation](#), an attorney or an accountant. Also for more information about donating land to the PAA please visit:

- <http://www.virginiacoastalaccess.net/landgiving.html>
- [Tax Benefits for Donating Waterfront Land for Public Access](#)
- [How to Donate Waterfront Land for Public Benefit](#)
- [Professionals: Talking to Property Owners about Land Donation for Public Benefit](#)

Chapter Nine: CONCLUSIONS

Due to regions proximity to the water and its historic maritime connection to the water, public access to the waterways of the Commonwealth is essential for Middle Peninsula localities. This Regional Public Access Master Plan catalogs regional and local efforts, successes, and land use tools and polices that have enhanced public access to the water. With an understanding of what has been accomplished, the MPPDC and the PAA is interested in developing a roadmap for the future of the public access within the Middle Peninsula.

The MPPDC and the PAA have developed the following list of recommendations that will continue tom improve and enhance public access in the Middle Peninsula Region.

RECOMMENDATIONS:

- 1. The PAA should work to develop new business models to leverage public access lands for economic, cultural, and tourism reasons.** *As a rural region the Middle Peninsula has a wealth of green and blue assets. Therefore the PAA will work to develop new business models that leverage and commoditize undeveloped coastal zone blue and green infrastructure. Ultimately the goal is to increase the economic viability of coastal communities by protecting blue and green infrastructure in meaningful ways to localities, and in compliance with Chesapeake Bay regulations, goals, and policies.*
- 2. The PAA board should begin to focus on areas of the region that lack public access.** *With an understanding of the location of public access sites throughout the region, the PAA will identify stretches of coast that lack public access. Knowing the gaps will help the PAA focus land acquisition efforts.*
- 3. Member local governments should financially support the work of the access authority.** *With financial support from member localities the PAA will be able to cover legal costs for closing on donated properties as well as legal research on public access sites.*
- 4. The PAA should continue to seek funding for public access improvements (i.e. land acquisition, infrastructure, signage, etc.).** *With more funding, the PAA is able to make more enhancements to public access in the region.*
- 5. Member local governments should provide guidance to the PAA regarding priority public access needs at the local level.**

6. **Recreational conflict between property owners (public and private), the general public as well as local law enforcement and state law enforcement can become intertwined and complex.** When public property, including upland, is owned by a public entity and or subaqueous property owned by the Commonwealth of Virginia abuts private property and the general public who chooses to recreate, often times the parties involved in conflict do not differentiate between public land and private land. Local law enforcement is more inclined to defuse the conflict over enforcing the law related to use conflict. *PAA will collaborate with the Virginia Coastal Policy Law Center, located at the College of William and Mary to gain and promote a better understanding of adjoining land owners rights, public property owners rights, and law enforcement tools for managing conflict is need.*
7. **Establish responsibilities of the public when using public sites.** *The PAA will continue to refine policies governing behavior of the public in public places (i.e. use of alcoholic beverages, nudity, noise, trashing, firearms, trespassing, etc.)*
8. **Establish responsibilities of the owners of the public access (i.e. PAA and County).** *The PAA will continue to refine recreational uses, public conduct, and policing and/or maintenance requirements for public access locations owned by the PAA. PAA will also work with interested Counties to promote awareness for how locally owner public access sites are managed and enforced.*

Chapter Ten: WORKS CITED

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Appendix A:
PAA CODE

Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 66. Middle Peninsula Chesapeake Bay Public Access Authority Act

§ 15.2-6600. Title.

This act shall be known and may be cited as the Middle Peninsula Chesapeake Bay Public Access Authority Act.

2002, c. 766.

§ 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. Determine which holdings should be sold to advance the mission of the Authority;
7. Receive and expend public funds and private donations in order to restore or create tidal wetlands within the region for which the Authority exists; provided that any tidal mitigation credits resulting from such restoration or creation projects shall be held by the Authority for the benefit and use of participating political subdivisions and shall not be sold or conveyed to any private party by the Authority or any participating political subdivision; and
8. 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](#);2009, c. [429](#).

§ 15.2-6602. Definitions.

As used in this act the following words and terms have the following meanings unless a different meaning clearly appears from the context:

"Act" means the Middle Peninsula Chesapeake Bay Public Access Authority Act.

"Authority" means the Middle Peninsula Chesapeake Bay Public Access Authority created by this act.

"Board of Directors" means the governing body of the Authority.

"Bonds" means any bonds, notes, debentures, or other evidence of financial indebtedness issued by this Authority pursuant to this act.

"Commonwealth" means the Commonwealth of Virginia.

"Participating political subdivision" means any of the counties of the Middle Peninsula Planning District Commission or any other subdivision that may join the Authority pursuant to the act.

"Political subdivision" means a county, municipality or other public body of the Commonwealth.

"Site" means any land holding that can improve public access to waters of the Commonwealth.

2002, c. [766](#).

§ 15.2-6603. Participating political subdivision.

No pecuniary liability of any kind shall be imposed upon any participating political subdivision because of any act, omission, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on the part of the Authority or any member thereof, or its agents, servants, or employees, except as otherwise provided in this act with respect to contracts and agreements between the Authority and any other political subdivision.

2002, c. [766](#).

§ 15.2-6604. Appointment of a board of directors.

The powers of the Authority shall be vested in the directors of the Authority. The governing body of each participating political subdivision shall appoint either one or two directors, one of whom shall be a member of the appointing governing body or its chief operating officer. In the event there are two or fewer participating jurisdictions in the Authority, each participating jurisdiction shall appoint two directors.

The governing body of each political subdivision shall be empowered to remove at any time, without cause, any director appointed by it and appoint a successor director to fill the unexpired portion of the removed director's term.

If financial funds are available, each director may be reimbursed by the Authority for the amount of actual expenses incurred by him in the performance of his duties.

2002, c. 766.

§ 15.2-6605. Organization.

A simple majority of the directors in office shall constitute a quorum. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

The Authority shall hold regular meetings at such times and places as may be established by its bylaws duly adopted and published at the organizational meeting of that body.

The board of directors shall annually elect a chairman and a vice-chairman from their membership, a secretary and a treasurer or a secretary-treasurer from their membership or not as they deem appropriate, and such other officers as they may deem appropriate.

The board of directors may make and from time to time amend and repeal bylaws, not inconsistent with this act, governing the manner in which the Authority's business may be transacted and in which the power granted to it may be enjoyed. The board of directors may appoint such committees as they may deem advisable and fix the duties and responsibilities of such committees.

2002, c. 766.

§ 15.2-6606. Powers.

The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this act, including the following, to:

1. Adopt bylaws for the regulation of its affairs and the conduct of its business;
2. Sue and be sued in its own name;
3. Have perpetual succession;
4. Adopt a corporate seal and alter the same at its pleasure;
5. Maintain offices at such places as it may designate;
6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate public access sites that are owned or managed by the authority within the territorial limits of the participating political subdivisions;
7. Construct, install, maintain, and operate facilities for managing access sites;
8. Determine fees, rates, and charges for the use of its facilities;
9. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, the Commonwealth of Virginia, or any other person or entity, for or in aid of the

construction, acquisition, ownership, operation, maintenance or repair of the public access sites or for the payment of principal of any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the Authority shall have the power to render such services, comply with such conditions and execute such agreements, and legal instruments, as may be necessary, convenient or desirable or imposed as a condition to such financial aid;

10. Appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;

11. Contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and investment services contemplated by § 15.2-6612 hereof, accounting services, including the annual independent audit required by § 15.2-6609 hereof, procurement of goods and services, and to act as fiscal agent for the Authority;

12. Establish personnel rules;

13. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;

14. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;

15. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;

16. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;

17. Purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee or agent of the Authority against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such;

18. Request and accept legal advice and assistance from the Office of the Attorney General;

19. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and adopt rules and regulations; and

20. Whenever it shall appear to the Authority, or to a simple majority of participating political subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority. If the court shall determine that the need for the Authority as set forth in this act no longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or provided for, it may enter an order dissolving the Authority.

Upon dissolution, the court shall order any real or tangible personal property contributed to the Authority by a participating political subdivision, together with any improvements thereon,

returned to such participating political subdivisions. The remaining assets of the Authority shall be distributed to the participating political subdivisions in proportion to their respective contributions theretofore made to the Authority.

Each participating political subdivision and all holders of the Authority's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition. From the final judgment of the court, an appeal shall lie to the Supreme Court of Virginia.

2002, c. 766;2016, c. 395.

§ 15.2-6607. Name of authority.

The name of the Authority shall be the Middle Peninsula Chesapeake Bay Public Access Authority. The name of this authority may be changed upon approval of a simple majority of the directors of the Authority.

2002, c. 766.

§ 15.2-6608. Rules, regulations, and minimum standards.

The Authority shall have the power to adopt, amend, and repeal rules, regulations, and minimum standards, for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities.

Unless the Authority shall by unanimous vote of the board of directors determine that an emergency exists, the Authority shall, prior to the adoption of any rule or regulation or alteration, amendment or modification thereof:

1. Make such rule, regulation, alteration, amendment or modification in convenient form available for public inspection in the office of the Authority for at least ten days; and
2. Post in a public place a notice declaring the board of directors' intention to consider adopting such rule, regulation, alteration, amendment or modification and informing the public that the Authority will at a public meeting consider the adoption of such rule or regulation or such alteration, amendment, or modification, on a day and at a time to be specified in the notice, after the expiration of at least ten days from the first day of the posting of the notice thereof. The Authority's rules and regulations shall be available for public inspection in the Authority's principal office.

The Authority's rules and regulations relating to: (i) traffic, including but not limited to motor vehicle speed limits and the location of and charges for public parking; (ii) access to Authority facilities, including but not limited to solicitation, handbilling, and picketing; and (iii) site management and maintenance shall have the force of law, as shall any other rule or regulation of the Authority, which shall contain a determination by the Authority that it is necessary to accord the same force and effect of law in the interest of the public safety. However, with respect to motor vehicle traffic rules and regulations, the Authority shall obtain the approval of the appropriate official of the political subdivision in which such rules or regulations are to be enforced. The violation of any rule or regulation of the Authority relating to motor vehicle traffic shall be tried and punished in the same manner as if it had been committed on the public roads of the participating political subdivision in which such violation occurred. All other violations of the rules and regulations having the force of law shall be punishable as misdemeanors.

2002, c. 766.

§ 15.2-6609. Reports.

The Authority shall keep minutes of its proceedings, which minutes shall be open to public inspection during normal business hours. It shall keep suitable records of all its financial transactions and shall arrange to have the same audited annually by an independent certified public accountant. Copies of each such audit shall be furnished to each participating political subdivision and shall be open to public inspection.

2002, c. 766.

§ 15.2-6610. Procurement.

All contracts that the Authority may let for professional services, nonprofessional services, or materials shall be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

2002, c. 766.

§ 15.2-6611. Deposit and investment of funds.

Except as provided by contract with a participating political subdivision, all moneys received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this act. All moneys of the Authority shall be deposited as soon as practicable in a separate account or accounts in one or more banks or trust companies organized under the laws of the Commonwealth or national banking associations having their principal offices in the Commonwealth. Such deposits shall be continuously secured in accordance with the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq.).

Funds of the Authority not needed for immediate use or disbursement may, subject to the provisions of any contract between the Authority and the holders of its bonds, be invested in securities that are considered lawful investments for fiduciaries.

2002, c. 766.

§ 15.2-6612. Authority to issue bonds.

The Authority shall have the power to issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of Authority facilities and including the payment or retirement of bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable, both as to principal and interest: (i) from its revenues and receipts generally and (ii) exclusively from the revenues and receipts of certain designated facilities or loans whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contribution from a participating political subdivision, the Commonwealth or any political subdivision, agency or instrumentality thereof, any federal agency or any unit, private corporation, co-partnership, association, or individual, as such participating political subdivision, or other entities, may be authorized to make under general law or by pledge of any income or revenues of the Authority or by mortgage or encumbrance of any property or facilities of the Authority. Unless otherwise provided in the proceeding authorizing the issuance of the bonds, or in the trust indenture securing the same, all bonds shall be payable solely and exclusively from the revenues and receipts of a particular facility or loan. Bonds may be executed and delivered by the Authority at

any time and from time to time may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding 40 years from the date thereof, may be payable at such place or places whether within or without the Commonwealth, may bear interest at such rate or rates, may be payable at such time or times and at such places, may be evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided and specified by the board of directors in authorizing each particular bond issue.

If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the Authority are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the Authority any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the Authority may be sold at public or private sale in such manner and from time to time as may be determined by the board of directors of the Authority to be most advantageous, and the Authority may pay all costs, premiums, and commissions that its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the Authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same facility or any other facility, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Any bonds of the Authority at any time outstanding may from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any costs, premiums, or commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby, with the consent of the holders of the bonds so to be refunded, and regardless of whether or not the bonds to be refunded were issued in connection with the same facilities or separate facilities, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or on different dates or shall be due serially or otherwise.

All bonds shall be signed by the chairman or vice-chairman of the Authority or shall bear his facsimile signature, and the corporate seal of the Authority or a facsimile thereof shall be impressed or imprinted thereon and attested by the signature of the secretary (or the secretary-treasurer) or the assistant secretary (or assistant secretary-treasurer) of the Authority or shall bear his facsimile signature, and any coupons attached thereto shall bear the facsimile signature of said chairman. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before delivery of such bonds, such signature, or such facsimile, shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. When the signatures of both the chairman or the vice-chairman and the secretary (or the secretary-treasurer) or the assistant secretary (or the assistant secretary-treasurer) are facsimiles, the bonds must be authenticated by a corporate trustee or other authenticating agent approved by the Authority.

If the proceeds derived from a particular bond issue, due to error of estimates or otherwise, shall be less than the cost of the Authority facilities for which such bonds were issued, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue shall exceed such cost, the surplus may be deposited to the credit of the sinking fund for such bonds or may be applied to the payment of the cost of any additions, improvements, or enlargements of the Authority facilities for which such bonds shall have been issued.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds that shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions, or things that are specifically required by this act; provided, however, that nothing contained in this act shall be construed as affecting the powers and duties now conferred by law upon the State Corporation Commission.

All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of and shall be and are hereby made negotiable instruments under the Uniform Commercial Code of Virginia (§ 8.1A-101 et seq.), subject only to provisions respecting registration of the bonds.

In addition to all other powers granted to the Authority by this act, the Authority is authorized to provide for the issuance, from time to time of notes or other obligations of the Authority for any of its authorized purposes. All of the provisions of this act that relate to bonds or revenue bonds shall apply to such notes or other obligations insofar as such provisions may be appropriate.

2002, c. 766;2003, c. 353.

§ 15.2-6613. Fees, rents, and charges.

The Authority is hereby authorized to and shall fix, revise, charge, and collect fees, rents, and other charges for the use and services of any facilities or access site. Such fees, rents, and other charges shall be so fixed and adjusted as to provide a fund sufficient with other revenues to pay the cost of maintaining, repairing, and operating the facilities and the principal and any interest on its bonds as the same shall become due and payable, including reserves therefor. Such fees, rents, and charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth or any participating political subdivision. The fees, rents, and other charges received by the Authority, except such part thereof as may be necessary to pay the cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in any resolution authorizing the issuance of such bonds or in any trust indenture or agreement securing the same, shall to the extent necessary be set aside at such regular intervals as may be provided in any such resolution or trust indenture or agreement in a sinking fund or sinking funds pledged to, and charged with, the payment and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of such

bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. So long as any of its bonds are outstanding, the fees, rents, and charges so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of any such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture or agreement.

2002, c. 766.

§ 15.2-6614. Credit of Commonwealth and political subdivisions not pledged.

Bonds issued pursuant to the provisions of this act shall not be deemed to constitute a debt of the Commonwealth, or any political subdivision thereof other than the Authority, but such bonds shall be payable solely from the funds provided therefor as herein authorized. All such bonds shall contain on the face thereof a statement to the effect that neither the Commonwealth, nor any political subdivision thereof, nor the Authority, shall be obligated to pay the same or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor and that neither the faith and credit nor the taxing power of the Commonwealth, or any political subdivision thereof, is pledged to the payment of the principal of such bonds or the interest thereon or other costs incident thereto.

All expenses incurred in carrying out the provisions of this act shall be payable solely from the funds of the Authority and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall be available to the Authority.

Bonds issued pursuant to the provisions of this act shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

2002, c. 766.

§ 15.2-6615. Directors and persons executing bonds not liable thereon.

Neither the board of directors nor any person executing the bonds shall be liable personally for the Authority's bonds by reasons of the issuance thereof.

2002, c. 766.

§ 15.2-6616. Security for payment of bonds; default.

The principal of and interest on any bonds issued by the Authority shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a trust indenture covering all or any part of the Authority facilities from which revenues or receipts so pledged may be derived, including any enlargements of any additions to any such projects thereafter made. The resolution under which the bonds are authorized to be issued and any such trust indenture may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents for any portions thereof leased by the Authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement, and trust indenture

made for the benefit or security of any of the bonds of the Authority shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any trust indenture executed as security therefor, may be enforced by mandamus, suit, action, or proceeding at law or in equity to compel the Authority and the directors, officers, agents, or employees thereof to perform each and every term, provision and covenant contained in any trust indenture of the Authority, the appointment of a receiver in equity, or by foreclosure of any such trust indenture, or any one or more of said remedies.

2002, c. 766.

§ 15.2-6617. Taxation.

The exercise of the powers granted by this act shall in all respects be presumed to be for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their health, safety, welfare, convenience and prosperity, and as the operation and maintenance of any project that the Authority is authorized to undertake will constitute the performance of an essential governmental function, the Authority shall not be required to pay any taxes or assessments upon any facilities acquired and constructed by it under the provisions of this act and the bonds issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any political subdivision thereof. Persons, firms, partnerships, associations, corporations, and organizations leasing property of the Authority or doing business on property of the Authority shall be subject to and liable for payment of all applicable taxes of the political subdivision in which such leased property lies or in which business is conducted including, but not limited to, any leasehold tax on real property and taxes on hotel and motel rooms, taxes on the sale of tobacco products, taxes on the sale of meals and beverages, privilege taxes and local general retail sales and use taxes, taxes to be paid on licenses in respect to any business, profession, vocation or calling, and taxes upon consumers of gas, electricity, telephone, and other public utility services.

2002, c. 766.

§ 15.2-6618. Bonds as legal investments.

Bonds issued by the Authority under the provisions of this act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital, in their control or belonging to them. Such bonds are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

2002, c. 766.

§ 15.2-6619. Appropriation by political subdivision.

Any participating political subdivision, or other political subdivision of the Commonwealth, is authorized to provide services, to donate real or personal property and to make appropriations to the Authority for the acquisition, construction, maintenance, and operation of the Authority's

facilities. Any such political subdivision is hereby authorized to issue its bonds, including general obligation bonds, in the manner provided in the Public Finance Act (§ 15.2-2600 et seq.) or in any applicable municipal charter for the purpose of providing funds to be appropriated to the Authority, and such political subdivisions may enter into contracts obligating such bond proceeds to the Authority.

The Authority may agree to assume, or reimburse a participating political subdivision for any indebtedness incurred by, such participating political subdivision with respect to facilities conveyed by it to the Authority.

2002, c. 766.

§ 15.2-6620. Contracts with political subdivisions.

The Authority is authorized to enter into contracts with any one or more political subdivisions.

2002, c. 766.

§ 15.2-6621. Agreement with Commonwealth and participating political subdivisions.

The Commonwealth and, by participating in the Authority, each participating political subdivision, pledge to and agree with the holders of any bonds issued by the Authority that neither the Commonwealth nor any participating political subdivision will limit or alter the rights hereunder vested in the Authority to fulfill the terms of any agreements made with said holders or in any way impair the rights and remedies of said holders until such bonds are fully met and discharged. The Authority is authorized to include this pledge and agreement in any contract with the holders of the Authority's bonds.

2002, c. 766.

§ 15.2-6622. Liberal construction.

Neither this act nor anything contained herein is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws.

2002, c. 766; 2015, c. 709.

§ 15.2-6623. Application of local ordinances, service charges, and taxes upon leaseholds.

Nothing herein contained shall be construed to exempt the Authority's property from any applicable zoning, subdivision, erosion and sediment control, and fire prevention codes or from building regulations of a political subdivision in which such property is located. Nor shall anything herein contained exempt the property of the Authority from any service charge authorized by the General Assembly pursuant to Article X, Section 6 (g) of the Constitution of Virginia, or exempt any lessee of any of the Authority's property from any tax imposed upon his leasehold interest in such property or upon the receipts derived therefrom.

2002, c. 766.

§ 15.2-6624. Existing contracts, leases, franchises, etc., not impaired.

No provisions of this act shall relieve, impair, or affect any right, duty, liability, or obligation

arising out of any contract, concession, lease, or franchise now in existence except to the extent that such contract, concession, lease, or franchise may permit. Notwithstanding the foregoing provisions of this section, the Authority may renegotiate, renew, extend the term of, or otherwise modify at any time any contract, concession, lease, or franchise now in existence in such manner and on such terms and conditions as it may deem appropriate, provided that the operator of or under any said contract, concession, lease, or franchise consents to said renegotiation, renewal, extension, or modification.

2002, c. [766](#).

§ 15.2-6625. Withdrawal of membership.

Any member jurisdiction may withdraw from membership in the Authority by resolution or ordinance of its governing body. However, no member jurisdiction shall be permitted to withdraw from the Authority after any obligation has been incurred except by unanimous vote of all member jurisdictions.

2002, c. [766](#).

Appendix B:

PROTOCOL- LANDING AND ROAD ENDING AND ACQUISITIONS REPORT

PROTOCOL

LANDING AND ROAD ENDING ACQUISITIONS

**Beale, Davidson, Etherington & Morris, P.C.
September 30, 2006**

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EXECUTIVE SUMMARY

This Protocol constitutes the final report of Beale, Davidson, Etherington & Morris, P.C. to the Middle Peninsula Chesapeake Bay Public Access Authority (the "Authority") pursuant to the 2005 Virginia Coastal Resources Management Program Grant. Title searches were performed for all five designated landings. VDOT's files and inventory records for each were examined, and each site was visited. Each landing has been analyzed in accordance with Virginia laws regarding public roads, landings and the public's right to use roads and landings.

Roane Point Landing is at the end of Route 630 in Mathews County, at the Piankatank River. Its use and existence as a public landing is well documented. The earliest record of the site as a public landing is VDOT's 1932 map of the roads in Mathews County. However, no reference to the landing is contained in any deed prior to 1947. Mathews County and VDOT each believe that they own fee simple title to Roane Point Landing. The underlying fee may have been acquired by the County or VDOT from the owner in the mid 1940s. However, no such deed was ever recorded. Nevertheless, VDOT owns a prescriptive easement in the landing. By the deeds and plats in their chain of title, the current owners on each side of the landing have disclaimed any ownership in the landing. The underlying fee to the landing may be owned by the heirs of a prior owner of the property.

Lower Guinea Landing is located at the end of Route 653 in Gloucester County. VDOT owns a prescriptive easement in a 30 foot right-of-way which dead ends at the Severn River near the mouth of Long Creek. There apparently was a deed conveying to VDOT the fee simple interest in a 40 foot right-of-way over the last approximately 700 feet at the end of the road. However, that deed was never recorded and it is likely that it was discarded when VDOT decided not to make the improvements for which it was given the deed.

Ferry Landing is located at the end of Route 663 in Essex County, at Piscataway Creek. VDOT owns fee simple title to all property bounded by Route 17, the centerline of Route 663 and Piscataway Creek. However, some of its property was purchased as a mitigation area and may not be used as part of the landing. In addition, VDOT appears to have fee simple title to the public landing area and to 15 feet beyond the centerline of Route 663 for the first approximately 150 feet going from Piscataway Creek toward Route 17. The owners of the parcels adjoining Route 663 from Hilltop Lane down toward Piscataway Creek own the underlying fee simple title on their side of the center line of Route 663 except for the last approximately 150 feet. VDOT has a prescriptive easement in that part of Route 663. An adjoining landowner uses a part of the landing for access to his property.

Chain Ferry Landing is on the Mattaponi River in King & Queen County at the end of Chain Ferry Road, Route 605. VDOT owns the fee simple title to all of the landing area and all of Route 605. However, the last 223 feet of Route 605 is only 20 feet wide as it approaches the Mattaponi River. The northernmost five feet of what would ordinarily be a 30 foot wide roadway is not part of the public road, and VDOT does not even own a prescriptive easement to that five foot strip. The landing joins the Mattaponi River and there are no title issues which would prevent VDOT from conveying the landing to the Authority.

Byrd's Bridge Landing has never been a landing. Instead, the subject property is the end of old Route 604 where it crossed Dragon Run from King & Queen County into Essex County. The road was relocated in about 1964 to its current location. When VDOT relocated the road, it purchased new land from the owner to the east of the old road. It did not acquire the property between the two roads. There is no record that VDOT ever discontinued the road or that the Board of Supervisors of King & Queen County ever abandoned the old road, other than a

notation on a plat that is not signed by VDOT or the County. Therefore, VDOT continues to have a prescriptive easement in the old roadway, which is about 1,000 feet long, and it continues to be a VDOT road, even though it is no longer maintained.

All roads and landings within the State System of Secondary Highways and the State Highway System remain under VDOT's jurisdiction until they are discontinued, an act reserved for the Commonwealth Transportation Board. Discontinuance of a road or landing means merely that VDOT has no further responsibility for maintaining the road. If VDOT's right to use the road or landing is based upon a prescriptive easement, its prescriptive easement will revert to the local governing body upon discontinuance. However, the public still has a right to use the road or landing unless and until the board of supervisors abandons the road or landing. Abandonment, which can only be done by the board of supervisors, extinguishes the public's right to use a road or landing.

VDOT can convey its title to roads and landings that have been abandoned, but has no statutory authority to convey roads and landings that have only been discontinued. VDOT has authority to grant a land use permit to the Authority for any road within the Secondary System of State Highways. Such a permit would not transfer title and would be revocable at will, but would avoid all complications of the discontinuance statute. There are several legislative actions which the Authority and its members may desire to pursue to allow VDOT to convey title to discontinued roads and landings or to otherwise transfer control of landings to the Authority.

BACKGROUND OF ISSUE

Introduction

This Protocol is being submitted pursuant to the contract dated March 10, 2006 between the Authority and Beale, Davidson, Etherington & Morris, P.C. The contract was entered pursuant to a Request for Proposals to investigate certain road terminus points in or near proximity to tributaries that could yield access to public waters, pursuant to a 2005 Virginia Coastal Resources Management Program Grant. This report is the Acquisition Protocol which is listed as Product No. 3 in the Grant.

The word "landing" is used throughout to include all points where there is or may be access to a waterway from a public road. The use of the word "landing" is intended to include all situations in which the road is adjacent to a pier, a wharf or to the water itself. It is used throughout in the broadest sense possible. For the purposes of the analysis herein, the nature or form of access is irrelevant. What the report focuses on is the public's right of access to the water from the roadway and any historical use by the public of accessing the water from the roadway.

There are numerous references throughout the report to the Authority. It is recognized that the Authority is made up of several local governmental partners, which are its members. The local government members may prefer to obtain or retain control of certain landings. Therefore, many references to the Authority in this Protocol also apply to its local government members. For the sake of clarity, this Protocol simply refers to the Authority.

Purpose of Transfer of Title or Control

The Authority identified over 300 roadways that run to or near waterways in seven localities within the Middle Peninsula: Essex County, Gloucester County, King & Queen County, King William County, Mathews County and the Towns of Tappahannock and West Point. Many, but not all, of these roadways have been landings. There is a considerable sentiment within the governing bodies of these localities that their citizens be able to use these roadways and landings to access waterways for recreational or commercial purposes.

In order to assure the public's ability to use the landings and to maximize their potential, the Authority needs to have control over the road endings or landings. Therefore, the Authority and the local governments believe it is in the best interest of the Middle Peninsula that the Authority own the fee simple title to the property. In the event that it is not possible to obtain fee simple title, it is preferable and advisable for the Authority to obtain possession of sufficient title to be able to assure the public's use of the facilities and to maintain control over them.

Statutory Creation and Authorization of the Authority

In 2002, the General Assembly of Virginia enacted the Middle Peninsula Chesapeake Bay Public Access Authority Act which created the Authority. Virginia Code § 15.2-6600 through 15.2-6625; 2002 Acts of Assembly, Chapter 766 (the "Act"). Pursuant to the Act, the Authority was charged with the duty of identifying land, either owned by the Commonwealth or private holdings, that could be secured for use by the general public as a public access site. It was further charged with researching and determining the ownership of all identified sites, determining the appropriate public use levels of such identified access sites, developing appropriate mechanisms for transferring title of the Commonwealth or private holdings to the Authority and developing appropriate acquisition and site management plans for public access

uses. Furthermore, it was charged with determining which holdings should be sold to advance the mission of the Authority and performing other duties required to fulfill the mission of the Authority.

The Authority was granted a number of powers, including the power to acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate public access sites that are owned or managed by the Authority. Va. Code § 15.2-6606. The Authority is authorized to construct, install, maintain and operate facilities for managing access sites and for determining the fees, rates and charges for the use of its facilities. The Authority may own, purchase, lease, obtain options upon, acquire by gift, grant or bequest or otherwise acquire any property, real or personal, or any interest therein and in connection therewith to assume or to take subject to any indebtedness secured by such property.

Pursuant to the Act, most of the eligible jurisdictions took the necessary actions to create and then to join the Authority. As set forth above, the Authority consists of five of the six counties of the Middle Peninsula and the Towns of Tappahannock and West Point.

This study was commissioned to help the Authority identify the type of obstacles to the accomplishment of these goals, to determine solutions to those obstacles and to create a document to help guide future investigations. The Authority selected five of the potential landing sites to be investigated. (See Attachment 1). Each site was selected because it represented a broad range of landings in the Middle Peninsula. This Protocol therefore addresses issues that will be common to many of the potential landings in the Middle Peninsula.

Byrd Road Act and Predecessor Statutes

The Secondary System of State Highways was created in 1932 with the enactment of the Byrd Road Act of 1932. (1932 Acts of Assembly, ch. 415). The Byrd Road Act transferred to the Virginia Department of Highways, now the Virginia Department of Transportation (“VDOT”), the control of all non-primary highways and landings in Virginia for the purpose of relieving counties and certain cities and towns of the obligation of maintenance and improvements of such roads and landings. Included within the Secondary System of State Highways were “all of the public roads, causeways, bridges, landings and wharves in the several counties of the State as of March 1, 1932, not included in the State highway system.” Landings and wharves continue to be part of the Secondary System of State Highways. Va. Code § 33.1-67. The Byrd Road Act removed all control, supervision, management and jurisdiction over such roads and landings from the boards of supervisors. See Va. Code § 33.1-69.

In the months that followed the enactment of the Byrd Road Act, VDOT inventoried the streets and roads for which it had become responsible. It determined which roads and how much of the roads would be subject to state maintenance. Where the condition of a road was either (a) too costly to repair and maintain, (b) inconvenient in some other way, or (c) there was insufficient public service to warrant the public expense required to maintain those portions, VDOT fixed the location for the end of maintenance. As a practical matter, those portions of roads that were beyond the end of state maintenance did not become part of what is now considered the Secondary System of State Highways.

Nevertheless, VDOT’s decision not to maintain all or portions of original roadway corridors did not operate to cease their status as public roads. It merely constituted an administrative decision discontinuing VDOT’s jurisdiction. Those roads not taken into the

Secondary System of State Highways were left under the jurisdiction of the respective local governing body.

Throughout the Commonwealth, there are many public roads that are not actively maintained by VDOT as a result of those early administrative decisions as well as by later decisions adjusting VDOT's maintenance logs. However, unless those roads have been formally abandoned, they remain available for public use. The fact that VDOT does not actively maintain them does not extinguish the public's right to use them.

The Byrd Road Act did not in and of itself create any public roads. Another portion of the Code of Virginia establishes certain presumptions as to the existence of public roads:

When a way has been worked by road officials as a public road and is used by the public as such, proof of these facts is *prima facie* evidence that the same is a public road. And when a way has been regularly or periodically worked by road officials as a public road and used by the public as such continuously for a period of twenty years, proof of those facts shall be *conclusive* evidence that the same is a public road. In all such cases, the center of the general line of passage, conforming to the ancient landmarks where such exist, shall be presumed to be the center of the way and in the absence to proof to the contrary the width shall be presumed to be thirty feet. (Va. Code § 33.1-184) (emphasis added).

This section of the Virginia Code has far reaching implications for the road endings and public landings which are the subject of this study. Once a roadway has been regularly and periodically worked by road officials as a public road and used continuously by the public as a public road for a period of 20 years, it is *conclusively* established as public road. Because the legislature uses the phrase "conclusively", the presumption that it is a public road cannot be rebutted. This is significant because a right of the public cannot be extinguished by a mere lack of use. *Basic City v. Bell*, 114 Va. 157, 76 S.E. 336 (1912).

The Supreme Court of Virginia has adopted an ancient maxim of the common law that "once a highway, always a highway", unless it is abandoned or vacated in the due course of law.

Bond v. Green, 189 Va. 23, 52 S.E.2d 169 (1949). One of the parties in *Bond v. Green* contended that proof that the road was maintained for a number of years by private parties, and not by the public, established an abandonment of the road as a public way. The Court did not agree. Therefore, once a public road has been created by formal action of the county or state or by the means described in Virginia Code § 33.1-184, it remains a public road until formal action is taken to abandon it. Furthermore, abandonment cannot take place unless it is done by the local governing body. *Ord v. Fugate*, 207 Va. 752, 152 S.E.2d 54 (1967). The failure of VDOT to maintain the road or to include it on state maps is irrelevant to the determination of whether it is a public road.

Section 33.1-184 is also significant because it establishes the width of these public roads. The last sentence that is quoted above creates a rebuttable presumption that the width of all such roads is 30 feet. This presumption applies whether the road has been taken into the Secondary System of State Highways for maintenance or not. It also applies even if the road officials fail to use all 30 feet. *Norfolk & Western Railway Co. v. Faris*, 156 Va. 205, 157 S.E. 819 (1931).

Each of the five landings or road endings that were the subject of the study was accepted into the Secondary System of State Highways and was reflected on state highway maps for periods of more than 20 years. Therefore, each is *conclusively* established as a public road and each *presumptively* has a width of 30 feet.

This 30 foot presumption is frequently attributed to the Byrd Road Act of 1932. However, it was not in the Byrd Road Act. Instead, it was already the law in Virginia. The 30 foot right-of-way of public roads goes back to at least 1785. Section 6 of Chapter 75 of the Virginia Code of 1785 provided that every road shall be “30 feet wide at the least”. (See Attachment 2). That 30 foot width provision has been reenacted regularly over the last 220

years. (See for example, 1819 Code of Virginia, Vol. 2, Chapter 236, § 7, page 235; 1860 Code of Virginia, Chapter 52, § 5, page 298; 1874-1875 Acts of Assembly, Chapter 181, page 177; 1908 Acts of Assembly, Chapter 388, page 674; Virginia Code of 1919, § 2015; 1928 Acts of Assembly, Chapter 159, § 31, page 580).

If a road had been an old turnpike, its right-of-way could be as wide as 60 feet (1816-1817 Acts of Assembly, Chapter 38, page 41). However, if a turnpike had been abandoned and a county took over the roadway, the county would only get a 30 foot right-of-way unless it exercised dominion over more than 30 feet. *Danville v. Anderson*, 99 Va. 662, 53 S.E.2d 793 (1949).

Prescriptive Easements and Other Property Rights

There are several ways a roadway or road corridor can become a public road. A road corridor can become a public road by being purchased by a county or VDOT through deed or the exercise of the power of eminent domain. As set forth in the last section, the Code of Virginia creates a presumption that a roadway is a public road when it has been worked by road officials and/or used by the public for a period of 20 years. The property interest that results from this presumption is a prescriptive easement.

The prescriptive easement for public roads is different from prescriptive easements between private parties. In Virginia, a prescriptive easement between private parties arises where the land of another has been used for a period of 20 years. The use of the land has to be adverse, under claim of right, exclusive, continuous, uninterrupted and with the knowledge and acquiescence of the owner of the underlying land. It is very similar to adverse possession of land. “When the user of a way over another’s land clearly demonstrates that his use has been open, visible, continuous and exclusive for more than 20 years, his use is presumed to be under a

claim of right.” *Umbarger v. Philips*, 240 Va. 120, 124, 399 S.E.2d, 198, 200 (1990); *Chaney v. Haynes*, 250 Va. 155, 158-159, 458 S.E.2d 451, 453 (1995). However, the width of the easement is limited to the character of the use during the prescriptive period. *Martin v. Moore*, 263 Va. 640, 561 S.E.2d 672 (2002). Furthermore, an individual trying to establish such a prescriptive easement is subject to a heavy burden of proof. There are also a number of defenses which can defeat a prescriptive easement.

On the other hand, a prescriptive easement obtained by the public pursuant to Virginia Code § 33.1-184 is not rebuttable when the way has been regularly or periodically worked by road officials as a public road and used by the public as a public road continuously for a period of 20 years. No other evidence is required to establish its existence. The width is presumed to be 30 feet. Therefore, the burden of proof to establish a prescriptive easement for a public roadway is significantly less than for a private easement.

Like any other easement, a prescriptive easement is a servitude upon the land owned in fee by another. Even though VDOT, the county or the general public does not own the fee simple title to the underlying land, the public has a right to use the road for all purposes for which the road was established or created. This would include using it as a landing as well as a roadway, if it has historically been used as a landing or a landing is consistent with its use as a road corridor to the water. The owner of the underlying fee continues to own the property, but has no right to use the property in any manner which interferes with the enjoyment by the public of the road or landing. Accordingly, the owner of the title to the land encumbered by a prescriptive easement cannot control the property or interfere with the public’s use of the easement.

As set forth earlier, once a public road or landing is created by a prescriptive easement, it will remain a public road or landing until there is formal action taken by the Board of Supervisors to *abandon* the road or landing. As will be discussed in Part D, however, the *discontinuance* of a roadway or landing, whether by formal action or by failure to continue to maintain or use the roadway, does not extinguish the prescriptive easement. *Ord v. Fugate*, 207 Va. 752, 152 S.E.2d 54 (1967).

METHODS OF DETERMINATION OF PROPERTY RIGHTS

Title Search

Ownership interests in a road or landing cannot be determined without a title search. A title search involves a review of the deed and will records of a county or city to determine the owner of the subject land and any rights appurtenant to that land.

The county tax map is generally a good place to start a title search. It will indicate the person the county assessor believes owns the property. However, the tax map and the Commissioner of Revenue's records are not records of ownership; they are merely guides by which to begin the title search.

To determine title to a road or landing, deeds may need to be searched back to the creation of the road or landing or to the beginning of the county's records. Numerous other public records are available and need to be searched regarding the title of property. For example, when the owner of property dies, the real estate will either transfer by terms of his or her will or by intestate succession. Therefore, will records are part of any title search. It is particularly important to take the title search back to the beginning of the road or landing if there has not been a recorded transfer of title to VDOT or the local governing body. All plats of adjacent properties should be analyzed, particularly any plats that depict the road or landing.

The land and will records of several counties in the Middle Peninsula have been destroyed at some point in time. In those counties, a search can only go back to the date of destruction of the records. As an example, King & Queen's records were burned in 1864. There are no deeds or wills prior to that date. Similarly, the records in Gloucester County prior to 1862 no longer exist.

This Protocol is not intended to set forth guidelines on how to properly conduct a title search. For a more thorough discussion of title examination requirements, the reader is referred to a *Virginia Title Examiners' Manual* by Sydney F. Parham, Jr.

Many roads and landings have been acquired in fee simple by VDOT or one of the counties. Any conveyance from a landowner to a county or VDOT or any record of a condemnation report in the county deed books should be examined to determine what property rights were acquired by the public agency and in what property. If VDOT or the county acquired fee simple title to the property, the title search may end there. However, the searcher should verify the source of the interest owned by the party from whom VDOT or the board of supervisors acquired the property.

Furthermore, condemnation records, including the state highway plat book referred to in a certificate of take or certificate of deposit, will establish the boundaries of the public acquisition. See, for example, Ferry Landing in Essex County. State highway plat books are among the records at county courthouses. They can be helpful even in instances in which the subject roadway or landing is being replaced rather than being acquired. Byrd's Bridge is an example of such a circumstance. The highway plat book gives such information as location of the old road, the parties whom VDOT believed owned the land adjacent to the old road, the date of the project and the project number. Until that plat book was found, VDOT's records on Byrd's Bridge Road provided no information. This information allowed a focused search on the Board of Supervisor records to determine whether there had been an abandonment or discontinuance of the old road.

VDOT Files and Inventory Records

There is no one central location at VDOT that has all information regarding a road or a landing. The VDOT residency office will have a route file for each route in the residency and may have a landing file for each landing. The Saluda Residency is the residency for Mathews County, Gloucester County and King & Queen County. The Bowling Green Residency is the residency for Essex County and King William County. The information in the route files will range from containing nothing of relevance to containing deeds, plats and correspondence related to conveyances of the fee simple title to VDOT. The residency may also have the construction or right-of-way plans on file for changes made in the roadway in the vicinity of the landing. Those records frequently contain information regarding sources of title in the landing.

Additional files are maintained in the Fredericksburg District Office, particularly by the Right-of-Way Division. That office should be contacted for any information it may have. The district and residency offices may also have county maps going back to 1932, which can be helpful in establishing the age of the landing. In addition, the Fredericksburg Right-of-Way Office will necessarily be involved in any conveyances of property by VDOT to the Authority. Therefore, it should be kept advised as to the findings regarding VDOT's title to the roads and landings.

VDOT also maintains an inventory of its secondary roads. Those records are under the management of Ken Smith, VDOT's Highway System Inventory Manager. He is located in the Asset Management Department in Richmond. Mr. Smith is an expert at VDOT on abandonments and discontinuances of secondary roads.

Among the records maintained by Mr. Smith is a November 1, 1934 memorandum from VDOT's Chief Engineer to all district engineers regarding public landings. The district

engineers were instructed to prepare a record of every public landing that was turned over to VDOT and to take steps to have those landings surveyed with monuments set in the corners. A three page list of landings was created at that time. (See Attachment 3).

A similar but somewhat expanded list of landings in the Fredericksburg District was created in 1945. (See Attachment 4). At that time, VDOT noted that a number of landings had been surveyed with monuments set during the analysis of landings in 1934. However, VDOT was still unclear whether all the identified landings were in the State System of Secondary Highways. The resident engineers were charged with checking courthouse records to determine VDOT's maintenance responsibilities.

In 1977, VDOT considered conveying or transferring control of all landings to the Commission of Game and Inland Fisheries. VDOT ultimately decided not to do that, although the General Assembly enacted Va. Code § 33.1-69.1 in 1980 authorizing VDOT to transfer control of wharves and landings to the Department of Game and Inland Fisheries. While considering that request, VDOT compiled a list of public landings and wharves in the Fredericksburg District that is almost identical to the 1945 list. (See Attachment 5). The landings that appear on the 1934, 1945 and 1977 lists are generally well documented. As a general rule, VDOT will have little or no information on landings that are not on those lists.

Many of the landings are described on the 1945 and 1977 lists as "surveyed and monumented". There is not now and probably never was a single repository of those surveys. The note generally meant that VDOT had performed the survey and set monuments at that landing. The landing files of the Residency will generally have that survey and plat information regarding any such landing.

Site Visits

Each landing should be visited early in the process. The pictures provided by the Authority are helpful. However, a site visit will provide additional information that can guide the process or alert the investigator to problems that would not be apparent in VDOT's files or a title search.

An example of the importance of the site visit is Ferry Landing in Essex County. The title search revealed that VDOT owns the landing and most of the road leading to the landing. The title search also identified the adjoining landowners. However, the title search did not disclose that the only access of one adjoining landowner was the road and the landing. VDOT will not discontinue a road or any part of a road that is necessary to serve a landowner. If an owner's only access is through the landing, that issue will need to be addressed in any negotiations with VDOT.

If VDOT's only right-of-way is a 30 foot prescriptive easement, it is important to note the nature of the roadway and any physical conditions of the ground. The area should be examined to see if there is evidence of any prior use as a landing. The title search may or may not establish whether the roadway goes to the water, particularly when it is not designated or described as a landing. The site visit may disclose physical evidence of the public use going into the water. As an example, a ramp which extends from the road into the water, such as at Chain Ferry Landing, would establish that the landing and/or roadway goes to the edge of the water.

Such evidence of a road going into the water is helpful to resolve any issue about whether a public's right to use a road extends all the way to the water. If there is a legal gap in the public's ownership's interests in the property between the end of a public roadway and the water, the road cannot be used as a landing without the purchase of additional property. In other words,

if the public's right to use the road is based on a prescriptive easement and the roadway was never worked by road officials all the way to the water, the prescriptive easement would not go to the water. That would create a gap in ownership which would prevent the Authority or its local government partners from being able to use the road as a landing without the purchase of the additional property.

However, the absence of physical proof on the ground that the road went into the water does not mean that the public does not have the right to use the road as a landing. If it can be established that the roadway has been maintained by road officials all the way to the water and there has been no abandonment of that right, the right to get to the water continues regardless of what may be on the ground between the end of any improved roadway and the water.

Other Sources

If a deed is not found conveying fee simple title to VDOT, it may be important to review the minute books of the board of supervisors. This is particularly true of a landing or road whose acceptance into the secondary system is in doubt or which may have been abandoned.

For many years, counties regularly authorized the creation of public landings. The typical process involved a petition to the board of supervisors by the owners of the area to be created as a public landing. The landowners were required to donate the land for the landing itself. The deed books may not contain a deed to the county. However, the Board of Supervisor minute books stating that a deed was presented by the landowner and accepted by the county would be a record of fee simple ownership of the landing by the county even in the absence of a recorded deed.

The same process was followed for road extensions and road improvements. Landowners that wanted to extend a road to a waterway would have to petition the board of

supervisors for approval. For many years, the boards of supervisors would appoint road commissioners who would go out, determine the public necessity for the road and fix its location. Until about a century ago, the board would appoint men from the neighborhood to be responsible for constructing and then maintaining the roads. This would be evidence of a road worked by the public. In addition, particularly in the last century, the board of supervisors may have required a deed to the roadway. In that case, title to the roadway can be proven from a statement in the minute books that a deed was presented by the landowner and accepted by the board of supervisors.

The only way a public road can cease to be a public way is if it is abandoned by the board of supervisors. Abandonment of a roadway is not effective unless it is formally adopted by the board of supervisors. *Ord v. Fugate*, 207 Va. 752, 152 S.E.2d 54 (1967). The board of supervisors minute books must be consulted when roads are changed to determine if the old roadway was abandoned or discontinued. If it was abandoned, the public use is extinguished and the property reverts to the abutting landowners. The Authority can then only obtain title by purchase from the landowners or by condemnation by the board of supervisors.

Whether the roadway was abandoned is critical to the determination of the Authority's options at Byrd's Bridge in King & Queen County. Route 604 was relocated in the 1960s. However, the Board of Supervisors never formally abandoned the old roadway. Therefore, the old roadway remains a public roadway. Even though the road is no longer used by the public, has become blocked by fallen trees, and is not maintained by VDOT or King & Queen County, it is still available to be used by the public for access to Dragon Run.

Historical societies and museums may be another source of information regarding a roadway. They may have articles, letters or other documents showing the use of a landing or the

existence of a road or landing. These records do not carry the same weight as court records, but they are useful in providing historical background of the landing's or road's use and in leading to other sources of information.

Another potential source is persons that live on or near a landing or roadway. This knowledge could be crucial to determine use by the public of the end of a roadway as a landing. Such testimony may be necessary to establish that a road has been used by the public for a period of at least 20 years.

THE PUBLIC'S RIGHT OF ACCESS
AT EACH OF THE FIVE DESIGNATED LANDINGS

Roane Point Landing

Roane Point Landing is at the end of Route 630 in Mathews County, at the Piankatank River. Mathews County and VDOT each believe that they own fee simple title to Roane Point Landing. Its existence as a public landing is well documented. The earliest record of the site as a public landing is VDOT's 1932 map of the roads in Mathews County. However, no reference to the landing is contained in any deed prior to 1947. Indeed, the landing is not mentioned in a 1939 deed of the property. The underlying fee may have been acquired by the County or VDOT from the owner in the mid 1940s. However, no such deed was ever recorded. On the other hand, by the deeds and plats in their chain of title, the current owners on each side of the landing have disclaimed any ownership in the landing. The underlying fee to the landing may be owned by the heirs of C. Marvin Matthews.

The public landing and the properties to the east, south and west were originally all part of the same tract of land. That tract is depicted in an April 1873 plat by G. W. Bohannon, surveyor (Land Book 2, page 172). Neither the landing nor Route 630 are shown on the plat and presumably did not exist. At that time, the property totalled 119.907 acres of land which had been owned by William H. Hobday, deceased. The tract was partitioned into one 30 acre tract and two almost 45 acre tracts. In 1886, 1889 and 1928, the portion of the property which surrounds the current landing was being conveyed as a 30 acre parcel of land. There is no reference in those deeds to a road or a landing. No plat was referenced in those deeds.

In 1939, the property which included what is now the landing was conveyed as 29.268 acres of land, based on an August 1939 plat by G. T. Hudgins recorded with the deed (Deed Book 35, page 384). The plat shows Route 630 cutting through the 29 acre tract. The plat does

not show any public landing and the deed makes no reference to a public landing. The road was described on the plat as "30 foot highway to water", with an arrow pointing down the middle of the road into the river. The road was not a boundary line. It is the earliest plat which shows Route 630.

In 1941, there was an Order in a boundary line dispute between the owner of the 29.26 acre tract and the owner of a 6 acre tract to the south of the property. That Order referred to both the 1873 plat and the 1939 plat, but made no reference to the road or public landing. In 1946, a 3.352 acre parcel was conveyed out of the northwestern portion of the 29 acre tract.

The first recorded reference to the landing is in a 1947 deed (Deed Book 42, page 308). That deed conveyed three parcels. Parcel 1 is the 29.268 acre tract. For some reason, the 3 acre 1946 outconveyance was not mentioned or excepted. The conveyance was expressly "made subject to the rights or interests of the State of Virginia, County of Mathews, the public, and all other persons, in and to the highways or road extending across the property to the water and to the colored cemetery and **in and to the one-half (½) acre of land, more or less, at the end of the highway, set aside or used as a public landing.**" The deed referenced the 1939 plat.

The next two sales of the property, in August and November, 1948 (Deed Book 43, page 510 and Deed Book 44, page 442, respectively) contain the same reference to the public landing. The August 1948 deed conveyed the property to C. Marvin Matthews. It was his first ownership of property in the immediate area of the landing. The November 1948 deed was a conveyance from Marvin Matthews to Brooks Lumber Co.

The first subdivision of the property adjacent to the public landing took place in December 1950, when Brooks Lumber Co. sold 4.993 acres of the tract back to C. Marvin Matthews. (Deed Book 46, page 441). Based on a plat (Plat Book 3, page 95) referenced in the

deed, the property conveyed was west and north of Route 630, surrounded the public landing and ran along the Piankatank River. The description of the property in the deed routes it around the public landing. Therefore, the public landing was not conveyed with this deed. The parcel's boundary line is also on the west and northern edges of the road. Therefore, the 4.993 acre parcel did not go to the center line of Route 630.

The plat referenced in the deed is the first recorded plat to show the landing. It does not state the size of the landing, but gives the metes and bounds of the landing's northern and western boundaries, which adjoin the 4.993 acre tract. A note on the recorded version of the plat, in handwriting that does not match the rest of the plat, says "see DB 35/384 for plat of public landing." However, the public landing is not shown on the plat recorded at Deed Book 35, page 384.

Marvin Matthews subsequently repurchased the larger tract from Brooks Lumber Co. in 1952. (Deed Book 48, page 186). That deed specifically referenced the outconveyance of the 4.993 acres and contained the reference to the public landing that was in the 1947 and 1948 deeds. As of that date, unless the public landing had been sold in an unrecorded deed to the County, Mr. Matthews owned the underlying fee simple title to it.

Marvin Matthews owned the large remainder tract until 1984, when he sold a 6.87 acre portion of the tract adjoining the landing on the eastern side to Oliver L. Hitch. It is described as part of the real estate he purchased from Brooks Lumber Co. in 1952. This property is shown on a plat dated April 18, 1984 by Dawson & Phillips, P.C. (Plat Book 12, page 41). That plat, which was done by James Phillips, shows the western boundary of the 6.87 acre tract as State Route 630, with monuments along that line. Marvin Matthews still owned land to the south which was described as the grantor's remaining land. Because the property conveyed is based on

the plat, the conveyance to Mr. Hitch does not include the public landing. Because the road and landing were outside the boundary of the 6.87 acre tract, they were either still owned by Marvin Matthews or had been previously conveyed by unrecorded deed or deeds.

The public landing is shown as outside of the property conveyed in 1984. The plat has a note by the public landing that says "approx. limits of public landing per sketch by VDH&T right-of-way property plat book page 145, dated July 1, 1944." The surveyor, James Phillips, has retired. Bay Design Group is the successor to Dawson & Phillips. There was nothing in his file for this plat at Bay Design Group to indicate what right-of-way property plat book page 145 was or to verify the date of July 1944. However, copies of a plat and right-of-way sheet on file at the Saluda Residency were in that file. Bay Design Group presumes the plat to be the plat referred to by Mr. Phillips.

The plat and VDOT right-of-way sheet are filed together at the Saluda Residency. (See Attachment 6). The plat shows the landing extending from an area slightly east of Route 630 and running westerly for 208 feet, with a southern boundary 104 feet from the northern boundary. The northern boundary was the mean low tide. The right-of-way sheet states that the landing is shown on "R/W property plat book page 145" and that it was monumented. It also describes a land value on the half acre site of \$150.00, beside a date of July 1, 1944. The "R/W property plat book" is not the same as the VDOT plat books on record at the courthouse. The VDOT Fredericksburg Right-of-Way Office advises that this designation refers to a plat book maintained years ago by VDOT which has been lost, misplaced or destroyed. Nevertheless, the document indicates that VDOT was going through an acquisition process. However, nothing was recorded at the courthouse in Mathews County.

Mr. Hitch owned the property to the east until 2003 when he conveyed it to Elizabeth Lindsey Hitch Goodale, Anne Gordon Hitch Martin and Beverly Atwood Hitch Burtch, trustees of the qualified personal residence trust of Oliver L. Hitch. (Deed Book 302, page 101). Schedule A to that deed contains a metes and bounds description, describes the Philips plat and states that it was the same property conveyed to Oliver Hitch by Marvin Matthews in 1984. Significantly, it states that the western boundary line is the eastern boundary of Route 630. Therefore, the current owners and their predecessor are claiming that the Marvin Matthews conveyance in 1984 did not include any part of Route 630 or the landing.

The 4.993 acre parcel south and west of the landing was always treated as a separate parcel, even though Marvin Matthews owned both tracts of land for several years. This parcel was not sold by Marvin Matthews until 1968. (Deed Book 80, page 186). It was subsequently subdivided in 2000. Jamie W. Callis got the 2.43 acres surrounding the landing. Elizabeth Ferry got the other 2.44 acres further west. A December 29, 1999 plat by Wayne E. Lewis was recorded for that subdivision. (Plat Book 23, page 151). On that plat, Mr. Callis' property boundary goes around the public landing and along the inside edge of the roadway. The road is shown on the plat to be 30 feet wide and outside of this property. The landing is described on the plat as "County of Mathews 'Roane's Point Public Landing'".

Accordingly, Route 630 and the public landing are located on land that was owned at one point by Marvin Matthews. There is no record to show that he ever conveyed the fee simple title to the road or the landing. Therefore, the fee simple title to the road and the landing apparently continued to be owned by Marvin Matthews at the time of his death in 1990. In his will, he left a life estate to Mrs. Gary Walker and Mrs. Viola Waddell in the rest, residue and remainder of the real estate which he purchased in 1952 from Brooks Lumber Co. He then gave all remaining real

estate in equal shares to those persons who would be entitled to receive the same according to the then present Virginia Statute of Descent and Distribution as heirs at law of G. W. Chisely, Jr. on the date of his death. (Will Book 19, page 215). Those heirs would appear to be the only persons who have a claim on the underlying fee to Route 630 and the public landing.

Mathews County has an unrecorded plat by Wayne Lewis dated March 12, 1999. (See Attachment 7). That plat describes the landing as the property of the County of Mathews. It contains a note that a plat on file at the VDOT Saluda Residency was used to fix the western property line shown on the plat. I met with Mr. Lewis. He indicated that the landing had been on the land books of Mathews County as County property for many years. The VDOT plat to which he referred is the unrecorded and undated plat from the Saluda Residency. He had no further basis for his statement on either of his plats that the landing was owned by the County of Mathews.

The Mathews County Board of Supervisors' Minute Book 3, which covers all Board of Supervisors meetings from April 17, 1936 to September 24, 1952, has no reference to Roane Point or Route 630. There are many references to petitions to create public landings, but none were on Route 630 or on the Piankatank River. All of them were proposed to be ¼ acre in size. The procedure adopted by Mathews County in each such matter was to require the landowner to donate the land for both the road or road extension and the public landing. The petition was only approved if the landowner provided a deed acceptable to the Board of Supervisors. The Board would then approve the landing and accept the deed.

There were several references to landings or public landings in the indexes to Minute Books 2 and 4, but none were located at Roane Point. It is likely that some work was done to have this landing accepted as a public landing, but no one followed the formal process with the

Board of Supervisors and the formal conveyance of the real estate was probably not done. A deed may have been delivered to Mathews County accounting for its belief that it owns the landing, but it was never recorded.

Based on all the title work and on VDOT's and the County's files and records, the landing would seem to have been created between 1939 and 1946, most likely in or about 1944. However, some form of public landing existed before 1939. The 1932 map of Mathews County published by VDOT shows Route 630, then known as Route 202, going to the water. At the water is the designation "Pub. landing". (See Attachment 8). It appears from that record that the public was using what is now Route 630 as access to the water and using the end of the road as a public landing prior to the time it was recognized in the deeds. It also appears that in the early 1940s someone took steps to formalize the public landing and VDOT placed a value on the property. However, the formalized steps were never completed.

Roane Point has been recognized as a public landing for almost 60 years. Mr. Mathews and his predecessors have recognized the public's right to the landing since 1947. Therefore, at the minimum, VDOT has a prescriptive easement in the landing.

It is unclear whether Marvin Matthews intended to retain ownership of the landing and Route 630. They were not described as owned by him when he sold the 6.87 acre tract in 1984. However, the language referring to the landing in the 1947, 1948 and 1952 deeds is written as if the landing were part of the property conveyed even though the public's right to use it was being recognized. The abutting landowners do not own the fee simple title to the landing or Route 630 because their deeds describe their property lines as ending on their side of the road and the landing. *Shaheen v. County of Mathews*, 265 Va. 462, 579 S.E.2d 162 (2003). Regardless of

who has underlying rights in the property, the public has a right to use Route 630 and what is left of the half acre landing to use this property for access to the Piankatank River.

Based on the site visit, there is presently a large sandy turn around area near the end of Route 630. Based on rough measurements and the 1999 plat provided by the County, the road leading into that turn around area begins on the landing property, but quickly extends off the landing property. The rest of the landing's property is wooded down to the beach. By 1999, the depth of the landing ranged from approximately 50 feet to 62 feet, down from its "original" 104 feet, presumably as a result of encroachment by the Piankatank River. It is not known whether the 50 to 60 foot depth is sufficient for a turn around and parking area, given the sandy nature of the soil and the proximity to the water.

Someone has installed a fence approximately 150 feet west of the eastern end of the landing's property. The fence line goes into the wooded area at the beach. It is not clear whether the fence continues once it reaches the landing's property.

This landing is listed in a 1980 "Beach Inventory and Recreational Access Points of the Tidal Waters of the State of Virginia" by the Virginia Commission of Outdoor Recreation provided by Ken Smith of VDOT. (See Attachment 9). It states that the landing has one ramp and space for ten cars to park.

Lower Guinea Landing

Lower Guinea Landing is located at the end of Route 653 in Gloucester County. Based on the information available, VDOT owns a prescriptive easement in a 30 foot right-of-way which dead ends at the Severn River near the mouth of Long Creek. There apparently was a deed conveying the fee simple interest in a 40 foot right-of-way over the last approximately 700 feet at the end of the road. However, that deed was never recorded and it is likely that it was discarded when VDOT decided not to make the improvements for which the deed was given to VDOT.

Welford Industrial Corporation and WRS Land Trust each owns an undivided one-half interest in the parcels on either side of the road. (Deed Documents 02-9462, page 172 and 04-0942, page 51). Therefore, they each own an undivided one-half interest in the underlying fee simple title to Route 653 and the landing.

Prior to 1870, the parcels on each side of the road were part of a single tract owned by James Berry, Sr. Berry conveyed the 10 acre parcel on the western side in 1870 to Anderson Hogg. (Deed Book 2, page 309). That deed describes the property as being bounded on the east by the main road running to Long Creek. That remained the description of the eastern boundary of that tract in its chain of title until 1941, when the eastern boundary was described as the main road leading to Severn River. (Deed Book 71, page 382). Thereafter, it was described as bounded on the east by Route 653.

The 66 acres on the eastern side of the road were owned by the heirs of James Berry, Sr. until it was conveyed to Roland Shackelford in 1952. (Deed Book 92, page 401). The deed states that it was the unsold part of a tract of land conveyed to James Berry, Sr. before 1865 and that James Berry, Sr. died “many years ago”, intestate and unmarried. It is not known when or

from whom James Berry, Sr. bought the parcel of land that contained these parcels, but it was before 1862. All records of Gloucester County prior to August 23, 1862 were destroyed.

The parcels were re-united in 1956 when Ben Jacobs, who already owned an undivided one-half interest in the 66 acre tract, acquired the remaining one-half interest in the 66 acre tract from his co-owner, Frank Migliore, as well as the 10 acre tract from Migliore. (Deed Book 107, pages 231 and 233). In 1958, Ben and Mary Jacobs conveyed an undivided one-half interest in both tracts to Jack and Gertrude Rubin. (Deed Book 114, page 18).

The Rubins and the Jacobs apparently executed an omnibus deed to VDOT in 1975. On May 6, 1975, VDOT wrote a letter to the Jacobs and Rubins stating that it would improve Route 653 with a wider roadway, improved site distances, a hard surface and much improved drainage if it received fee simple title to a 40 foot roadway. A follow-up letter was sent to the Jacobs and the Rubins on May 20, 1975. There is a handwritten note in VDOT's file at the Saluda Residency that it had received the omnibus deed from the Rubins and the Jacobs, but not from the other landowners along Route 653. Jimmy Street of VDOT's Fredericksburg Right-of-Way Office recognized the handwriting as that of Len Orem, a long time and current VDOT right-of-way agent. Mr. Orem does not recall the particular deed. However, the improvements that were mentioned in the letters to the Rubins and Jacobs were never made. Based on its practice, VDOT would not have recorded the deed because the purpose for which the deed had been delivered to VDOT was not going to be fulfilled. The most likely reason that the improvements were not made is that at least one other owner along Route 653 failed or refused to sign the omnibus deed. In any event, the omnibus deed was never recorded. A similar omnibus deed signed by Ben and Mary Jacobs is recorded in Gloucester County. However, that deed was for improvements to Route 651, not Route 653. The Jacobs owned property adjoining both roads.

Minute Books 18 and 19 of the Board of Supervisors covering the beginning of 1974 until June 1978 make only one reference to Route 653. On January 20, 1975, the Board was given information on proposed improvements to several roads. Among the roads being considered was Route 653. The VDOT resident engineer said he would take appropriate actions. (Board of Supervisor Minute Book 18, page 511). It is presumed that the letters written in May 1975 were part of the appropriate actions being taken and that the improvements were never made because they did not get all of the property conveyances.

The most recent recorded plats showing Route 653 where it joins the Severn River are two plats by R. F. Heywood dated May 30, 1955. (See Attachment 10). The plat of the tract of land to the east depicts the road as going to the Severn River, although it is not clear if it goes to the edge of the water. It shows a pin at the end of the metes and bearings line 100 feet from the low water line. (Plat Book 1, page 353.) The plat of the tract of land to the west of Route 653 appears to show the road going to the edge of the water, but that is also not clear. It shows a pin, presumably on the west side of the road, that is also 100 feet from the low water line. (Deed Book 104, page 137.)

Route 653 appears on the 1932 and 1935 VDOT maps of Gloucester County, with the road designated at that time as Route 217. It is not described as a landing, even though the end of several other roads have a designation of landing. Route 653 and Lower Guinea Landing are not listed in the 1934, 1945 or 1977 VDOT inventories of public landings.

The site visit to the area established that the last approximately quarter mile of Route 653 is a gravel road. There are no residences along that portion of the road. The area on each side of Route 653 is mainly a marsh. The road becomes indefinite as it approaches the water. It is not

paved into the water. However, it has the appearance of a roadway leading to the edge of water. An area adjacent to the water has been used as a turnaround.

Charles Stubblefield, the former Commissioner of Revenue of Gloucester County, lives on Route 653, not far from its intersection with Route 652. He recalls playing at the end of the road when he was young. It was called Hogg's Landing or Bill Hogg's Landing in the 1940s and 1950s. Only work boats used the landing. He believes the gravel road is only one lane wide and the marshy areas beside the road would prevent two vehicles from passing.

Based on the above, VDOT owns a prescriptive easement in a 30 foot right of way that extends to the Severn River and has been used as a landing in the past. Based on that prescriptive easement, the public has the right to use Route 653 to get access to the water. However, the public's use is limited to the 30 foot width of the easement.

Ferry Landing

Ferry Landing is located at the end of Route 663 in Essex County, at Piscataway Creek. VDOT documents in 1934 and in 1988 also refer to this landing as Bohannon's Wharf and Bohannon's Landing, respectively. The 1945 and 1977 VDOT lists refer to this as "Ferry Bridge or Bohannon's Landing". (See Attachments 3, 4 and 5). VDOT owns fee simple title to all property bounded by Route 17, the centerline of Route 663 and Piscataway Creek. It appears to have fee simple title to the public landing area and to 15 feet beyond the centerline of Route 663 for the first approximately 150 feet going from Piscataway Creek toward Route 17. The owners of the parcels adjoining Route 663 from Hilltop Lane down toward Piscataway Creek own the underlying fee simple title on their side of the center line of Route 663 except for the last approximately 150 feet. VDOT has a prescriptive easement in that part of Route 663. The boat landing is approximately 125 feet wide at the creek.

VDOT owns enough area in fee simple at the public landing to permit a conveyance to the Authority without worrying about the ability to convey the prescriptive easement. The Authority may not even desire to control the part of Route 663 that is subject to the prescriptive easement. However, the landowner at the bottom of the hill, Gregory Jones, relies on the public landing area for access to his property. Mr. Jones' need for access could complicate any discontinuance by VDOT or conveyance to the Authority. It will be necessary to make sure he continues to have access to his property. There also appear to be other landowners along Piscataway Creek who use Mr. Jones' driveway for access.

Based on Certificate of Take No. C-37081 recorded on April 5, 1990, VDOT owns all property north of Route 663 to Route 17 and to Piscataway Creek. (Deed Book 178, page 167) The Certificate of Take took all of the property owned by Glenn A. Smith, Merry R. Smith and

Christine B. Smith, the parties who owned the property on the north side of Route 663. The tract totaled approximately 3.34 acres. The condemnation included acquisition up to the center line of Route 663 most of the road's distance. The take did not include the area at the top of the hill where Route 663 connects with Route 17, apparently because VDOT already owned that land. It also did not follow the centerline when it got to the landing as it neared Piscataway Creek, apparently for the same reason.

The landing was apparently acquired by VDOT in a 1931 condemnation of the property of the heirs of Harry Rohm's estate. The Certificate of Take was not recorded and the Clerk's Office could not find the condemnation case file. There was no plat recorded by VDOT with respect to the take. The only record of the condemnation case is an order approving the report of the commissioners and the report of the commissioners itself, both of which were recorded on October 18, 1935. (Deed Book 81, page 116). The heirs were paid \$100.00 for the property. The land taken was 0.65 acres.

The acquisition by VDOT is referred to in a deed from Rosa Rohm, widow of Harry Rohm, to Ady Hyman in 1944. The deed recites the conveyances to Rosa Rohm by the other heirs of Harry Rohm and notes that 0.65 of an acre of this land was condemned by the State Highway Commissioner in 1931. (Deed Book 85, page 161). Because the deed did not except that acreage from the sale, it is possible that the owners were contending that VDOT only acquired a prescriptive easement in the landing in the condemnation.

The only other recorded reference to the landing is VDOT's plat for the 1990 condemnation of 3.34 acres from Glenn and Merry Smith. (See Attachment 11). That plat has a numeral one inside a hexagon in the middle of the landing area. The note for that symbol refers to the order approving the commissioner's report in the 1931 condemnation. No boundary line is

placed around the landing and it is not clear whether that condemnation went to the centerline of the old road or beyond. The area depicted in the plat for the landing shows frontage on Piscataway Creek of about 125 feet. The Rohm property is in the Smith's chain of title.

There are two parcels which border the south side of Route 663 below its intersection with Hilltop Lane. The lower tract adjoining Route 663 at the Ferry Landing is Tax Parcel 45-22. Its current owner is Gregory W. Jones. Mr. Jones inherited this property from his father, J. Stanley Jones, III, through his father's will. (Will Book 47, page 312).

A 1971 deed in Mr. Jones' chain of title has a metes and bounds description. The description references the line running along the low water mark of Piscataway Creek "to the public landing". It then adjoins the public landing 62.3 feet to a Virginia Highway Department marker, then along the landing another 95.4 feet to another Highway Department marker and finally 20 feet to the center of the old public road. Accordingly, their property does not go to the center line of Route 663 for the last 157.7 feet going down to the water. It is unknown how much the low water mark has changed since the plat was drawn in 1950. The boundary line then follows the center of the old public road leading from Tappahannock to Dunnsville (Route 663) for 63 feet. The deed references a 1950 plat (Deed Book 106, page 251) which was approved by the Court in a 1949 and 1950 boundary line dispute between his grandfather, James S. Jones, Jr., and the neighbor to the east, George Parker (Tax Parcel 45-21). That plat also shows the road northeast of the boundary line between the Jones tract and the public landing for the lower 152 feet of the boundary line.

The property between Hilltop Lane and Mr. Jones' property was formerly owned by George W. Parker. At issue in the boundary line lawsuit was the boundary line between the Jones tract and the Parker tract. After a jury trial, the Court approved the boundary line based on

the plat referenced above. The court order references “the road which now leads into the residence of said Jones, from the old Piscataway Bridge now out of existence, to the old public road leading from said bridge spot to Dunnsville.” The common boundary line ends at the center line of what is now Route 663.

The Parker tract has since been divided into two parcels pursuant to a partition of the property by the heirs of Franklin Parker, Jr. A one acre tract, now tax parcel 45-21B, was conveyed to Mitchell Wayne Parker. That is the portion of the property closest to the public landing. The remainder of Tax Parcel 45-21 is owned by three children of Franklin Parker, with a life estate to his widow, Barbara C. Parker. A 1998 plat recorded with the partition deed (Deed Book 231, page 800) shows the public landing line offset from the centerline of Route 663. It also shows the 20 foot offset from the centerline of the road in the same location as the 1950 plat. The 1998 plat claims that the 95.4 feet from the offset line toward the Creek is owned by Mitchell Parker whereas the court-approved boundary line agreement plat from 1950 showed that portion of the property as being owned by Mr. Jones. The 1998 plat does not purport to go to the water. Rather, the line bends to the southeast, presumably being the edge of the Jones property where his driveway is located.

Mr. Jones, through the conveyances of his property and the 1971 plat, has implicitly agreed to VDOT’s ownership of the landing up to the VDOT monuments shown on VDOT’s 1990 plat. *Shaheen v. Mathews*, 265 Va. 462, 579 S.E.2d 162 (2003). VDOT therefore probably has fee simple title to the entirety of the landing area.

The site visit showed that Route 663 begins at Route 17 as a two lane hardtop road. However, it becomes a one lane gravel road approximately the last two-thirds of its distance. The break in the hard surface to gravel occurs at Hilltop Lane, a private road going off to the left

or southwest. Route 663 goes to the water. There is a turn around area to the left of the road at the end of the road by Mr. Jones' driveway.

Route 663 serves as access to the property of Mr. Jones and probably others. Their driveway begins in the turn around area near the Creek. The driveway is shown on the 1990 VDOT plat (see Attachment 11). Mr. Jones appears to have no access other than Route 663 and needs all but the last few feet of the landing for access. There is a power line running down Route 663 which serves the Jones property and other properties along the Piscataway Creek to the west.

The north side of Route 663 is undeveloped. However, not all of this area can be used for the purposes of a public landing. VDOT condemned the property of the Smiths to use it as a mitigation site. The mitigation area is essentially what is shown on the VDOT 1990 plat as "prop. edge of wetlands". (See Attachment 11). Robert Pickett, the District Environmental Engineer in VDOT's Fredericksburg District office, advises that there may be additional wetlands that existed prior to the condemnation which were not included within the lines drawn for the mitigation area. In order to make any disturbance or install any improvements in the mitigation area or in the wetlands, the Authority would have to comply with EPA guidelines and meet all state and federal requirements for environmental permits in wetlands areas. Mr. Pickett advises that there is an additional problem with obtaining a permit at this site. A particular threatened plant, which was located at this site prior to the construction project, is thriving in the mitigation area. The presence of that plant would complicate any efforts to obtain an EPA permit to take any action within the wetlands and the mitigation area at this site.

The deeds to the properties around the landing make a number of references to the landing itself. A 1946 deed in the Jones chain of title describes its eastern boundary as "the old

main county road leading to the foot of the old Wood bridge”. (Deed Book 86, page 324).

When Harry Rohm bought the property on the other side of the road in 1929, the property was referred to as “club property at Piscataway Creek”. The grantor, Deane Hunley, operated a store on part of the property not conveyed. The VDOT 1990 plat shows the remains of an old store (Deed Book 76, page 200), but it is not known if that was the store run by Mr. Hunley.

In approximately 1986, VDOT, in cooperation with the Virginia Marine Resources Commission, directed the Fredericksburg District to fabricate and install signs at about fifty locations for public landing sites. This was one of the landings for which a sign was to be installed. However, the resident engineer in Bowling Green, H. H. Shockey, noted on several occasions that this was not a suitable location. He advised the District that he would not put a sign at Ferry Bridge Landing.

The public landing was also the subject of a 2004 case between *Paul Copeland, et al. v. Virginia Marine Resources Commission, Essex County Wetlands Board and Charles W. Davis*, Chancery No. CH04000025. The petitioners appealed a Marine Resources Commission permit or ruling allowing Mr. Davis to construct a boat ramp at a development along Piscataway Creek. One of the issues raised by the petitioners before the Virginia Marine Resources Commission was that Ferry Landing represented a boat launching facility in close proximity to Mr. Davis’ project which negated the necessity for the installation of a boat ramp. Mr. Davis testified that Ferry Landing was either not available or not suitable. The Commission apparently agreed with Mr. Davis. Nothing in the case has any bearing on the title of or public’s right to use Ferry Landing.

Chain Ferry Landing

Chain Ferry Landing is on the Mattaponi River in King & Queen County at the end of Chain Ferry Road, Route 605. VDOT owns the fee simple title to all of the landing area and all of Route 605. However, the last 223 feet of Route 605 is only 20 feet wide as it approaches the Mattaponi River. The northernmost five feet of what would ordinarily be a 30 foot wide roadway is not part of the public road and VDOT does not even own a prescriptive easement to that five foot strip. The landing joins the Mattaponi River and there are no title issues which would prevent VDOT from conveying the landing to the Authority.

According to a record at the King & Queen County Historical Society Museum, the property was patented by Henry Fenton in 1649. The Historical Society has a list of owners and conveyances of the property over a period of more than 200 years. The Hart family, which owned the entire area around the landing from prior to 1864 until recently, apparently first owned the property in 1828 when it was conveyed to Vincent Hart, as a 260 acre tract. At the time it was known as Shepherd's Warehouse. It was apparently conveyed to Robert Hart in 1845 as 288 acres. None of these deeds exist and cannot be verified because King & Queen County's records were burned in April 1864 by Union troops.

A ferry was officially sanctioned at the landing in 1890 by the Virginia General Assembly. In 1890, the legislature enacted a bill authorizing H. W. Bland and R. M. Hart to establish a ferry across the Mattaponi River from Shepherd's Warehouse. (1889-90 Acts of Assembly, Chapter 167, page 240). (See Attachment 12). However, a letter dated July 20, 1949 by Paul Hart indicates that a ferry was being operated there as early as 1875. The Historical Society has a photograph of the ferry in operation between 1907 and 1910. According to the

Historical Society's records, the ferry stopped operating in 1916 when a bridge was built across the Mattaponi River.

All of the area encompassing the current landing was owned by R. V. Hart prior to 1864 when King & Queen County's records were destroyed. In a 1909 deed partitioning his property, R. V. Hart was said to have died "some years ago". (Deed Book 15, page 591). A number of years prior to 1909, his two children, R. M. Hart and Mary Alice Bland, informally divided the property. R. M. Hart received the property on the left-hand side of "the main road from Shackelford's to Shepherd's Warehouse", now Route 605. His share contained 105 acres. Mary Alice Bland received the property on the right-hand side of the same road, containing 97 ¼ acres. Both properties were bounded by the road, the public landing and the Mattaponi River. The 1909 deed formalized their division of their father's property. The landing was described in the deed as the "public landing at Shepherd's Warehouse."

Paul Hart, the adjoining landowner on the southern side of Route 605 from 1930 until his death in 1971, stated in a letter dated April 23, 1959 that the landing was established in the 1700s on 1/8 of an acre. He said that the County condemned additional property in 1875 for storage of lumber and wood. An earlier letter by Mr. Hart's, dated July 20, 1949, stated that his father had "given" the property to the County for business reasons and that the deed contained a reversionary clause in the event it ceased to be used for storage. However, he stated that the deed was destroyed in a fire at the courthouse. He seemed to have no proof other than the memories of certain residents. No records of any of these transactions are recorded in the King & Queen Courthouse. Mr. Hart's recollection seems faulty, since the fire at the Courthouse took place eleven years before the date given for the conveyance of the additional property. However,

there may be some basis to the date because VDOT's files contain an 1875 plat showing the full area of the landing. (See Attachment 13).

Route 605 was described in a 1938 VDOT letter as an eight foot roadway running from "Route 33 to public landing at the Mattaponi River". In 1947, the Board of Supervisors decided to keep the landing as it was, even though the road had not been used for nearly twenty years and the public landing had been rarely used. In about 1950, the Board of Supervisors recommended that VDOT lease a portion of Chain Ferry Landing to Mr. Hart.

By the late 1950s, the Board of Supervisors was recommending that VDOT exchange properties with Mr. Hart to give Mr. Hart that portion of the land closest to his house and VDOT the portion of the land closest to Route 605. It also appears from a letter by the district engineer in 1959 that the portion of the roadway that went all the way to the river was not in the secondary system at that time. VDOT advised the Board of Supervisors that the Board needed to provide whatever additional right-of-way was necessary to take the road to the river. A plat in VDOT's file indicates that the roadway to the water consisted of a 20 foot right-of-way at that time.

In August 1963, the Board of Supervisors recommended the property swap that ultimately took place between Mr. Hart and VDOT. (Board of Supervisors Minute Book 6, page 179). In November 1963, the Board of Supervisors concurred with the proposed exchange of property between VDOT and the Harts and authorized the County Attorney to join in any transactions necessary to complete the exchange. In the authorization, it noted that the portion of Route 605 going to the Mattaponi River was 20 feet in width. (Board of Supervisors Minute Book 6, page 187).

The exchange of property took place in 1966. By deed dated April 5, 1966, VDOT conveyed 23,171 square feet of the original public landing farthest from Route 605 to Mr. Hart in

return for 22,964 square feet (0.527 acre) of property closest to Route 605. (Deed Book 57, page 526). As a result of that conveyance, the landing is approximately 140 feet wide between Route 674 and the Mattaponi River. The plat recorded with the deed shows the road running to the water. (Highway Plat Book 1, page 296). (See Attachment 14).

VDOT generated several plats showing possible configurations of the exchange of properties with the Harts. All of those plats show the last 223 feet of Route 605 going to the Mattaponi River as being a 20 foot right-of-way. Those plats, including the plat that was recorded with the exchange of land between VDOT and the Harts, along with the record by the Board of Supervisors describing the right-of-way as 20 feet wide, would probably be sufficient to rebut the presumption in Va. Code § 33.1-184 that the right-of-way was 30 feet. The Code Section allows “proof to the contrary” to rebut the presumption and it is likely that this proof will meet that test.

The owners to the north have always treated the 20 foot strip as belonging to VDOT. Therefore, none of Route 605 is held by prescriptive easement, and VDOT owns the 20 foot right-of-way in fee simple in addition to owning the landing in fee simple.

The current owners of the property to the south are J. Grainger and Amy H. Gilbert. (Deed Book 212, page 266). In 2001, their predecessors in title, Robert Walton, asked VDOT to convey to them 0.40 acres of the landing. The Residency recommended the conveyance, but it did not take place. Because VDOT has fee simple title to sufficient property at the landing for improvements and parking, it is not likely that any property would be needed from the Gilberts.

The current owner of the property to the north is Kathleen H. Walker. She inherited the property in 1983 from her stepfather, William L. Bland, one of the children of Mary Alice Hart Bland. (Will Book 12, page 22). Mr. Bland, his brother, Hartwell Bland, and his sister,

Kathleen B. Cottle, engaged in several transactions regarding the property their mother inherited. In the final transaction, William Bland ended up with a lot adjacent to the landing. (Deed Book 55, page 271). Two plats were prepared in 1949 and 1956 subdividing the property they inherited from their mother. The 1949 plat shows what is now Route 605 as 20 feet wide. It notes at least two cement boundary line markers. (Plat Book 3, page 24B). The 1956 plat does not state the width of Route 605. It shows one highway stone and two iron pipes, with a five foot offset between the stone and one of the pipes 243 feet from the low watermark. (Plat Book 4, page 3). That is approximately the location where the other plats show the 20 foot roadway becoming 30 feet wide. The final transaction which conveyed the lot closest to the landing to William Bland in 1959 tied the conveyance to the 1949 plat rather than to the 1956 plat.

Based on the site visit, the Walker property uses a portion of Route 605 for access. However, that property fronts on a private road, Osprey Lane, and there is no reason Ms. Walker could not use Osprey Lane for access. The 1949 plat and the 1956 plat created 30 foot private easements in the approximate location of Osprey Lane.

There is also a driveway onto the Gilbert property from Route 605. However, that property has a paved driveway from Route 674 and does not appear to use the entrance from Route 605 very often.

A ramp at the end of Route 605 goes into the water. In December 1969, when the Board of Supervisors acted on a request to name Route 605 Chain Ferry Road, it referred to the road's terminus at Chain Ferry as "on" the Mattaponi River. These facts, combined with the deed from Paul Hart, establish that the public landing has access to the river. This landing is listed in the 1980 "Beach Inventory and Recreational Access Points of the Tidal Waters of the State of

Virginia” by the Virginia Commission of Outdoor Recreation. (See Attachment 9). It states that the landing has one ramp and space for ten cars to park.

Byrd's Bridge

Byrd's Bridge Landing has never been a landing. Instead, the subject property is the end of old Route 604 where it crossed Dragon Run from King & Queen County into Essex County. The road was relocated in about 1964 to its current location. When VDOT relocated the road, it purchased new land from the owner to the east of the old road. It did not acquire the property between the two roads. There is no record that VDOT ever discontinued the road or that the Board of Supervisors of King & Queen County ever abandoned the old road, other than a notation on a plat that is not signed by VDOT or the County. Therefore, VDOT continues to have a prescriptive easement in the old roadway, which is about 1,000 feet long, and it continues to be a VDOT road, even though it is no longer maintained.

The heirs of James Lipscomb own the property to the east of the road and the underlying fee to the eastern half of Route 604. James Lipscomb died in 1898, leaving a will. His will left his real estate to his five children (Will Book 2A, page 25). When Route 604 was relocated, the portion leading to Dragon Run was moved onto the Lipscomb property. VDOT acquired by condemnation 1.10 acres, 0.25 acre of which had been encumbered by a prescriptive easement. The $\frac{1}{4}$ acre prescriptive easement did not include any of the prescriptive easement in what is now the old road. The proceeds were shared by twelve of his heirs in varying degrees of interest. The County's tax records indicate that the real estate taxes are now being paid by Ms. Natalie Bazzell, 240 South Bayberry Lane, Upper Darby, Pennsylvania 19082. Several different people have paid the taxes on the property between 1964 and the present, some of whom are among the heirs who shared in the proceeds of the condemnation award and all of whom lived in the Philadelphia area.

The title on the west side of the road is totally messed up. The property was originally part of a 95 acre tract which was 63 ½ chains, or 4,191 feet long, and shown on an 1870 plat. (Deed Book 3, page 6). (See Attachment 15). In the area of Dragon Creek, it showed a subdivision into two parcels, although it is not clear who received the portion of the property closest to Dragon Run. The current tax records list Jerry Richardson as the owner of the property adjacent to the old road on the west side. The tax records recite a 1988 deed which conveys property formerly owned by C. W. Oliver. (Deed Book 110, page 508). The Oliver property location is not clearly defined in the deeds and there is no plat of it. Furthermore, based on recorded deeds, Mr. Richardson only owns three-eighths of an interest in Oliver's property.

Mr. Richardson seems to rely on a different source for his title. He recorded a boundary line plat which purported to identify the boundaries of 38 acres he acquired from Clara M. Richardson in 1984 at Deed Book 99, page 256. (Plat Book 13, page 67). (See Attachment 16). His plat, to which he is bound, encompasses 34 acres. It places his property along the entirety of the old road, except that it does not run all the way to Dragon Creek. An approximately 200 foot wide strip of land between his northern boundary line and Dragon Run is shown on the plat to be outside his property and to be the property C. B. Newbill bought, as recorded at Deed Book 7, page 87. Newbill bought 34 acres described as "near Bird's Bridge" from A. E. Hunley in 1879 (Deed Book 7, page 87). Newbill's property was deeded to Richard Cooke in 1885. (Deed Book 7, page 633). Richardson's 1984 deed from Clara Richardson purchased the property which Newbill had conveyed to Cooke in 1885, citing all of the interests purchased by Clara Richardson's deceased husband from the Cooke heirs.

Therefore, the land between Richardson's property and Dragon Run which Richardson claims that he does not own is land that is in his chain of title. He also does not own the

complete interest in C. W. Oliver's property, on which the tax assessor based his ownership. The only recorded plats showing this property are the 1870 plat, Richardson's 1986 self-proclaimed boundary plat and the 1964 VDOT plat. VDOT's plat lists Cooke and Newbill as owners of separate parcels, even though Cooke's title derives from Newbill. Little significance should be given to VDOT's representation of the owners to the west of the old road because their property was not affected by the change in Route 604, except to the extent it impacted their access to Route 604.

The County tax maps are also unclear. They show a red line parallel to but not reaching Dragon Run as the northern boundary of Richardson's property. The area between his northern boundary and Dragon Run is not listed as being owned by anyone, except to the extent that it may be a part of the property to the west of Richardson. No one is being taxed on that strip of land. Therefore, it is unclear who owns this portion of the property to the west of the old road and closest to Dragon Run and it is also unclear whether Richardson has clear title to the remainder of the property to the west and therefore to the underlying fee of the old Route 604.

The Board of Supervisor's Record Books from February 1963 until October 1979 have no reference to either a discontinuance or an abandonment of the old road. VDOT's Right-of-Way Division in Fredericksburg has likewise reported that its files do not contain any reference to a discontinuance or abandonment. Richardson's 1986 plat has a notation along the old Route 604 that states "property line down center line of abandoned v.s.h.". (See Attachment 16). However, neither VDOT nor the County is a party to that plat and the notation has no legal significance.

If the road was abandoned by the County, neither VDOT nor the County would own anything to convey to the Authority. However, VDOT records reflect no discontinuance or




abandonment and the Minute Books of the Board of Supervisors do not contain evidence of a discontinuance or abandonment for fifteen years after the project was completed. Therefore, the note on the plat appears to be incorrect.



Because VDOT is no longer maintaining the old road, it has been effectively discontinued. However, it has not been discontinued in accordance with statutory procedures. Therefore, it is still a VDOT road and VDOT continues to own the prescriptive easement










A 1937 letter by VDOT's resident engineer listing the public landings turned over to the Highway Department in 1932 did not include Byrd's Bridge or any other landing on Dragon Run. Route 604 was also not listed on the 1934, 1945 or 1977 VDOT lists of landings. (See Attachments 3, 4 and 5).

The landing is presently blocked by fallen trees and similar debris. Therefore, it is unlikely that VDOT will pay for the road's maintenance. VDOT will probably initiate a discontinuance procedure for the road now that the absence of a formal discontinuance has been discovered. When that happens, the prescriptive easement will revert to King & Queen County.

Appendix C:
REGIONAL COASTAL SURVEY RESULTS (2008)

1. Participant Information			
		Response Percent	Response Count
Virginia Zip Code*		100.0%	126
Primary City/County/Town to which your answers refer:*		100.0%	126
Other Virginia towns/counties where you seek coastal access:		49.2%	62
		<i>answered question</i>	126
		<i>skipped question</i>	0

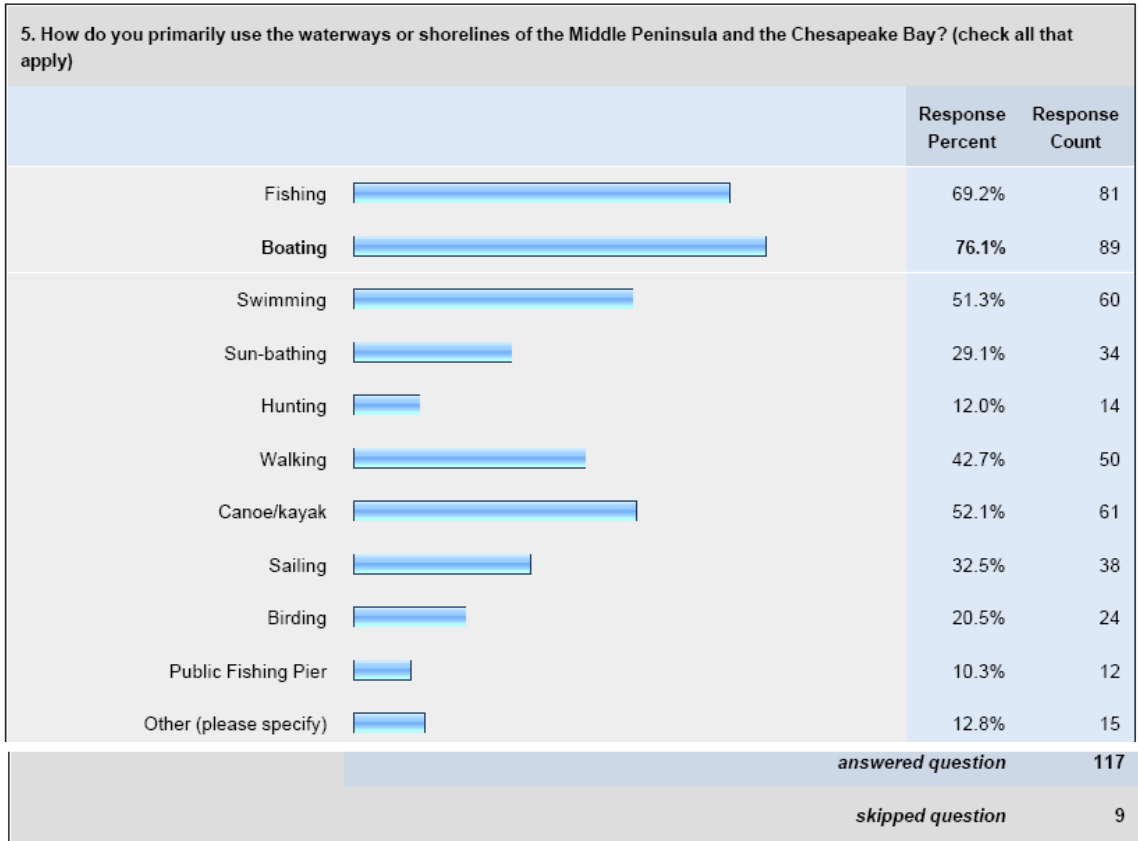
2. Is access to the waterways of the Middle Peninsula and other Chesapeake Bay coastal beaches and waterways a concern to you?			
		Response Percent	Response Count
Yes		93.7%	118
No		6.3%	8
		<i>answered question</i>	126
		<i>skipped question</i>	0

3. Please indicate which category(ies) best describes you (check all that apply)			
		Response Percent	Response Count
Private or recreational boater		83.9%	99
Private or recreational angler		64.4%	76
Other private or recreational user		25.4%	30
Tour business or charter operation owner/employee		0.8%	1
Other water-dependent business owner/employee		11.0%	13
Waterfront land owner		50.8%	60
\$0- \$50,000 Household income		11.9%	14
\$50,001-\$75,000 Household Income		22.9%	27
\$75,000 + Household income		52.5%	62
		<i>answered question</i>	118
		<i>skipped question</i>	8

4. What do you see as the biggest threat to access to the waterways of the Middle Peninsula and the Chesapeake Bay by the public? (check all that apply)		
	Response Percent	Response Count
Sea level rise (meaning that beaches and access points will become submerged under water)	20.3%	24
Loss or conversion of existing access sites to private ownership	52.5%	62
Coastal destruction due to storms and other hazards	37.3%	44
Overall lack of public water access sites	75.4%	89
Other (please specify)	23.7%	28
answered question		118
skipped question		8

Other specific Answers:

1.	lack of access to beaches for small children
2.	excessive new home and townhome construction
3.	insufficient access, particularly for small boaters and kayakers
4.	Lack of beach access for off water residents due to private ownership of most waterfront areas.
5.	Lack of parking space at access sites
6.	Free public access points
7.	lack of parking and piers at currently available sites
8.	not allowed to take firearms for hunting waterfowl
9.	commercial waterfront going to condominiums
10.	Using public access points as a toilet, no public rest rooms
11.	Shortage of public monies to maintain existing sites
12.	State, local ,federal government taxes on seasonal businesses, grants for privately own marinas
13.	Wealthy Waterfront Landowners trying to stop public access
14.	Abuse of joining land owners by the public
15.	Government intrusion in private waterway issues
16.	inadequate development of deeded access sites
17.	deep water (sailboat depth) docks, gas, parking near water access points
18.	Lack of channel dredging in river tributaries
19.	failure to dredge creeks to maintain navigability
20.	intense congestion at few public facilities
21.	poor choices for access sites
22.	limited ability to park or store boat and trailer
23.	Piantank River access from Deltaville
24.	Coastal destruction due to land owner abuse
25.	waterway eutrophication
26.	loss of traditional working waterfront
27.	Incompatible uses of existing sites (car top
28.	pollution



Other specific Answers:

1.	Water Sports
2.	the shorelines are beautiful places to experience nature
3.	commercial fishing
4.	growing oysters
5.	fire rescue
6.	Youth activities
7.	I have more access than more citizens; I want others protected.
8.	waterfront dependent business
9.	just LOOKING-PEACEFUL!!
10.	sunsets
11.	Kite Surfing and Wind Surfing
12.	Windsurfing
13.	camping
14.	Rowing, Camping
15.	commercial harvesting

6. What specific conditions(s) are you most concerned about? (check all that apply)		
	Response Percent	Response Count
Lack of boat ramps	71.8%	84
Lack of beach access	68.4%	80
Lack of commercial fish houses	16.2%	19
Lack of charter boat activity	6.0%	7
Lack of safe swimming areas	35.9%	42
Lack of public municipal slips	31.6%	37
Lack of public fishing piers	29.1%	34
Lack of public or private boat slips for transient (short-term) use	28.2%	33
Other (please specify)	17.1%	20
answered question		117
skipped question		9

Other Specific Answers:

1.	lack of small boat/kayak rentals for tourists; hazard, noise, environmental harm of jet skis (wd like them banned); water quality for swimming and for safe eating of fish
2.	i am very concerned about water quality. Also, more small boat ramps would take the pressure off the few that there are.
3.	Commonwealth leasing of bottom within riparian apportionment area to other than the current upland landowner, and commercial operations placing semi/permanent structures within one nautical mile of shorelines and in less than 5' MLW.
4.	services like food, restrooms, gas unavailable
5.	dingy dock access to towns
6.	Boating etiquette and safety (speeds and rules of the road)
7.	Lack of access to Mathews C.H. via Put-In Creek
8.	Condition and quality of beach
9.	no/inadequate parking near most access points; limited access for working watermen; conflict between aqua-business and watermen's right to earn a living
10.	waterfront property owners driving out business
11.	Litter management, trash receptacles
12.	shoaling of waterways
13.	limited parking at few public ramps
14.	canoe/kayak put-ins (no need for ramp, primitive OK)
15.	poor placement/choice of sites.....
16.	Launching sites for kite and wind surfers
17.	Lack of public launch sites for Kayaking and Windsurfing
18.	lack of public access with public amenities (restaurants, boardwalks/marshwalks, restrooms, etc)
19.	lack of boating infrastructure, fuel docks
20.	Lack of waterfront "parks" for multi-use recreation - views & access

7. Public Boat Ramps Rank in order from 1 (biggest problem) to 6 (smallest problem). If you have no opinion, skip to the next question.

	Response Average	Response Total	Response Count
Ramps are closing or being replaced for carry-on boats	4.46	312	70
Ramp sites lack adequate parking	2.46	221	90
There is not enough local and/or regional access	1.79	168	94
Local users have been replaced by visitors	4.18	318	76
Ramp conditions are deteriorating and not being improved	2.89	240	83
The wait time at ramp is too long or multiple ramps needed	4.09	307	75
	<i>answered question</i>		101
	<i>skipped question</i>		25

8. Public Beaches/Swimming Rank in order from 1 (biggest problem) to 5 (smallest problem). If you have no opinion, skip to the next question.

	Response Average	Response Total	Response Count
Public access sites lack parking	2.53	220	87
Parking is too expensive at access sites	4.90	348	71
Traditional, historical (publicly owned or privately available that served as "public") access has been replaced by private homes/businesses	2.48	216	87
There are not enough officially marked beach access sites	2.01	181	90
Lack of public facilities (rest rooms, trash pickup, security etc)	2.66	242	91
	<i>answered question</i>		101
	<i>skipped question</i>		25

9. Public Fishing Piers and Fishing from Shore Rank in order from 1 (biggest problem) to 4 (smallest problem). If you have no opinion, skip to the next question.


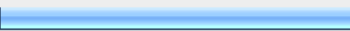

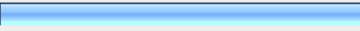
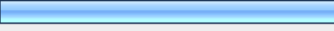
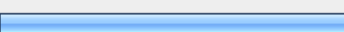
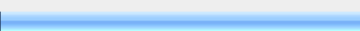


	Response Average	Response Total	Response Count
Have been destroyed in storms	2.63	137	52
Have turned to private ownership or private owners now forbid fishing use	2.22	122	55
Have been removed for private development	2.26	113	50
Was never available	1.98	115	58
	<i>answered question</i>		71
	<i>skipped question</i>		55

10. Boat Slips Rank in order from 1 (biggest problem) to 4 (smallest problem). If you have no opinion, skip to the next question.

	Response Average	Response Total	Response Count
Have been turned into private condo-related slips	2.65	98	37
Have been priced above market value	1.95	82	42
Are being demolished	2.82	96	34
Are not available	1.69	83	49
	<i>answered question</i>		54
	<i>skipped question</i>		72

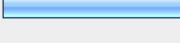


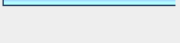


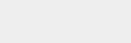
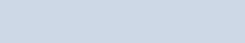
11. Commercial Seafood Houses (Working Waterfront) Rank in order from 1 (biggest problem) to 3 (smallest problem). If you have no opinion, skip to the next question.

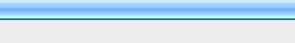
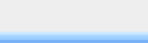
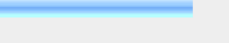
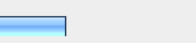


	Response Average	Response Total	Response Count
Are being replaced by private development	2.20	134	61
Property tax is too high for watermen to retain the property	1.93	118	61
Not enough catch for watermen to make a living	1.53	112	73
	<i>answered question</i>		75
	<i>skipped question</i>		51

12. What tools do you think your county or local government should investigate to protect public access to the waterways of the Middle Peninsula and Chesapeake Bay? (Check all that apply.)			Response Percent	Response Count
Transfer of development rights (protect key sites from development or conversion)			56.9%	62
Public financing dedicated to working waterfronts or public access			59.6%	65
Fees or other taxation options (for special projects like dredging, new boat ramps, or land acquisition)			42.2%	46
Zoning (to protect and manage land and water uses)			61.5%	67
Encouraging private donations (land and funding) for the protection of public access			56.9%	62
Working with property owners to save working waterfronts through easements or other partnerships.			58.7%	64
Developing laws and regulations for the protection of public access			61.5%	67
Don't know			3.7%	4
Other (please specify)			10.1%	11
answered question				109
skipped question				17

Other Specific Answers:

1.	I think it is very important to take good care of the public access that we already have
2.	THERE IS NO FREE LUNCH? All should pay a fee to gain access to the water. This would help reduce environmental impacts from motors, waste and trash.
3.	Develop new access sites with restroom facilities
4.	tax break to waterfront land owners that allow public access
5.	dingy dock in Mathews Courthouse
6.	Fight to keep 24 hour access at all public landings
7.	law enforcement patrolling lots of parking violations and maintain order
8.	provide road shoulder parking for canoe/kayak vehicles at bridges (don't block w/ditches or guard rails)
9.	Consider purchasing large tracks for a fair price at access points that make sense. Some access points are just stupid and should be dumped. The water access is miserable along most of the York (there is no good water!) why have multiple access points there. Access to dragon run and stopping points should be improved now while there is time.
10.	Promote community user groups
11.	Education - Social Marketing

13. Does your county or local government do any of the following? (Check all that apply.)		
		Response Percent Response Count
Track public and private access (maps and information available for public use)		34.9% 38
Have information online dedicated to public access issues		19.3% 21
Educate the public on access issues		16.5% 18
Fund capital investments such as public wharves		33.9% 37
Fund research on causes for diminishing access		4.6% 5
Establish legislation for protecting access		5.5% 6
Facilitate community planning that addresses multiple uses of waterways		23.9% 26
Don't know		46.8% 51
		<i>answered question</i> 109
		<i>skipped question</i> 17

14. If fees were instituted for the use and maintenance of public access sites, which of the following should be included?		
		Response Percent Response Count
A pass system for annual or seasonal use		57.8% 63
One-time use fee		29.4% 32
Higher fee for non-local residents		44.0% 48
Higher fee for out-of-state residents		37.6% 41
Fee based on parking only		18.3% 20
Don't know		12.8% 14
		<i>answered question</i> 109
		<i>skipped question</i> 17

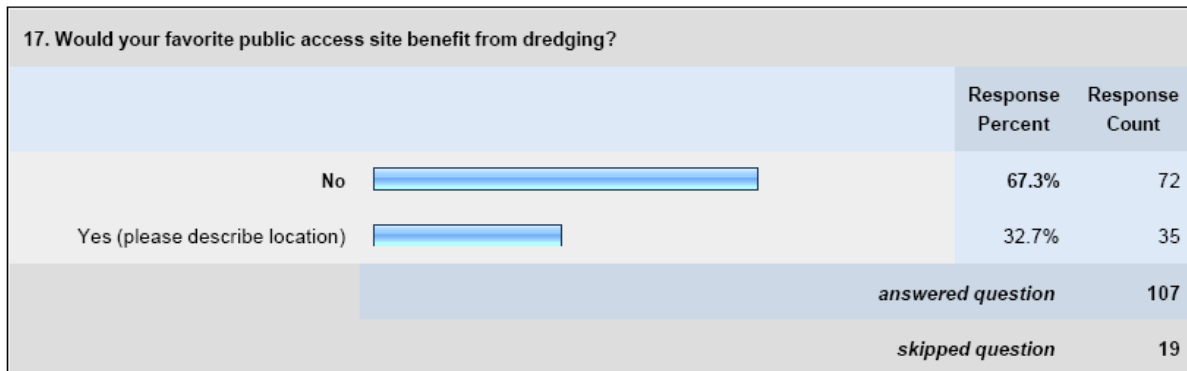
15. What would your preferred type of public access be? Rank in order from 1 (most preferred) to 3 (least preferred)			
	Response Average	Response Total	Response Count
Boat ramps with adequate parking for multiple users	1.71	183	107
A network of access sites for paddling (car-top use only with limited parking)	1.97	211	107
A network of very small, special purpose access sites (for birding, community access by foot, or hand-carried watercraft only)	2.32	248	107
<i>answered question</i>			107
<i>skipped question</i>			19

16. If you have another preferred type of public access, please describe.	
	Response Count
	22
<i>answered question</i>	22
<i>skipped question</i>	104

Specific Answers:

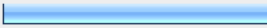
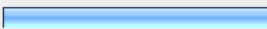
1.	More access to beach areas where adults and children can play/sunbathe on the beach and swim in the water.
2.	swimming access with no jet skis allowed separate access points for boat ramps with parking as opposed to walking/birding/swimming/kayaking entry points - both are needed -
3.	I live near Oliver Landing (Cedar Bush Landing), which is a small public landing. This seems like a particularly good landing to promote as a special purpose access site, to encourage more people to explore the area and its nature in small boats. There is some fishing-boat traffic, but parking is very limited. I don't think I would like to see more parking at this small landing.
4.	Public Beach with parking and handicap accessible
5.	car-top with adequate parking
6.	Beach for sunning and swimming
7.	upper York river access to get away from the high winds at Gloucester pt ramps this would be great and much safer for people who only want to enjoy the York river
8.	Beach Cat Launch access. Hobie Cat Catamarans
9.	public piers for temporary mooring of boats too large to trailer or are transient in nature
10.	Restore beach at New Point Comfort lighthouse. Build dingy dock at Mathews Courthouse once sewage plant moves
11.	beaches and other access sites with adequate parking for multiple users
12.	Public access boat ramp parking should be short term only. If boaters moved trailers to parking elsewhere (home?) there would be sufficient parking at existing boat ramps.
13.	Beaches
14.	public docks; public fishing piers;
15.	A beach that will allow very small boats to launch from the sand. Example, small sailboats or kayaks that the trailer can be driven across the sand to the water's edge.
16.	Can we get some expansion of the Cappahosic site?
17.	Safe kite and wind surfing launching and landing beaches.
18.	Windsurfing/ Kite surfing/ Kayaking launch sites


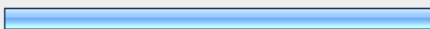
19.	open short term slips
20.	municipal boat dock and slips
21.	Waterfront Parks (like Yorktown, but not as commercial - allow both access and viewing - like a small Belle Isle)
22.	Beach access



Location Description:

1.	Paynes Landing
2.	Wake, Virginia
3.	Horn Harbor
4.	ware river Yacht Club
5.	Usually needs dredging after storms
6.	hole in the wall
7.	upper end of Put-In Creek reaches right into Mathews Courthouse but is not accessible to the public
8.	Davis Creek
9.	Queens Creek, Mathews
10.	Cappahosic this would a good site the is almost gone
11.	Where Needed
12.	Whites Creek Landing (23045)
13.	TOO SHALLOW
14.	Put-in-Creek, downtown Mathews courthouse area
15.	re-establish beach at New Point Lighthouse
16.	Middlesex
17.	Warehouse Landing
18.	Queens Creek in Mathews County
19.	Davis Creek/Harpers Creek/Winter Harbor
20.	marina
21.	queens creek
22.	Put-in -Creek, Mathews Court House, Mathews Co VA
23.	Put-In Creek has such potential
24.	Put In Creek
25.	Queens Creek and Winter Haven
26.	Colvin Cove, East River
27.	Put-in-Creek in Mathews
28.	Queens Creek, Winter Harbor, Davis Creek
29.	Warehouse Landing
30.	Croaker, York State park
31.	You didn't leave comments on the 'no' side. whoever wrote this survey is not a statistician. Horrible way to word the questions.....very biased. Why does every question assume there is a PROBLEM!!!!!! Some of the sites are GREAT!> Beaverdam is excellent!
32.	Crab Creek
33.	Robinson Creek
34.	water view
35.	I keep a boat at my residence

18. Would you consider paying for a dredging project that benefits your use of the water?		
	Response Percent	Response Count
Yes 	49.5%	53
No 	50.5%	54
<i>answered question</i>		107
<i>skipped question</i>		19

19. Would you consider allowing a public water access site on your land?		
	Response Percent	Response Count
Yes 	18.5%	15
No 	81.5%	66
Why or why not?		65
<i>answered question</i>		81
<i>skipped question</i>		45

Specific Answers:

1.	don't own waterfront land
2.	no beach
3.	land too small
4.	People today do not respect property.
5.	don't own sites that access water
6.	family owned by many people. Too complicated
7.	do not own waterfront
8.	no waterfront!
9.	N/A
10.	I don't have that much land (about 180 feet of waterfront)
11.	Not enough land to consider that option.
12.	Not enough land for parking
13.	I presently allow many friends and neighbors the use of my ramp
14.	non water front property owner
15.	better serve the community
16.	our property is too small
17.	I am not waterfront land owner
18.	No Parking Space
19.	don't own waterfront
20.	Don't want to contribute to the having any more boaters on the water that think operating a boat is like driving a car and who do not care what effect they have on the "environment".
21.	NA
22.	for a tax break and or pay to use
23.	not enough room, limited waterfront
24.	would not want the headache of the traffic
25.	too small
26.	no room
27.	If I was reimbursed to offset the rising cost of property taxes to help cover the cost of increased traffic on the

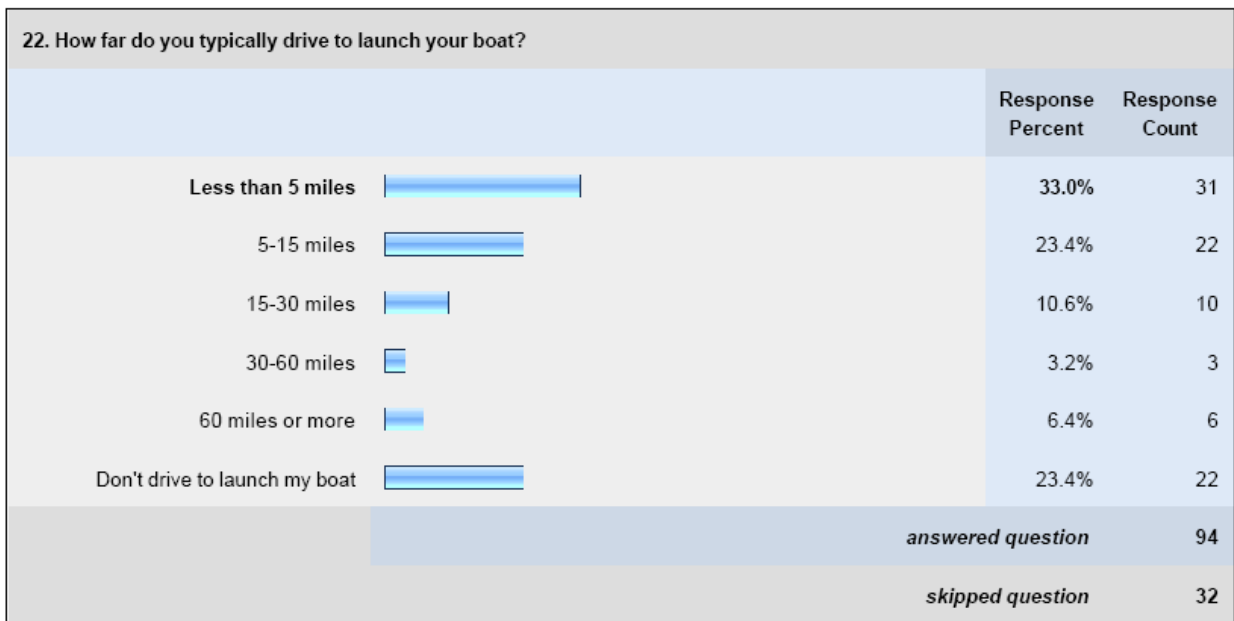
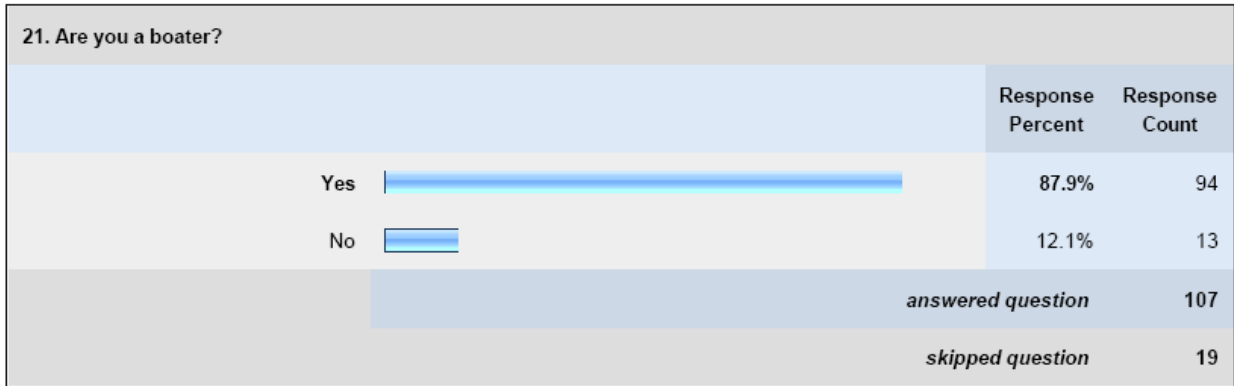
	lane, boat ramp & dock
28.	liability
29.	Users would trash the beach, destroy sand dunes; use as bathroom facilities; have late night parties being very noisy.
30.	People use it for toilets and trash it with beer cans and bottles, and other trash
31.	Lack of services to enforce possible misuse of access/or management issues
32.	inadequate parking area
33.	Don't think I could prevent noise, littering, etc
34.	no room
35.	Our lot is only 50 foot wide -- to small, no parking
36.	Surrounding neighbors and lack of land.
37.	Privacy, security, noise, cleanliness.
38.	Too small too crowded
39.	access property through easement across others' properties
40.	do not own water front
41.	should be designated public areas;
42.	inadequate parking, "private lane", for home owners only
43.	I don't have space for it.
44.	too small an inappropriate area
45.	Private road maintained by residents, no available parking
46.	only have 1/2 acre
47.	NA
48.	It is my retirement.
49.	I did at one time but the adjoining land owners opposed the boat ramp.
50.	DO NOT HAVE AN AREA FOR THAT USE.
51.	Do not own land on water
52.	Safe access to the Bay is important.
53.	If I had waterfront property, I would allow access for windsurfing/kiting/kayaking
54.	I don't own land with water access
55.	do not own access
56.	Fear of trash left behind, misuse of property, too many people in too small a space, too much noise
57.	Small site, no room.
58.	Liability
59.	My property is a residential home of 1 acre
60.	My land is on a cliff and would not be ideal for an access site
61.	I have no waterfront land.
62.	Privacy is main concern, that's why we live in Mathews!
63.	not enough; only .6 acres
64.	I don't own waterfront land, but unless I owned a huge piece of property, I don't think I would want the public to have access across it for privacy sake
65.	marsh area

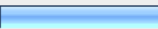




20. Would you consider selling, leasing, or receiving some other compensation in exchange for creating public water access on your land?		
	Response Percent	Response Count
Yes (Please call 804-758-2311 to discuss further)	14.5%	10
No	85.5%	59
Why or why not?		42
answered question		69
skipped question		57

Specific Answers:

1.	Don't own enough
2.	The problems associated with the public use would not be worth the compensation received.
3.	don't own land with water access
4.	not large enough
5.	See #19. I have only about 180 feet of waterfront.
6.	see above
7.	I even contacted Mathews about this possibility but they were not interested.
8.	non water front property owner
9.	serve recreational boaters in smaller boats (eg. kayaks)
10.	No Parking Space
11.	see question 19 answer
12.	NA
13.	for a tax break and or pay to use
14.	none available
15.	not suitable
16.	We are not interested in selling the land as it has been in my family for generations but feel it would benefit our community to have a place to "put their boat over". We allow people to do this for free right now but how long will we be able to hold on to the property without selling? People [real estate agents, developers] call, write asking if we are interested. So far, we've been able to answer "Did you see a 'For Sale' sign? Current zoning does not allow this property to be anything but R1.
17.	people are not considerate of landowners; would cause more problems and headaches besides destroying the beach area
18.	People destroy dunes and grasses which caused loss of beach, also trash and use it as a toilet.
19.	would have to be a very small site
20.	Don't have enough land
21.	Not enough room, I live on a 50 foot wide lot
22.	Don't have enough land with the septic tank requirements
23.	County has no means to control such activity.
24.	not interested
25.	do not own water front
26.	same as above
27.	same as above
28.	above
29.	the increase in road traffic by my house
30.	If I had more than 1/2 acre I would
31.	NA
32.	you can't pay me what I can get for the public market.....to make my retirement plan work


33.	Same as above answer
34.	NOT ENOUGH SPACE.
35.	I don't own land with water access
36.	longtime neighbors would not approve
37.	small site no room
38.	See above
39.	see number 19
40.	not appropriate
41.	not enough land
42.	marsh area



23. How do you gain access to the water?			Response Percent	Response Count
I lease or own a boat slip			26.6%	25
I lease dry storage for my boat			2.1%	2
I have direct private access			37.2%	35
I trailer my boat from my primary residence			56.4%	53
I trailer my boat from another location (describe)			4.3%	4
<i>answered question</i>				94
<i>skipped question</i>				32

Specific descriptions:

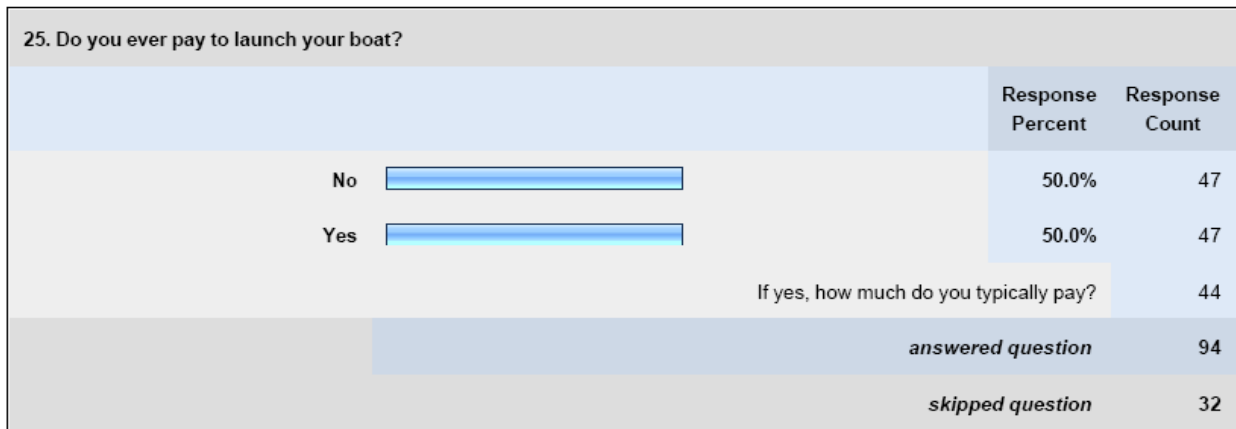
1.	Harcum Landing, Gloucester County
2.	I trailer my boat from my house to the boat ramp.
3.	Who is the idiot who wrote this survey????????? what if I rent?
4.	trailer from home

24. Have you lost access to a boat ramp in the past 5 years?			Response Percent	Response Count
No			76.6%	72
Yes			23.4%	22
If yes, where? What caused the loss?				21
<i>answered question</i>				94
<i>skipped question</i>				32

Specific Answers:

1.	Hurricane Isabel
2.	Gwynn Island
3.	Due to Storms
4.	* My father & his friends built our boat ramp & dock for our friends & neighbors use because of the lost of the ramp @ Mill Lane 38 yrs ago. The last 5 yrs is probably too short of a time limit.
5.	Davis Creek...development and change of use
6.	Locklies
7.	Davis Creek, Mathews. Sold to private owners for boat slips.
8.	Property lost to potential development
9.	private land closed off
10.	Both West Point and Tappahannock public ramps have become so congested I cannot risk driving 100+ miles and risk not having a parking space. To me this is loss of access.

11.	sunset boat ramp-Hampton Lack of foresight by Hampton city manager/officials caused because Bluewater Yacht Sales in Hampton wants ramp area for private use.
12.	Gloucester point, because of Isabelle
13.	Croaker, York State Park Needs to be dredged
14.	The property was sold for another use.
15.	storm damage that wasn't repaired
16.	PRIVATE RAMP. LOSS DUE TO STORM.
17.	Undeveloped access at the end of paved roads.
18.	For repairs
19.	Hurricane Damage at Davis creek in Mathews County
20.	sedimentation, largely from unregulated clear cutting of adjoining lands that while not within the RCA have direct drainage along roads, etc to the RCA.
21.	Urbanna, private owner of marina took it out



Specific Answers:

1.	5-8	23.	\$1 pr foot
2.	10	24.	\$5.00
3.	5	25.	\$5
4.	\$5.00	26.	\$5
5.	6-8 dollars	27.	10
6.	\$5	28.	\$3.00
7.	10.00	29.	\$10
8.	\$5	30.	10.00
9.	\$15	31.	\$10
10.	\$5	32.	\$10-\$15
11.	\$3.00	33.	5
12.	\$5 - \$10	34.	5.00
13.	\$5	35.	3.00
14.	\$10	36.	\$8.00 TO \$1500
15.	\$5.00	37.	\$10.00
16.	10	38.	10 dollars
17.	\$5	39.	\$5 - \$10
18.	Annual pass	40.	10.00
19.	\$3	41.	10.00
20.	15/20 \$\$	42.	\$10
21.	\$2	43.	\$7
22.	\$5	44.	\$5

26. Where would you like to see a new public boat ramp? (Optional)			Response Percent	Response Count
Body of water		98.1%	53	
Closest street/route and general location		66.7%	36	
Second location site		40.7%	22	
			answered question	54
			skipped question	72

Specific Body of Water:

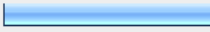
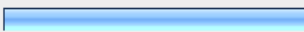

1.	North River	39.	Chesapeake Bay
2.	Tappahannock	40.	Rappahannock River
3.	bay side Mathews	41.	York and Perrin Rivers, King's Landing
4.	Severn River	42.	Piankatank River
5.	Milford haven	43.	Rappahannock
6.	Chesapeake bay	44.	Urbanna/Lagrange Creek
7.	York River	45.	Piankatank River
8.	Put-In Creek	46.	Rappahannock
9.	North River	47.	Piankatank River
10.	Rappahannock River - Essex County	48.	Middle of Gloucester County along the York River
11.	North River	49.	north river
12.	ABERDEEN CREEK	50.	mobjack bay
13.	Somewhere on East River	51.	Severn River, Perrin River
14.	No where	52.	Piankatank - between Harcum & Halliford
15.	Rappahannock River	53.	Urbanna Creek
16.	Whites Creek	39.	Chesapeake Bay
17.	RAPP. RIVER	40.	Rappahannock River
18.	East River on the Mobjack side	41.	York and Perrin Rivers, King's Landing
19.	Ware, Piankatank, North and Severn Rivers		
20.	Mobjack Bay		
21.	Piankatank River		
22.	Davis Creek, Mathews County		
23.	Doctors Creek and Davis Creek		
24.	East River (
25.	Put In Creek		
26.	North River		
27.	Davis Creek at Bavon in Mathews County		
28.	Put-in-Creek		
29.	West Point		
30.	East River		
31.	Piakatank river north shore (Middlesex co)		
32.	Chesapeake Bay		
33.	Gloucester Point/Guinea		
34.	Rappahannock River		
35.	Mobjack bay		
36.	Rappahannock River		
37.	anywhere in Gloucester county Va		
38.	DELTAVILLE, VA.		

Closest Street/Route (general location):

1.	ware house road
2.	Dock Street, Route 17
3.	Mathews, VA
4.	Almondsvlle
5.	Mathews Courthouse
6.	Rt 617
7.	Route 14
8.	STATE ROUTE 614
9.	Stingray point
10.	Whites Creek Lane , Diggs Va. 682
11.	Chapel Lane (Route 631)
12.	Rt. 14
13.	New Point VA
14.	Bohannon/Cardinal Area (Where the county purchased marina)
15.	Route 611, Mathews Court house
16.	Near end of Rt 14
17.	Off Brick Bat Road in Mathews Courthouse
18.	Hampton
19.	near Rt 3 bridge (there is an existing unimproved launch site @ bridge)
20.	Doesn't matter; just want to be sailing on Chesapeake Bay without having to sail out of a river.
21.	Urbanna
22.	on some of the undevelopable property.....NOT ON DEVELOPABLE PROPERTY
23.	Deltaville, Va.
24.	STING RAY RD.
25.	Shore Drive
26.	Urbanna
27.	Cook's Landing Road, 1102
28.	Route 3
29.	near Deltaville
30.	in town of urbanna or along Lagrange creek
31.	RT 33
32.	Deltaville
33.	Timberneck Farm Road
34.	Mathews court house to replace sewage plant
35.	Achilles Severn Wharf Road
36.	Marinas

Second Location:

1.	ware river	16.	Pinakatank River Deltaville,Va
2.	Deltaville	17.	Topping
3.	Mobjack bay	18.	Lower Guinea
4.	Winter Harbor	19.	Hartfield
5.	Gwynn's Island	20.	Rappahannock River
6.	East River Route 14	21.	Glass
7.	CARTERS CREEK	22.	Oakes Landing, Middlesex County
8.	Ditto		
9.	Fishing Bay		
10.	rt. 645 Garden Creek Road, Chesapeake Bay		
11.	Mobjack Bay		
12.	Not needed		
13.	Deltaville area		
14.	Tappahannock		
15.	Bowlers Wharf		

27. What is the more important priority to you? (Check one)		
	Response Percent	Response Count
Improvement of existing public boat ramps and parking 	34.8%	32
Construction of new public boat ramps and parking 	51.1%	47
Other (please specify) 	14.1%	13
<i>answered question</i>		92
<i>skipped question</i>		34

Other Specific Answers:

1.	beach access
2.	I am interested in beach access
3.	access for pedestrian uses
4.	Allowing my present private boat ramp and dock to continue as it has over the last 40 years. New rules and regulations are written that appears to for large private accesses and do not encourage me to maintain may private property for public use.
5.	Protecting the environment. People do not have a right to pollute and most boaters (of all categories) do in some manner. As a commercial fishing license holder I would find something else to do and not holler if all commercial fishing was banded.
6.	beach at New Point, dingy dock at Mathews Courthouse
7.	beaches for the public
8.	help marinas restore their private w/c properties
9.	more limited access for hand carry/paddle craft
10.	Adequately compensate private owners.
11.	access for low impact use such as canoeing/kayaking, hiking, birding, etc.
12.	Maintaining safe public access to the Bay.
13.	Put in creek access at court house.

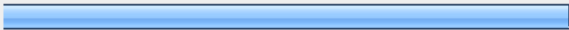

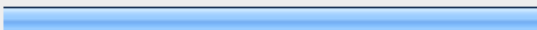


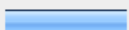

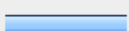

28. You have completed the survey. Thank you for your time. If you'd like to submit additional comments, please use the box below.	
	Response Count
	31
<i>answered question</i>	31
<i>skipped question</i>	95

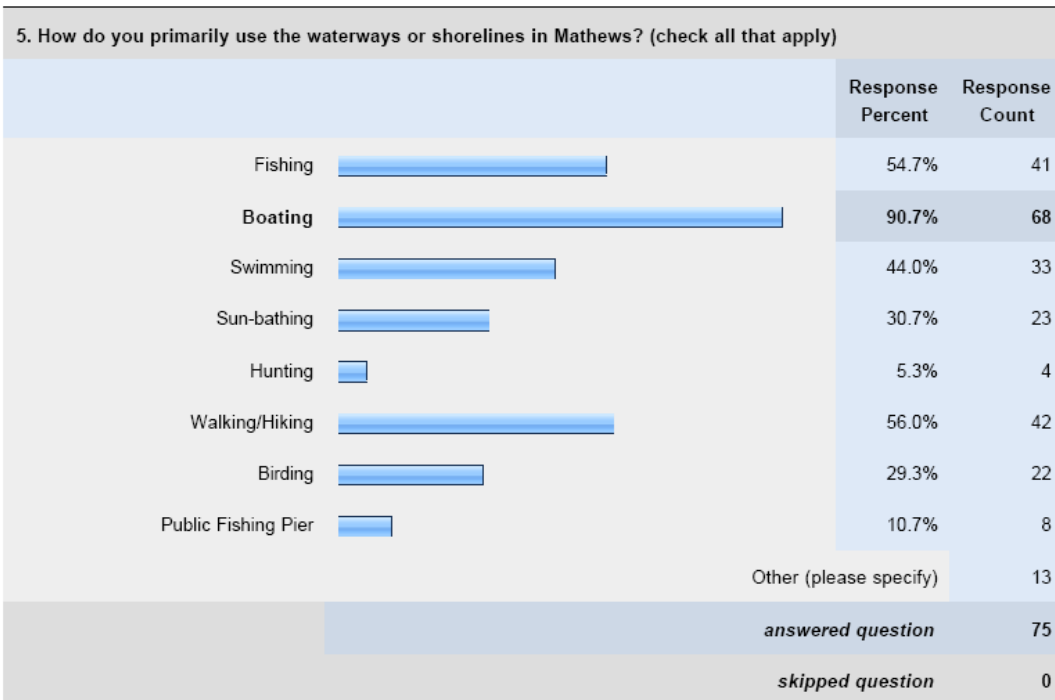
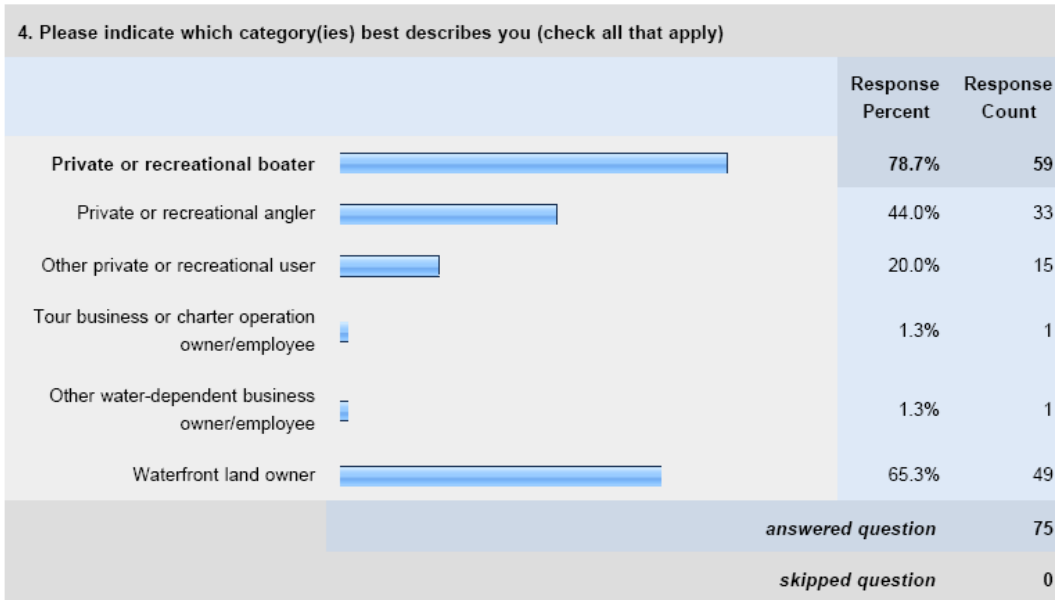
Additional Comments:

1.	fix this problem
2.	what was that last question, "are you a boater"? I said no as I only own kayaks. But I enjoy getting out on boats, hope eventually to own one, and would like visitors to be able to put their boats into the water nearby.
3.	<p>I am a sailor, not a motor-boater. This was in some ways a difficult survey; we sail our small sailboats right from our bank, and I wish more people had the pleasure of sailing, canoeing, and kayaking in our creeks and along the rivers. I would like to encourage more small boating on our waterways, and I think a network of small ramps and piers would allow more people to develop an appreciation for the natural world and an awareness of the beauty and fragility of nature and the Chesapeake Bay. I'm glad we have the big public boat ramps in Gloucester County for motor-boaters, but I don't want anything like that out at the end of Cedar Bush Road, where I live -- our landing could, in fact, be a model for the kind of small-scale access I am in favor of. We don't need a big boat ramp on this little landing. If it the ramp that is there were better maintained, and the pier were kept in good repair, people who use it would show more respect for it.</p> <p>Thank you for the opportunity to offer my thoughts and comments.</p>
4.	New access to the water is being denied because wealthy homeowners don't want public access near them. The state/counties should be buying land for water access so all taxpayers can use the waterways
5.	My email address is r_e_machen@yahoo.com if I can answer any other questions that you may have.
6.	I have never been in an area where waterfront homeowners also own the sandy beach. In my experience it is usually public access.
7.	We need a up river boat ramp that is safe to use with good parking !!!and this would help out the busy Gloucester pt boat ramps.
8.	I understand that it would be impossible to deny public access to the waterways but I also believe it is important to minimize negative effects that access/usage always brings. Access to the water should be paid for by users, either thru fees at private points or fees to recover the cost of acquiring, constructing, and maintaining a small number of local government sites. Tax money should not be used, without recoupment, to provide any access point for public use since not all tax payers want to use or are able to use a site their tax dollars paid/pays for.
9.	I already pay taxes in the county, and have my garbage collection included. I would include local boating ramp access, with charges for non-locals to support their use of our infrastructure. There are a large number of transients from Richmond and surrounding areas who come here to use a free launch such as at Wake
10.	Mathews County has only two boat ramps, one on the Chesapeake bay and the other on the Mobjack bay. There is a big need for a lot more on both sides. I feel that the county could make good money by becoming a fishing hot spot for the sport fishing people of the state of Virginia. God knows we need the jobs that water access will bring to us.
11.	We have cruised extensively along the Atlantic coast of the US and Chesapeake Bay. There should be a dingy dock/small craft access site at Mathews Courthouse once sewage plant closes. It would be a great benefit to the community. If developers get their way the entire coast will be a string of condominiums. Small boatyards that allow owners to work on their boats at an affordable price are being displaced. Commercial users can't afford to stay in business.
12.	My experience with owning beach waterfront has not been good. People are not considerate of property owners don't want to ask permission to walk the beach. All they want to do is destroy and throw their trash, use it for restroom, be noisy; drug actions, etc.
13.	Keep up the good work! Opportunities to establish public access are diminishing year by year.

14.	Good luck
15.	Good Luck and smooth sailing with the survey. Thanks
16.	Better planning needs to be done for all water access activities in Mathews County. Better enforcement of water "rules of the road" and etiquette in county waterways.
17.	did not get a chance to take the survey, it jumped from question # 2 to the end of survey, what happened to question #3 - 27
18.	On Question 14...you should have a "no fee" option. Thanks
19.	Mathews has 250 miles of coastline but no fishing pier, one small restaurant, Winter Harbor and Queen's Creek (with business on them) which are approved for dredging but funds went elsewhere. There is extremely limited parking for beach access or water access.
20.	My husband was raised in Sweden, where ALL water has almost unrestricted public access (permission must be asked of owner, always(!) granted. This is a national "mindset", that could not be instituted here--too late!
21.	Get a computer programmer..my survey went from question 2 to this number 28...nothing in between. Is this make work, to get funding, to make sure you have a job next year????
22.	Parking lot congestion is my biggest concern. The actual use of the boat ramps are acceptable. The problem comes when trying to park a vehicle with a boat trailer in a full lot.
23.	Check out where the state maintained road really ends down at Bavon Beach. The landowners have everyone fooled that it is private property. The state did stop some road maintenance but it is still public access but the property owners keep running people off with threats of being arrested. I know because I own property there and it's not right.
24.	I think that small boat ramps for small craft are needed. These boat ramps would enable small boats (kayak, small Hobie type catamarans, canoes) could launch without being in the way of the larger motor boats going out fishing. If it is a boat ramp where fishermen launch they are usually not very happy to see small boats loading and unloading.
25.	Didn't answer the Boater questions since we are canoeists, however, we frequently travel up to 100 miles (sometimes more) to favorite paddling/fishing spots.
26.	Who is the idiot who constructed this survey. it is totally biased and assumes that one believes that there is a problem.....what about the other side of the coin.....the questions should be better constructed.....please hire a qualified surveyor/statistician, soon.
27.	Conservation of safe Bay access if essential! Every time public access is converted to private projects, the Bay dies just a bit more.
28.	VIMS should make all their shoreline accessible to the public.
29.	The only available public ramp serving Middlesex on the Piankatank is in poor condition. No loading dock and nowhere to tie up a boat. There is also no parking available for this ramp. The current site would benefit greatly from any improvements.
30.	Thanks for putting this together. look forward to hearing the results and seeing this all lead to maintain boating and fishing life style.
31.	I don't know if I qualify as a boater - I kayak and put my kayak on my car and use public boat landings to launch - use the Mathews Blueways Guide - wish we had more guides for the Middle Peninsula

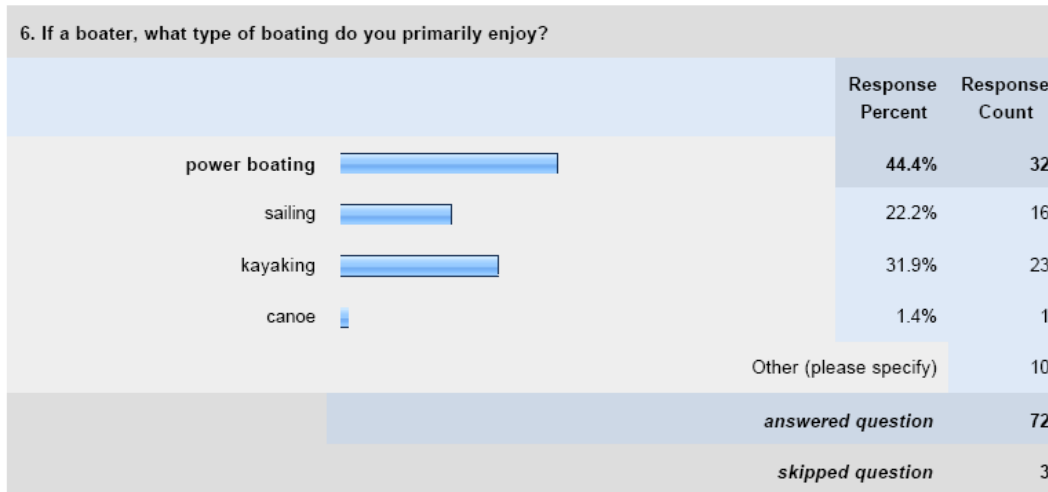
Appendix D:
MATHEWS COUNTY COASTAL SURVEY RESULTS & SITE ASSESSEMENTS

1. Participant Information			
		Response Percent	Response Count
Virginia Zip Code		100.0%	75
General community name where you live		97.3%	73
		<i>answered question</i>	75
		<i>skipped question</i>	0
2. Is access to the waterways of Mathews County a concern to you?			
		Response Percent	Response Count
Yes		94.7%	71
No		5.3%	4
		<i>answered question</i>	75
		<i>skipped question</i>	0
3. How long have you been a resident of Mathews County?			
		Response Percent	Response Count
Less than 5 yrs		6.7%	5
5-10 yrs		21.3%	16
10-25 yrs		40.0%	30
more than 25 yrs		21.3%	16
Not a resident of Mathews County		10.7%	8
		<i>answered question</i>	75
		<i>skipped question</i>	0



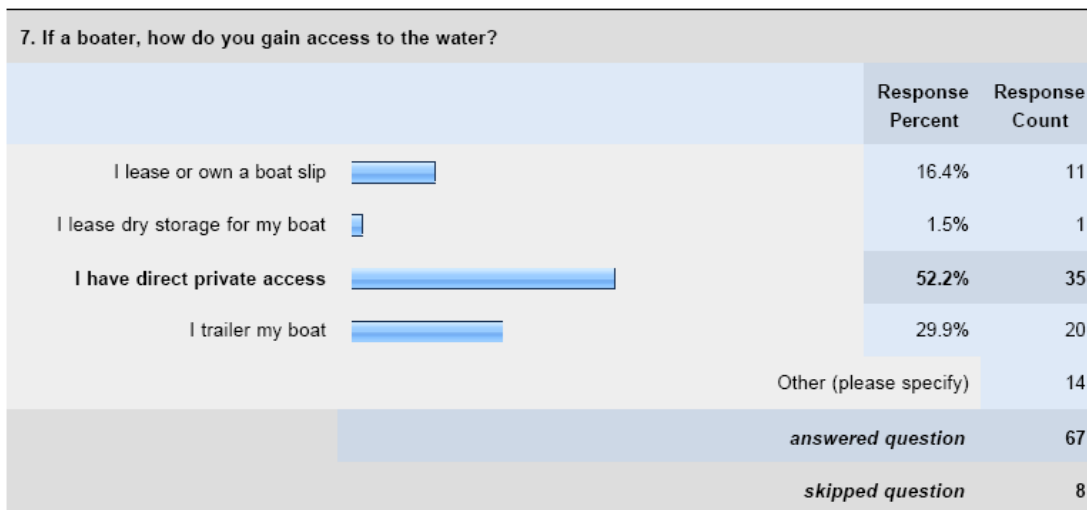
Other Specific Answers:

1.	kayaking	
2.	Sailing	
3.	ENJOY WILDLIFE	
4.	Concerned about lack of dockage for Mathews residents and working watermen.	
5.	Primarily recreational fishing but do have a commercial card for gill netting.	
6.	oyster growing and crabbing	
7.	kayak	
8.	Crabbing	
9.	clamming	
10.	Views	12.
		Kite surfing, kayaking
11.	Picnics	13.
		aquaculture of oysters in floats ("TOGA" instructions)



Other Specific Answers:

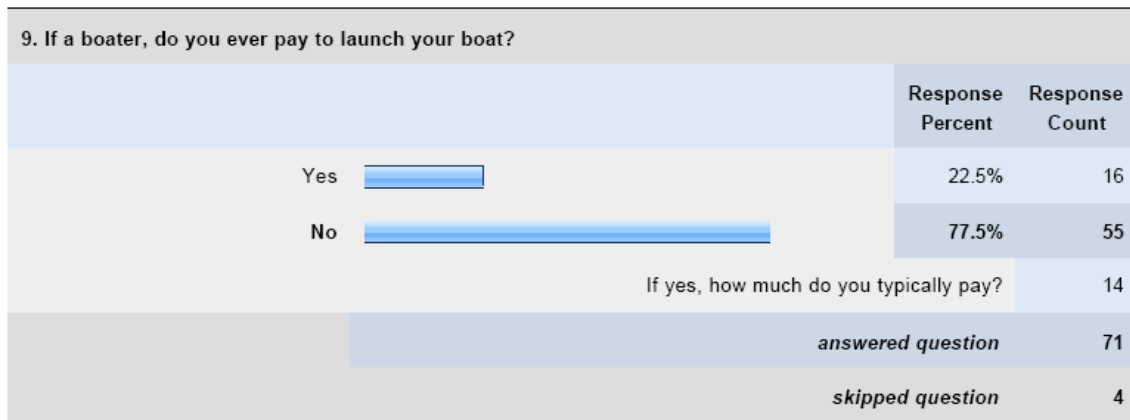
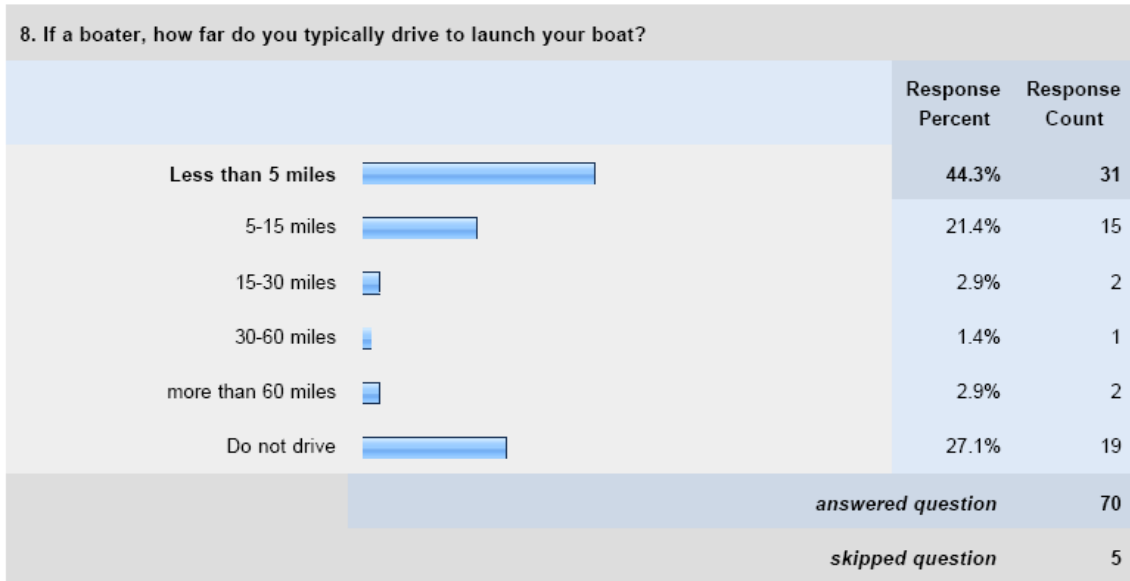
1.	canoe
2.	power boat used VERY rarely
3.	also power boat occasionally
4.	my little rowboat!
5.	kayaking, canoeing
6.	kayaking
7.	kayaking; canoe
8.	canoe
9.	sailing and jet skiing
10.	we enjoy both sailing and power boating



Other Specific Answers:

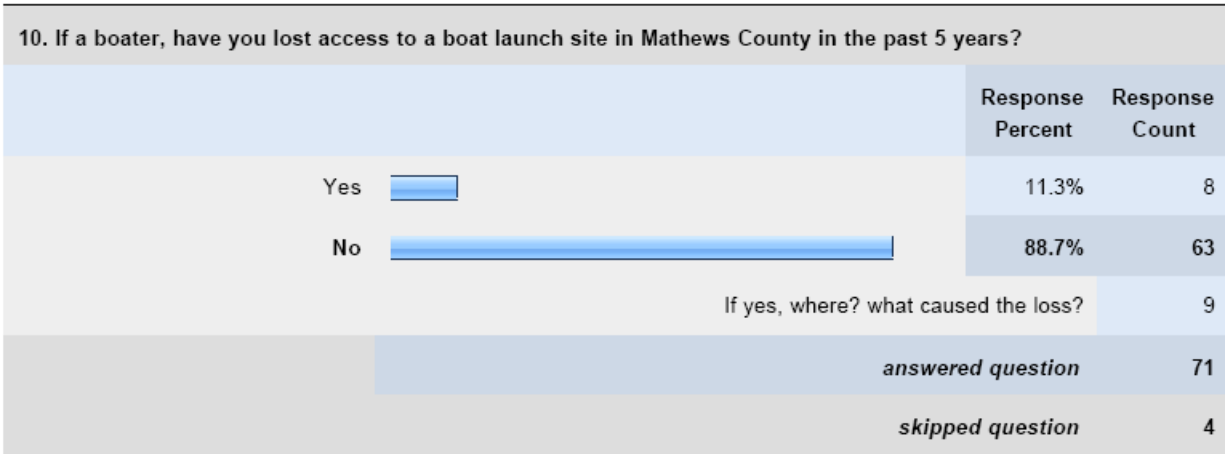
1.	Launch from public landings
2.	I have a kayak only
3.	public landings
4.	sometimes launch kayak from public landings and depend on public landings to remove power boat from water or put it back in
5.	PUBLIC LANDING
6.	Car top
7.	also use public access to put in kayak

8.	also have a small pier at mudflat
9.	use public access or subdivision private access
10.	the dock was just finished but i had problems before this
11.	and public ramps
12.	carry kayak on car and launch at public access
13.	also my kayak on car to access points
14.	Also use public access points



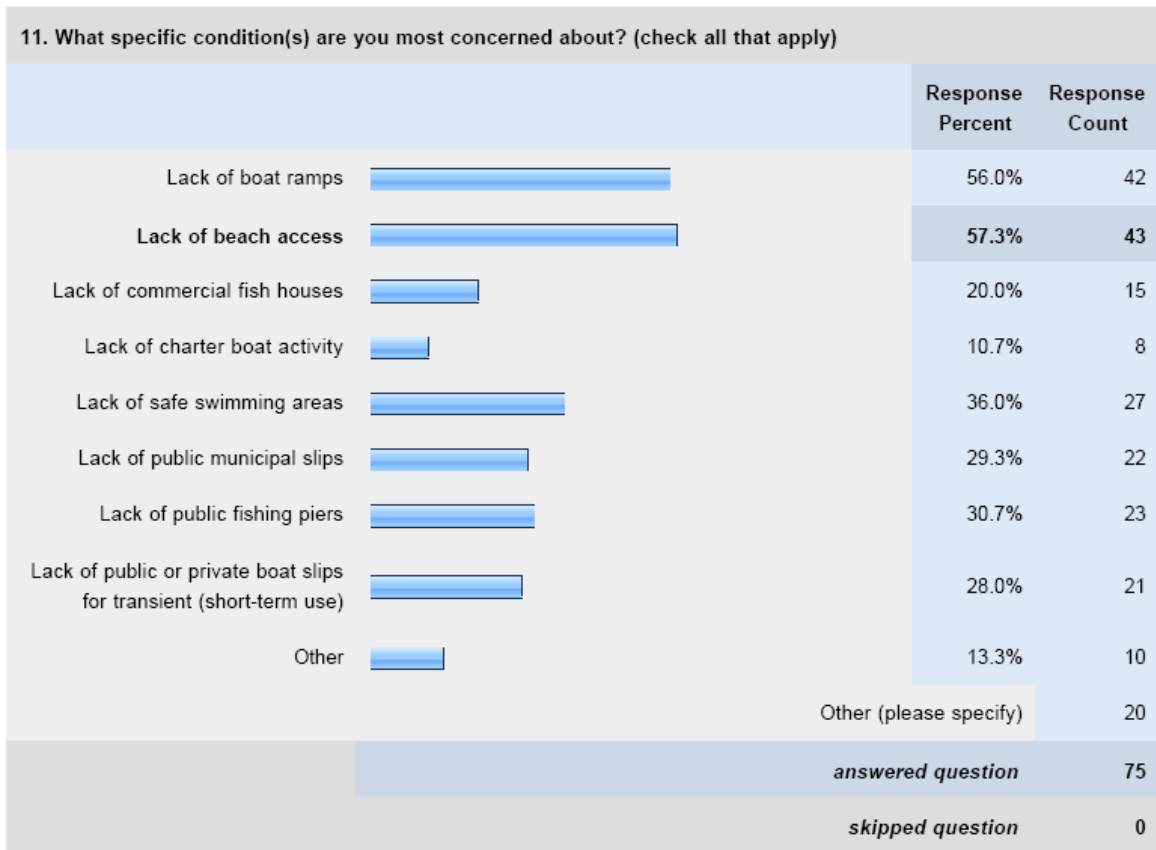
Specific Answers:

1.	\$700 PER YEAR FOR BOAT SLIP	13.	10 dollars
2.	\$5	14.	\$5.00 -\$10.00
3.	\$3		
4.	\$3.00		
5.	\$5		
6.	5.00		
7.	\$720.00+ per year times 2 boats		
8.	\$5		
9.	\$5		
10.	5-10		
11.	refuse to pay to launch a kayak		
12.	\$5 to \$7 or launch & recovery combined		



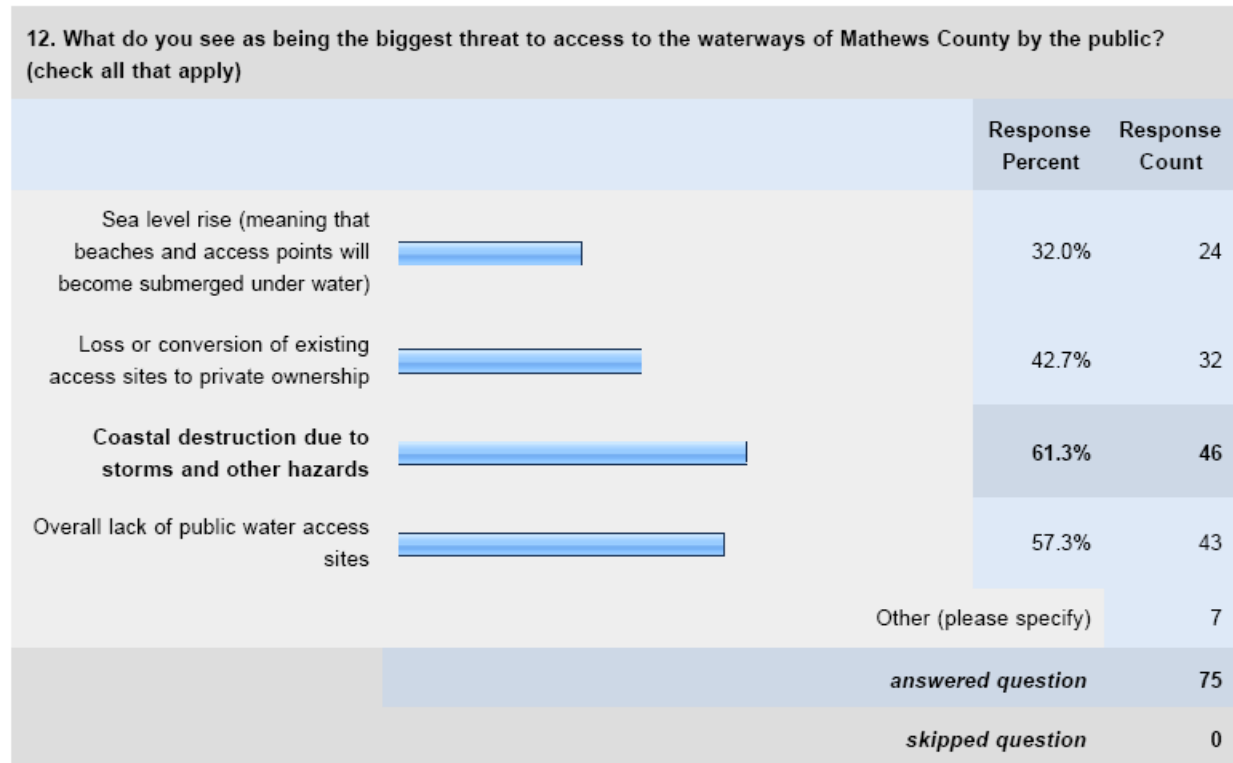
Specific Location:

1.	Davis Creek. Beached boats, trash and debris.
2.	Hicks Wharf residential encroachment
3.	Two locations in Davis Creek....development
4.	Shoaling became a problem but was dredged before it became impossible to access bay.
5.	no parking for trailer
6.	Old Mill in Bohannon Sold and boat sunk on ramp
7.	East River Boat Yard purchased by Mathews county
8.	East River Boatyard
9.	the beach due to erosion and lack of parking



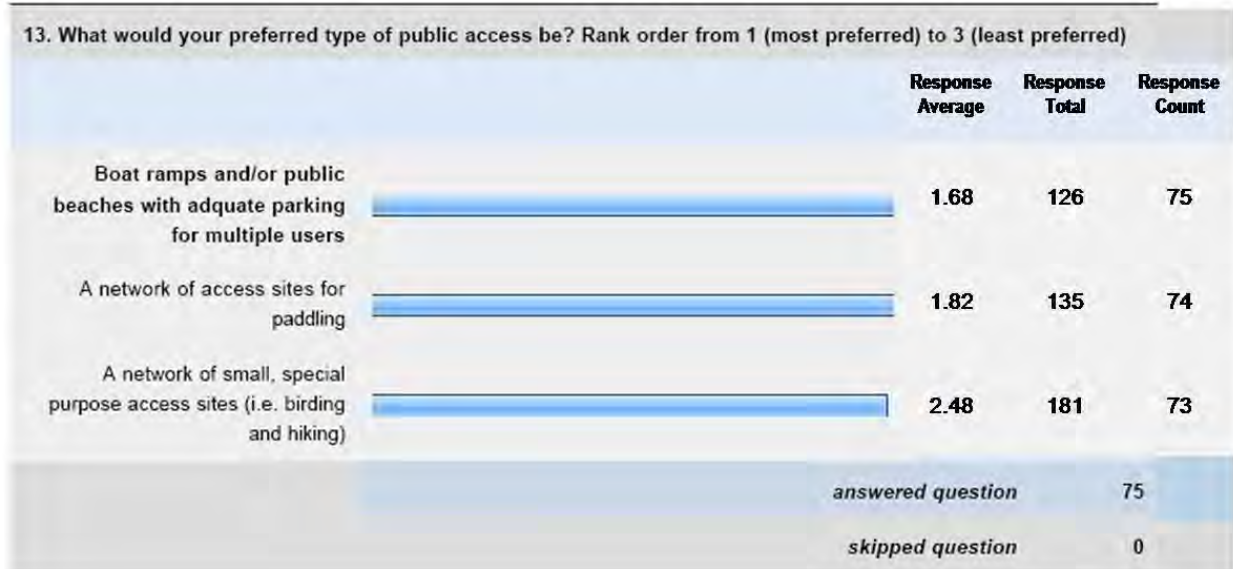
Specific Answers:

1.	Lack of public access launch sites for kayaking in certain areas especially for the East River and the North River.
2.	loss of undeveloped access
3.	Commercial kayakers using fish and game ramp
4.	NOISE/LACK OF PRIVACY FROM BOAT TRAFFIC
5.	Lack of pier tie-up space for Mathews residents and working watermen.
6.	Sufficient
7.	Winter Harbor channel kept open
8.	Getting to the Bay from boat access
9.	improvement of existing access
10.	High Speed Damaging Wake traffic on narrow waterways
11.	Parking at county boat ramps
12.	Over building of coastlines
13.	Over-development (density)
14.	Rt 631 -- Public beach access -- those who have homes at the end of Rt 631 seem to think the Beach is for "their private use only"
15.	Excess private dock building
16.	lack of small access areas for non motorized boat use
17.	Lack of public parking at present & potential access sites
18.	lack of decent beach
19.	Mathews lacks "no-discharge" zones from boats; unsure of water safety/e-coli contamination.
20.	transient dockage



Specific Answers:

1.	inadequate parking at access sites
2.	Williams Wharf is virtually a private club for crew
3.	THE ISLANDS IN THE HOLE IN THE WALL AREA ARE WASHING AWAY
4.	Increasing boat taxes
5.	Lack of public parking at access sites
6.	"Public landings" being constricted/squeezed by private interests
7.	residential (condo)development



14. If you have another preferred type of public access, please describe.	
	Response Count
	15
<i>answered question</i>	15
<i>skipped question</i>	60

Specific Answers:

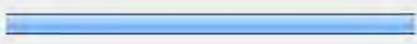
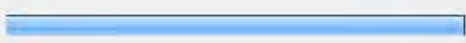
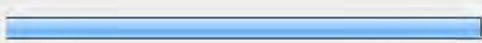
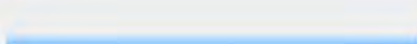
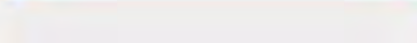
1.	Beach walking without being stopped by no trespassing signs.
2.	public beach recreation acreage
3.	Bicycle Path/Trail
4.	NONE
5.	Slips or docks adjacent to Mathews Court House
6.	n/a
7.	Would like access to restaurants and shops
8.	Public fishing pier
9.	no
10.	(ideally a combination of all 3 uses)
11.	current is adequate
12.	Access to opportunities to walk on county beaches - camping/kayaking sites
13.	Many roads end at the water but are blocked by neighboring property
14.	Kite surfing access
15.	well managed "public mooring" near attractions (Sea Breeze restaurant.; Williams Wharf, sites on N. River, Hole-In-The-Wall,etc.)

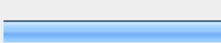
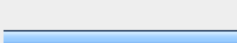

15. What existing Mathews County public access sites should be expanded and why?	
	Response Count
	43
<i>answered question</i>	43
<i>skipped question</i>	32

Specific Locations:

1.	Davis Creek public launch site needs improvement.
2.	Milford Landing
3.	Gwynn's Island boat ramp-overcrowded
4.	public access for self powered or wind powered craft
5.	New Point Light pier area.
6.	The Roane's Point landing needs to be upgraded. It could be a very nice place to put in a boat.
7.	head of Put In Creek - for transient boaters
8.	Seabreeze Restaurant needs dedicated parking. Boaters take almost all the spaces during boating season.
9.	Williams Wharf, Town Center
10.	Expand ramps so 2 boats can use at same time
11.	ALL EXCEPT PUT-IN CREEK @ OLD SEWAGE PLT.
12.	BOAT RAMP AT WHITES CREEK
13.	Davis Creek access..for direct use of the Bay
14.	Most need more adequate parking.
15.	most boat ramps are overcrowded during many holidays

16.	Winter Harbor due to excellent kayaking
17.	ANYTHING ON THE PIANKATANK
18.	n/a
19.	Williams Wharf should not be restricted to hand or wind powered boats; public funds were used and a historic public landing was at the site
20.	Would like to see Winter Harbor expanded but parking would be an issue.
21.	Hills Bay Public Landing (Hallieford)
22.	Town point or Put in Creek - access to shopping
23.	Beach areas can be improved not expanded
24.	Williams Wharf - would need transportation access to town - closest to town
25.	completing access at East River Boat Yard would offer widely expanded access
26.	need more parking at swimming beaches
27.	ok as-is
28.	keep as- is
29.	End of road access for swimming /kayaking
30.	Develop the Old Tide Mill in Bohannon
31.	I don't feel we should expand anything until we have fund to maintain it.
32.	Put in Creek, need more and structured parking.
33.	East River Boat Yard- there is no other public access site in this part of the county
34.	East River Boatyard, central to the West Mathews area
35.	Mill Rd ramp
36.	The small beach at the end of Chapel Lane (Route 631) needs to be cleaned and a "several car" parking site and turn around area. Currently, in order to turn around, one must back onto private property to do so. There is room for this but it is overgrown, contains debris and it appears that cement was dumped there previously and makes for perilous entry to the beach. With a small amount of effort and funds, this beach site could be turned into a nice little community beach to be enjoyed by all.
37.	More parking at Grimstead (Sea Breeze) & Town Point Landing ramps
38.	there are numerous "public landings" that are not listed, not developed, not maintained leading to over use of the 2 most usable sites
39.	1-Mill Creek@ Bohannon-great site @East River; 2-Ches.Baybeach @GwynnIsland;3-Piankitank river @end of state road; North River public landing
40.	East River Boatyard
41.	Parking inadequate at Seabreeze & at Town Point
42.	East River Boatyard should be developed.
43.	East River Boat Yard to provide access on the western shore of the East River

16. Public Boat Ramps Rank order from 1 (biggest problem) to 5 (smallest problem)				
		Response Average	Response Total	Response Count
Ramps are closing or being replaced for carry-on boats		3.92	196	50
Ramp sites lack adequate parking		1.75	98	56
There is not enough access to serve all users		2.12	123	58
Ramp conditions are deteriorating and not being improve		2.88	147	51
The wait time at ramp is too long or multiple ramps needed		3.53	180	51
<i>answered question</i>				60
<i>skipped question</i>				15

17. What is the more important priority to you? (check one)			
		Response Percent	Response Count
Improvement/expansion of existing public boat ramps and parking		42.7%	32
Construction of new public boat ramps and parking		45.3%	34
Other		12.0%	9
Other (please specify)			13
<i>answered question</i>			75
<i>skipped question</i>			0

Specific Answers:

1.	I'm more interested in beaches/kayak launch sites	12.	Include enhancements as can at "public landings"
2.	KEEPING WATER ACSESS CLEARLY MARKED		
3.	Keeping existing waterways open for navigation.	13.	Improvement/expansion of new public access sites
4.	dredge putin creek		
5.	No Wake Zones & Enforcement		
6.	Did not answer question		
7.	NONE		
8.	Maintaining as-is with development density restrictions		
9.	Especially the one on Mill Lane		
10.	Beach access for swimmers		
11.	There are not nearly enough water access sites		

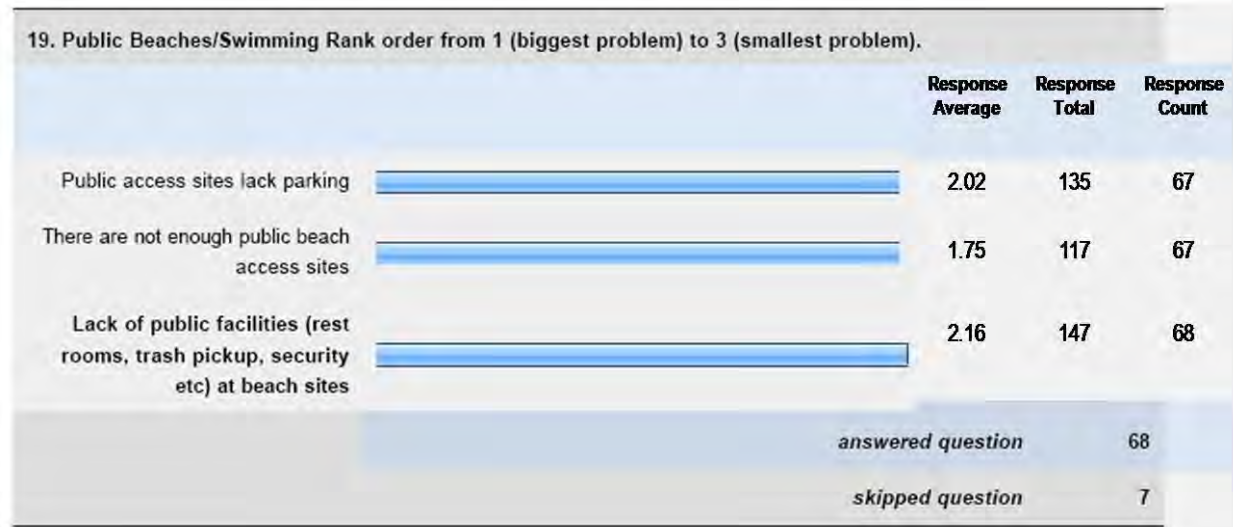
18. Where would you like to see a new public boat ramp in Mathews?			Response Percent	Response Count
Body of water			98.1%	52
Closest street/route and general location			69.8%	37
<i>answered question</i>				53
<i>skipped question</i>				22

Specific Body of Water:

1.	Lower East River	37.	North River
2.	Milford Haven	38.	East River
3.	Hallieford area	39.	East River, west side
4.	North River	40.	East River, North River, bay/beach side of Chesapeake
5.	Chesapeake Bay	41.	north river
6.	Cobbs Creek	42.	East River
7.	Chesapeake Bay	43.	West side of East River
8.	Put-in-Creek	44.	North River
9.	Chesapeake Bay	45.	piankatank
10.	EAST RIVER	46.	anywhere on creeks
11.	ANY WHERE	47.	East River
12.	Put In Creek	48.	East River
13.	Bay...Mobjack	49.	north river
14.	East River	50.	North River
15.	based on what i have seen, it appears the milford haven is most crowded most of the time	51.	Milford Haven
16.	North River	52.	Piankatank River
17.	East River	40.	East River, North River, bay/beach side of Chesapeake
18.	Piankatank	41.	north river
19.	PIANKATANK	42.	East River
20.	The Head of Put In Creek	43.	West side of East River
21.	Piankatank River; NOrth River	44.	North River
22.	East river on the Mobjack side	45.	piankatank
23.	None - Not Needed	40.	East River, North River, bay/beach side of Chesapeake
24.	Putt in Creek	41.	north river
25.	Cobbs Creek	42.	East River
26.	Mobjack	43.	West side of East River
27.	East River		
28.	Milford Haven area		
29.	Horn Harbor		
30.	none		
31.	No where		
32.	put in creek		
33.	East River		
34.	Piankatank River		
35.	East River, South side		
36.	North River		

General location:

1.	Mobjack or Diggs Wharf area	21.	Sandbank Road
2.	Gwynns Island Rt 633	22.	none
3.	rt 198	23.	No where
4.	Hudgins	24.	courthouse
5.	Roanes Point Road	25.	Mill Lane Road Bohannon
6.	Winter Harbor area	26.	Mathew's side of the Piankatank River Bridge
7.	Brickbat Road	27.	North River Road
8.	courthouse area	28.	Mobjack area
9.	Horn Harbor	29.	Mill Lane, East River Boatyard
10.	MOORING SITE AT TOWN POINT LANDING	30.	Also, public kayaking from Williams Wharf w/o fee
11.	"downtown" Mathews	31.	Mobjack
12.	620	32.	Route 660
13.	East River Road Side	33.	upper end
14.	Godfry Bay	34.	any of the southern or northern landings that are misused
15.	TWIGGS FERRY BRIDGE	35.	Mill Creek @ Bohannon+ near Mobjack town
16.	at Roanes Point landing; Auburn Landing	36.	Mainland near Gwynns Island--Quick access to Bay
17.	Church street	37.	Rt. 3 at Twiggs Ferry Bridge
18.	lower East River on Rt 14 side		
19.	Cardinal		
20.	Redart area		



20. Public Fishing Piers and Fishing from the Shore Which of the following problems do you experience most often?

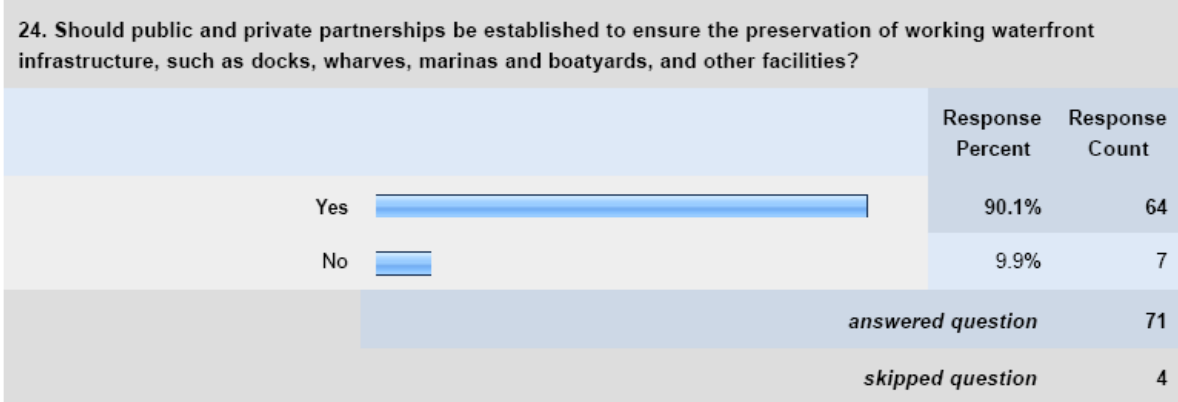
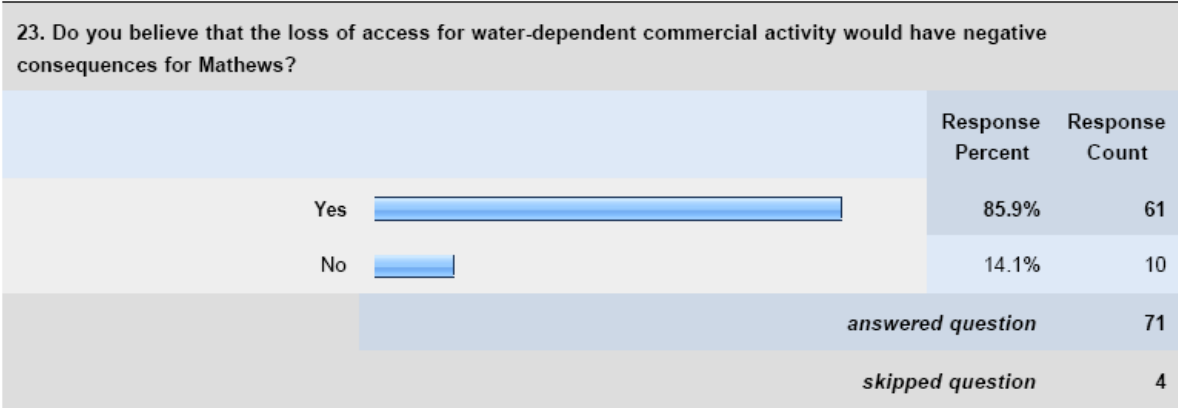
	Response Percent	Response Count
On-shore fishing locations have turned to private ownership or private owners now forbid fishing use	30.4%	14
Was never available	69.6%	32
<i>answered question</i>		46
<i>skipped question</i>		29

21. Boat Slips Rank order from 1 (biggest problem) to 4 (smallest problem).

	Response Average	Response Total	Response Count
Have been priced above market value	2.65	98	37
Are being demolished	2.53	86	34
Are not available	2.03	75	37
Can not be accessed due to shoaling	2.12	89	42
<i>answered question</i>			44
<i>skipped question</i>			31

22. Commercial Seafood Houses (Traditional Working Waterfront) Rank in order from 1 (biggest problem) to 4 (smallest problem).

	Response Average	Response Total	Response Count
Are being replaced by private development	2.32	102	44
Property tax is too high for watermen to retain the property	2.59	119	46
Not enough catch for watermen to make a living	1.98	93	47
Not enough workers/labor force available (crab pickers, oyster shuckers, dockhands, etc)	3.04	137	45
<i>answered question</i>			49
<i>skipped question</i>			26



25. What working waterfront infrastructure in Mathews do you think should be protected?

	Response Count
	45
<i>answered question</i>	45
<i>skipped question</i>	30

Specific Location:

1.	Boatyards because of Mathews boatbuilding heritage
2.	Callis Wharf
3.	public docking facilities and access boat ramps
4.	marinas
5.	Without watermen and waterfront businesses there would be no commerce in the history of this county
6.	Commercial fishing docks transfer areas for catches.
7.	waterfront restaurant
8.	Maintain Open waterways (dredge)
9.	None
11.	Callis Wharf
12.	Docks for working watermen
13.	Callis Wharf, East River, Davis Creek
14.	i am not sure there is one in existance?
15.	Davis Creek, Milford Haven
16.	Put In Creek
18.	CALLIS WHARF

19.	Horn Harbor, Mobjack Marina, "Hole In The Wall"
20.	Davis Creek, Callis Wharf, Horn Harbor
21.	Davis Creek
23.	Davis Creek
24.	Davis Creek
25.	Davis Creek & East River Boat Yard
26.	Davis Creek
27.	all
28.	All of them
29.	Current areas should be so zoned
30.	Callis Wharf, Horn Harbor
31.	Williams Wharf
32.	Gwynn's Island
33.	Williams Warf, many Gwynns islands sites
34.	existing seafood receives
35.	Callis wharf, East River Boatyard
36.	Callis Wharf, East River Boatyard, Islander, Williams Wharf, any boat building/builder area that can be saved/restored
37.	the 9 or 10 existing landings
38.	1-Callis Wharf; 2- Edwards Creek & close seafood wharfs; seafood facilities in Horn Harbor & Davis creek
39.	Callis Wharf
40.	Gwynns Island Public Boat Ramp
41.	Callis Wharf, Davis Creek, East River Boatyard
42.	Callis Wharf comes to mind.
43.	Davis Creek
44.	Gwynn's Island bridge
45.	Callis Wharf

26. What areas of Mathews have a historic connection to working waterfronts?	
	Response Count
	45
<i>answered question</i>	45
<i>skipped question</i>	30

Specific Location:

1.	Gwynn's Island (Callis Wharf), Davis Creek
2.	Callis Wharf, Mobjack Area
3.	Gwynn's Island area
4.	Gwynn's Island, Port Haywood, Bavon, East River
5.	Mathews history is congruent with working waterfronts
6.	East River
7.	Williams Wharf
8.	Put In Creek at Mathews Courthouse
9.	HISTORIC SHIPYARDS
11.	Williams Wharf, Callis Wharf, downtown
12.	vis Creek, Milford Haven
13.	Davis Creek, East River, Winter Harbor, Callis Wharf
14.	not sure?
15.	Horn Harbor
16.	Main Street
18.	MOBJACK, EAST RIVER BOATYARD
19.	Actually, all of them, each river and bay; it was everywhere even where the land has disappeared as in New Point

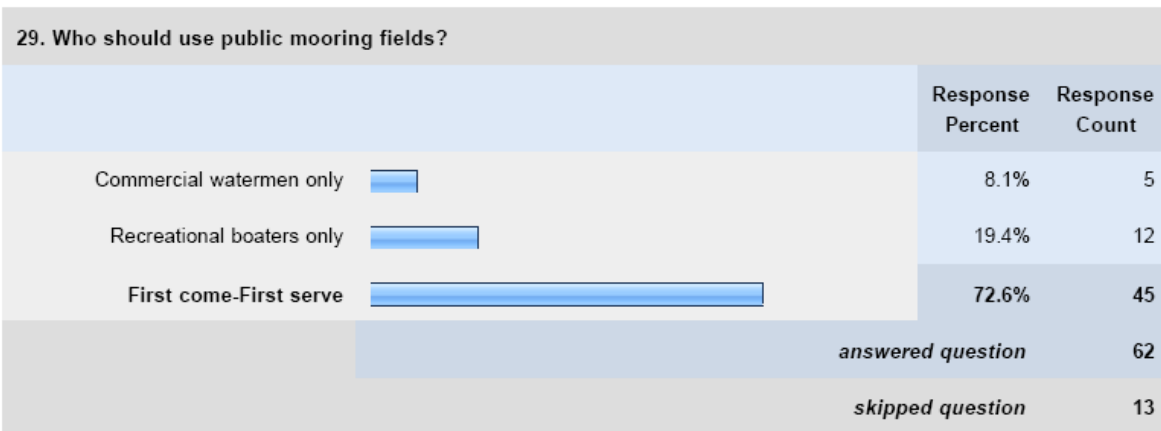
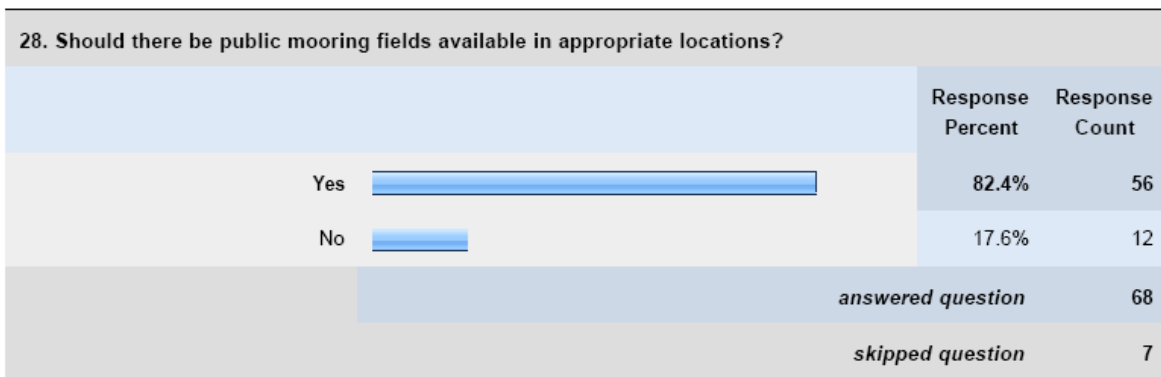
20.	Winter Harbor and Horn Harbor
21.	Bavon and Mobjack
24.	Gwynns Island
25.	Callis Wharf, Davis Creek
26.	unknown
27.	All
28.	Put in Creek, Williams wharf, Gwynn's Island
29.	Gwynn's Island; Fitchetts Wharf - Mobjack
30.	Courthouse and head of Put in Creek
31.	Am not really sure --
32.	Williams Warff
33.	all of mathews
34.	Mobjack
35.	Put-In creek should be dredged to town
36.	Any neighborhoods in which such waterfronts exist and any areas in the County that relate to and/or interface(d) with working waterfronts/watermen
37.	all of it
38.	several: Milford Haven/Cricket Hill; Davis Creek; Mill Creek; Mobjack
39.	Turn Basin by Sewage Plant
40.	Gwynns Island
41.	Callis Wharf, Williams Wharf, East River Boatyard, Horn Harbor, Milford Haven
42.	The whole county
43.	Davis Creek, Milford Haven
44.	Gwynn's Island Bridge
45.	East River

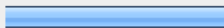
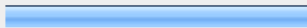
27. What improvements need to be made to existing working waterfront infrastructure?	
	Response Count
	36
<i>answered question</i>	36
<i>skipped question</i>	39

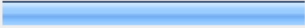

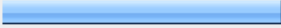

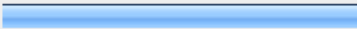
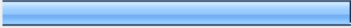
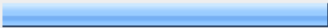

Specific Locations:

1.	Preservation of historic Callis Wharf for future use
2.	Redevelopment, general maintenance, some purpose (restaurant, fishing destination spots)
3.	expanded
4.	Regular trash and clean up
5.	more waterfront restaurants
6.	Jetties to reduce shoaling
7.	Dredge Put In Creek
8.	parking, dockage, pump out station, refrigeration, electricity,
9.	More commercial fisherman to support them
10.	Put In Creek Dredging
11.	?
12.	RAMPS
13.	Dredging existing channels and water way access routes
14.	accessibility from the water.
15.	restaurant for fresh catch & purchase of fresh catch
16.	None

17.	Don't know
18.	Must be more economically viable to survive
19.	access and keeping up road conditions(hard with economy problems)
20.	Dock Repairs
21.	Infrastructure, including water and sewer
22.	Need to be made safe with facilities for Watermen and fishermen
23.	build dinghy dock at head of Put in Creek
24.	Not enough knowledge to make a decision
25.	Access, parking, trash receptacles
26.	Allow boat ramp use at East River Boatyard
27.	Downtown dock
28.	Parking; renovation and/or preservation of structures; interpretation and publicity of historic sites
29.	proper ramps, area improvements, area monitoring, parking, publicizing their existence
30.	stabilization & preparation for storms & rising water levels
31.	Maintenance
32.	adequate parking
33.	Protect from purchase for residential development
34.	They're falling apart.
35.	Not sure
36.	Repair Docks and Ramps

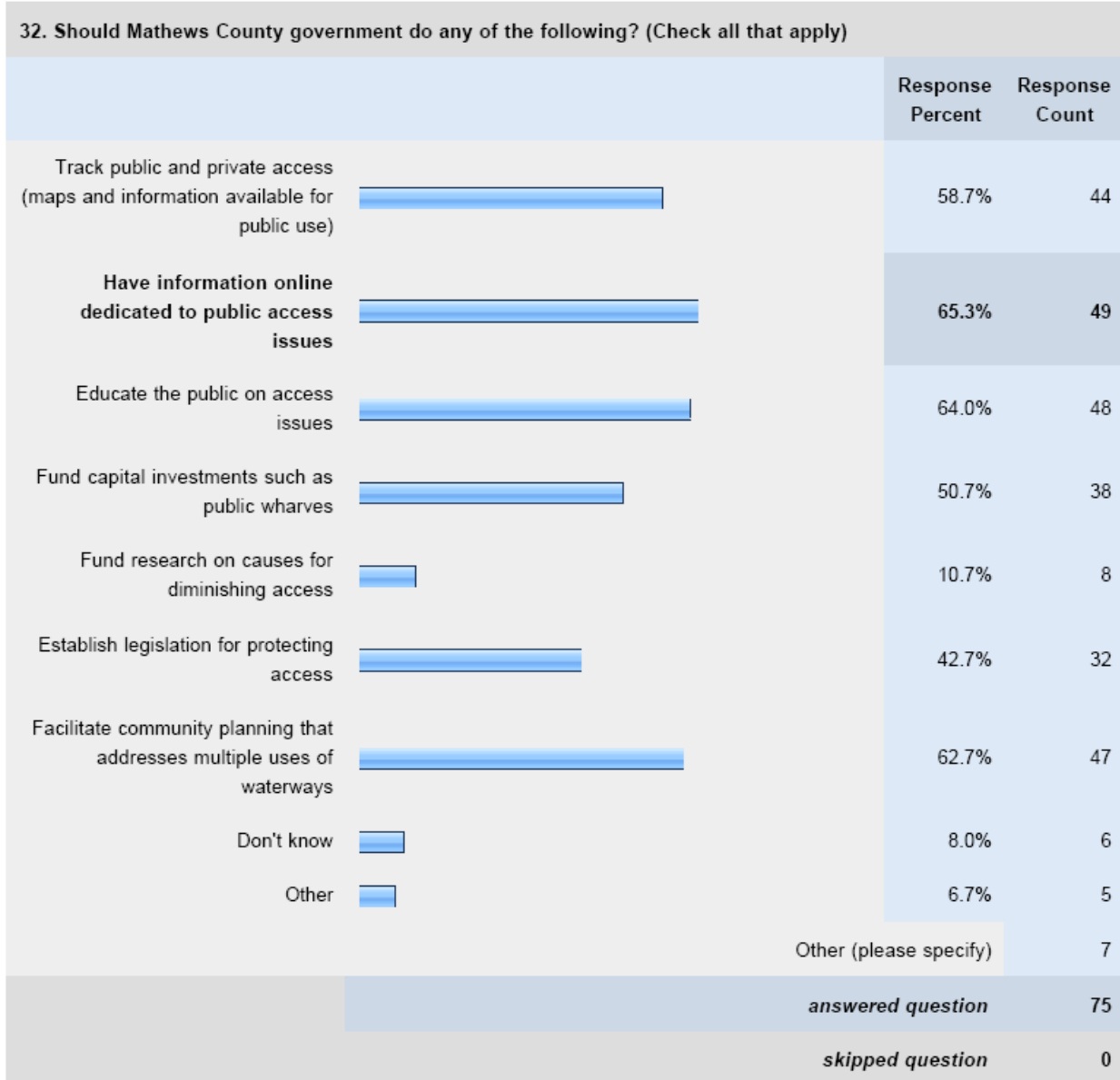


30. Should public mooring fields be rented for long term use?		
		Response Percent Response Count
Yes		41.9% 26
No		58.1% 36
		<i>answered question</i> 62
		<i>skipped question</i> 13

31. What tools do you think Mathews County government should investigate to protect public access to the waterways of Mathews? (check all that apply)		
		Response Percent Response Count
Transfer of development rights (protect key sites from development or conversion)		53.3% 40
Public financing dedicated to working waterfronts or public access		56.0% 42
Fees or other taxation options (for special projects like dredging, new boat ramps, or land acquisition)		49.3% 37
Zoning (to protect and manage land and water uses)		70.7% 53
Encouraging private donations (land and funding) for the protection of public access		62.7% 47
Working with property owners to save working waterfronts through easements or other partnerships		61.3% 46
Developing laws and regulations for the protection of public access		57.3% 43
Don't know		9.3% 7
Other (please specify)		7
		<i>answered question</i> 75
		<i>skipped question</i> 0

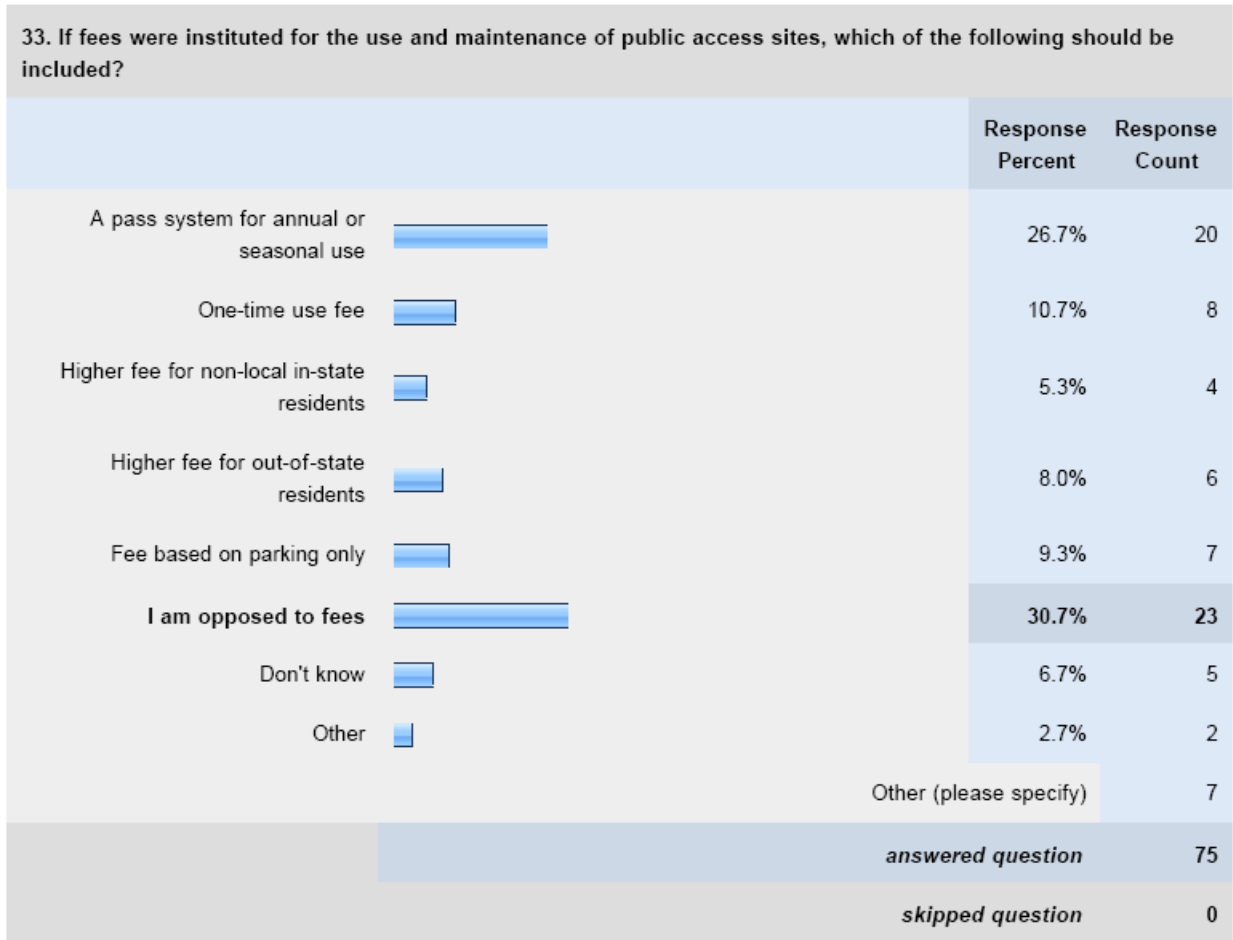
Other Specific Answers:

1.	Educate Bayfront landowners to allow public access
2.	I think every option possible should be used.
3.	I think fees should target those who use the facilities including non-residents who come here to launch boats.
4.	ADVERTISE PUBLIC ACCESS SITES TO PROMOTE TOURISM
5.	In past many access points were abandoned by petition of landowner; stop this and reverse as possible
6.	As little county government as possible
7.	foster initiatives like done @ Williams Wharf



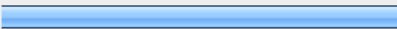

Other Specific Answers:

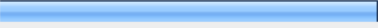

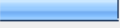
1.	Again, use all options available
2.	Federal grants for public access to the bay
3.	Continue to pursue Put In Creek access improvements
4.	Promote Blueways Guide
5.	If this applies, work toward comprehensive solution for heartbreaking erosion of our barrier islands and shorelines. Rigby is now nearly cut through; Hole in the Wall is now a freeway.
6.	Do none of the above
7.	Stop approving so much development on waterways


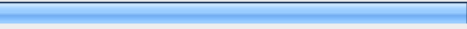


Other Specific Answers:

1.	DROP THE FEES once the project is paid for.
2.	public access should be open to anyone
3.	This question should have allowed multiple answers. I favor the first two and possibly 3 & 4 as well.
4.	We are non-local in-state residents and I would object to higher fees because of our current investment in property at Winter Harbor, Mathews County.
5.	A combination with the specific user in mind
6.	concerned about administrative costs
7.	Higher fee for out-of-state residents; I am opposed to fees; if charging fees the cost of enforcing will eat up the fee

34. Should different user groups have access to all sites?		
	Response Percent	Response Count
Yes 	77.3%	51
No 	22.7%	15
<i>answered question</i>		66
<i>skipped question</i>		9

35. For whom is Mathews providing access?		
	Response Percent	Response Count
Residents 	73.8%	45
Commercial users 	3.3%	2
Transients 	23.0%	14
<i>answered question</i>		61
<i>skipped question</i>		14

36. Would you consider selling, leasing, or receiving some other compensation in exchange for creating public water access on your land?		
	Response Percent	Response Count
Yes (Please call 804-758-2311 to discuss further) 	8.6%	5
No 	91.4%	53
Why or why not?		33
<i>answered question</i>		58
<i>skipped question</i>		17

Specific Responses:

1.	Not enough land and too tidal for public access
2.	no deep water; long walk; no parking
3.	private property is private
4.	there's not enough water for a public ramp
5.	Waterfront too shallow, not easily accessible, marsh needs protection
6.	this is a private residence not equipped to handle public access
7.	If I had waterfront property I would
8.	I am not able to be present at all times to monitor the access site
9.	My land is just one yard where my home is located.
10.	I do not have waterfront land
11.	NEED TO PRESERVE PRIVACY AND WETLANDS
12.	DONT WANT THE TRASH THEY LEAVE
13.	My property is not suitable.

14.	DON'T HAVE ENUFF PROPERTY
15.	not enough land
16.	Don't have waterfront property.
17.	Don't know
18.	There is sufficient public access
19.	Not enough space
20.	I like my privacy and controlled access
21.	Property is too small for public access
22.	N/A
23.	already a state recognized marina
24.	Not suitable for public access.
25.	do not own enough property to provide access
26.	Private road access only
27.	Too shallow
28.	This is not applicable to my location in the county.
29.	Property too small; privacy; no parking; private roads in subdivision (maintenance paid for by owners group assessment of property owners) would be adversely impacted
30.	site not appropriate
31.	trespassers have been violent and mean in past
32.	only have a small lot with no parking
33.	tidal access

37. You have completed the survey. Thank you for your time. If you'd like to submit additional comments, please use the box below.

	Response Count
	23
<i>answered question</i>	23
<i>skipped question</i>	52

Specific Responses:

1.	Need a way to control privatization of coastal areas; need to find a way to stop dumping of trash at public landings; need better use of some waterfront areas such as the Islander on Gwynn's Island. Dredge Put-in Creek and make Mathews a waterfront town.
2.	If you make current private beach areas public...I fear a real diminished property value of existing waterfront homes...not to mention a whole host of right of way issues from private roads
3.	Waterfront protection vital to resource preservation
4.	Public water access in Mathews needs to be kept clean and clear of all the debris left by recreational and commercial users.
5.	Question 35 also should have allowed multiple answers.
6.	WHEN SEWAGE TREATMENT PLANT IS REMOVED, ACCESS SHOULD BE LIMITED TO "NO POWER CRAFT", IN ORDER TO PRESERVE WILDLIFE IN THE CREEK, WHICH IS PROLIFIC. SIGNS SHOULD BE POSTED AT SHALLOW AREAS, SOUTH OF C.H. AREA TELLING "NO POWER CRAFT ALLOWED", IN ORDER TO NOT DISTURB TURTLES, HERONS, EGRETS, OSPREYS, AND ALL OTHER WILDLIFE IN PUT-IN CREEK AREA. THANK YOU FOR THIS SURVEY, IT WILL HOPEFULLY BE VERY HELPFUL FOR FUTURE PLANNING.
7.	DO SOMETHING TO STOP TRESPASSING AND THREATING PROPERTY OWNERS ALSO POST SIGNS TO PUBLIC BEACHES AND RAMPS
8.	This is not a good survey. The answers are not mutually exclusive. Example: 35.
9.	THIS IS A PROBLEM THAT THE COUNTY ADMINISTRATION SHOULD FOLLOW UP UNTIL IT IS SLOVED.
10.	Having a summer home on Winter Harbor and having worked to have the harbor dredged twice, has made us keenly aware of the need for shoreline protection. Would like to see more emphasis put on protecting what

	Mathews County has already and improving the accessibility of its existing facilities. This would include making the public piers available with adequate parking; maintaining these piers so they are not dangerous to residents and providing some sort of rest-room facilities. It is a known fact if the facilities aren't there, they will be constructed by demand. Trash cans on sites would also help as long as they were checked frequently. At the same time, Mathews County has some excellent natural areas that should be preserved.
11.	Courthouse needs a boat basin for transients
12.	Lease (contract concession) of public beach access facilities to private enterprise for increased revenue and facility improvements.
13.	Some kayak access on Put-In Creek would be very useful
14.	Need to be creative in small county with limited funds and small staff.
15.	Would like to see free access to all public access points for residents, commercial users and guests of the county (transients)
16.	To further answer Question 22 with regard to Commercial Seafood Houses: protect the Bay by limiting agricultural and sewage/septic run-off issues. Mandate sewage (public) connections. Bring back the catch and you'll bring back the business
17.	Part-time second generation come here
18.	Mathews is a wonderful place to live. As a much desired summertime destination for visitors (family, friends and especially grandkids!), safe public beaches are a paramount concern. In particular, the small county owned beach property at the end of Chapel Lane (Route 631) could easily be adapted to a safe beach area without very much effort or expense.
19.	Mathews County is a water mecca for boaters of all kinds and yet there are precious few places to launch a boat, so that those sights are usually over crowded. There needs to be more small launch sites for non motorized vessels like kayaks and canoes that have no impact on the environment. Out of town people find it difficult to find a place to launch, or rent a boat for a day or a weekend. I think the county is missing a BIG opportunity to develop tourism in this sector. The county is best seen from its protected waters.
20.	Mathews County has numerous access points that it currently owns which are neglected, in disrepair, not monitored and not publicized. These should receive immediate attention for the benefit of the entire community, recreational and commercial. The situation for the working waterman is severe. An entire way of life has died in a fraction of a generation.
21.	Clearly, the 355+ miles of valuable water front on/near Chesapeake Bay is a huge asset of Mathews that should be properly eco-travel marketed to the "golden-crescent" affluent folks- earn local income from these visitors with safeguards for environmental and local, good-life qualities.
22.	Only two good ramps in county, Seabreeze and Town Point. Both should have been built more steeply to facilitate floating boats on and off trailers.
23.	Mathews is doing a good job, but more funding is needed. Tough to do in these economic times.

SITE ASSESSMENTS PER SURVEY RESULTS

Auburn Landing	
Waterway: North River	Zoned: B1
Map #: 23-A-20	Plat Available: Yes
Directions to Site: Rt 14 (Buckley Hall Rd), turn onto rt 620 (Chapel Neck Rd), L onto Northview Lane go to end	
Signs to Site: 1	
Location of Signs:	
Wording on Signs:	
Ownership: Political subdivision	Maintained By: County
Current Use:	
Improvements: None	
Facilities: small parking area	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings	
Potential Improvements: Signs, parking, fishing pier and approach access	
Comments: This was in litigation. State Supreme Court ruled this site can be used for public access	
Public Comments from Survey: Access should be expanded.	

Bethel Beach	
Waterway:	Zoned:
Map #:	Plat Available:
Directions to Site:	
Signs to Site:	
Location of Signs:	
Wording on Signs:	
Ownership: Political subdivision	Maintained By:
Current Use:	
Improvements:	
Facilities:	
Handicap Accessibility:	
Neighborhood Zoning & Development:	
Potential Improvements:	
Comments:	
Public Comments from Survey:	

Davis Creek Landing	
Waterway: Davis Creek	Zoned: B1
Map #: 43-A-36	Plat Available: No
Directions to Site: Rt 14 (New Point Comfort Hwy), turn onto rt 600 (Circle Drive), L onto rt 689 (Davis Creek Rd), go to end	
Signs to Site: None	
Location of Signs:	
Wording on Signs:	
Ownership: Political subdivision	Maintained By: County
Current Use: pier	
Improvements: Large pier, ramp to pier, limited gravel parking area	
Facilities: small area to launch canoe, pier with 2 walkways, parking for cars (adjacent marina with slips and boat ramp)	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings & Marina	
Potential Improvements: Signs, parking, lighting, picnic bench, waste receptacle	
Comments: "County of Mathews" Sign posted. Nice pier	
Public Comments from Survey: Launch site needs improvement. Access to Davis Creek has been lost due to beached boats, trash and debris.	

Doctors Creek Landing	
Waterway: Doctors Creek	Zoned: B1, "C"??
Map #: 42-5-4B	Plat Available: No
Directions to Site: Rt 14 (New Point Comfort Hwy), turn onto rt 602 (Sand Bank Rd), L on 691 (Heath Rd), R onto rt 699 (Doctors Creek Rd), go to end	
Signs to Site: None	
Location of Signs:	
Wording on Signs:	
Ownership: Political subdivision	Maintained By: County
Current Use:	
Improvements: None	
Facilities: Small area to launch canoes, limited parking	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings	
Potential Improvements: Signs, parking, lighting, picnic bench	
Comments: Another wilderness spot.	
Public Comments from Survey: N/A	

Grimstead Public Landing	
Waterway: Milford Haven	Zoned: B1/R1
Map #: 11A5-A-6	Plat Available: Yes
Directions to Site: Rt 223 (Cricket Hill Rd) go over bridge, on right hand side of road – Public Landing @ Seabreeze (384 Old Ferry Road)	
Signs to Site: 2	
Location of Signs: Int Rt 198/223 and @ landing	
Wording on Signs: Public Landing	
Ownership: Political subdivision	Maintained By: County
Current Use: boat ramp and pier	
Improvements: concert ramp, pier	
Facilities: 19 spaces for trailer parking, +10 car parking, pier, boat ramp	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings, Restaurant	
Potential Improvements: Additional parking, lighting, picnic benches	
Comments: “No wake Zone” sign	
Public Comments from Survey: Boat ramp is overcrowded and needs to be expanded. The Seabreeze Restaurant need have dedicated parking since the boaters take almost all the spaces during the boating season. More parking is needed.	

Haven Festival Beach	
Waterway: Chesapeake Bay	Zoned: C
Map #: 22-7-1, 2, 3	Plat Available: Yes
Directions to Site: Take Rt 198 (Buckley Hall Rd) until it becomes Rt 642, (Fitchetts Wharf Rd) bear right onto Rt 643 (Haven Beach Rd), follow Rt 643 to end of road, bear right onto dirt road and follow to the end, this site is on the left	
Signs to Site: None	
Location of Signs: None	
Wording on Signs: None	
Ownership: Political subdivision	Maintained By: County
Current Use:	
Improvements: None	
Facilities: long sandy beach, parking on side for about 5 vehicles, no turn around	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings	
Potential Improvements: Clean the bottom by removing stumps. Offshore channel dredging to pump sand on the beach. Signs, parking, lighting, picnic benches, waste receptacle	
Comments: Mosquitoes. Marlbank along the water’s edge of the beach and submerged stumps make swimming very dangerous. Offshore barriers are in place to decrease erosion. Great conservation and marsh area.	
Public Comments from Survey: N/A	

Milford Landing	
Waterway: Edwards Creek	Zoned: R1
Map #: 11A6-A-11A	Plat Available: No
Directions to Site: Take Rt 198 (Buckley Hall Rd), turn onto Rt 223 (Cricket hill Rd), R on 633 (Old Ferry Rd), R on 636 (S Bay Haven Dr), R on 672 (Edwards Landing Rd), to end	
Signs to Site: None; County of Mathews sign	
Location of Signs:	
Wording on Signs: Emergency mooring only, etc. – sign approved by BOS 2/22/00	
Ownership: Political subdivision	Maintained By: County
Current Use: local fishermen use extensively – 8 boats moored	
Improvements: wide pier	
Facilities: Limited parking – Rt 672 shoulders	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings	
Potential Improvements: Signs, parking, lighting	
Comments:	
Public Comments from Survey: Access sight should be expanded.	

New Point Comfort	
Waterway: Chesapeake	Zoned: C
Map #: 45-A-2 & 3	Plat Available: No
Directions to Site: Rt 14 (New Point Comfort Hwy), L on 600 (Lighthouse Rd) to end	
Signs to Site: 3	
Location of Signs:	
Wording on Signs:	
Ownership: Political subdivision	Maintained By: County
Current Use: tourists and locals	
Improvements: pier, signage	
Facilities: On-street parking, turn around area for vehicles, long pier with four historical boards	
Handicap Accessibility: yes	
Neighborhood Zoning & Development: Single-Family Dwellings and conservation areas	
Potential Improvements: Signs, parking, lighting, waste receptacles	
Comments: Note sign just before turning into observation areas. Directions were misleading; therefore resident posted this sign. County should provide better directions at that intersection.	
Public Comments from Survey: Pier area needs to be expanded.	

Piankatank River Landing	
Waterway: (Godfrey Bay)	Zoned: B1
Map #: 5-A-86A	Plat Available: No
Directions to Site: Rt 198 (Buckley Hall Rd), turn onto Rt. 626 (Hallieford Rd), L on 632 (Godfrey Bay RdRd) to end "End of Public Beach" sign nice touch	
Signs to Site: Follow Sandpiper Reef Signs – No County Signs	
Location of Signs: Int 198& 626	
Wording on Signs:	
Ownership: Political subdivision (.48 acres)	Maintained By: County
Current Use: beach, boat launch (used often by locals)	
Improvements: None	
Facilities: sandy beach, parking for 5-10 vehicles, small turn around area, parking for boat trailers, sandy beach for launching boats	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings and Restaurants	
Potential Improvements: Improve, enlarge and designate parking areas. Parking, lighting, picnic benches	
Comments: Depth?, N&NE exposure, nice beach	
Public Comments from Survey: Access site needs to be expanded.	

Roane's Point Landing Wharf	
Waterway: Piankatank River	Zoned: B1
Map #: 1-A-21	Plat Available: Yes
Directions to Site: Rt 198 (Buckley Hall Rd), turn onto rt 630 (Roane Pt Dr.), go to end	
Signs to Site: None	
Location of Signs:	
Wording on Signs:	
Ownership: Political subdivision	Maintained By: County
Current Use: beach, boat launching area	
Improvements: None, permit approved for shoreline stabilization	
Facilities: parking for one vehicle and trailer, small turn around in grassy area, small sandy beach, unimproved beach used for launching small tailored boats	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings	
Potential Improvements: Signs, parking, lighting, boat ramp	
Comments: Exposed to north, .45 acres, Water Depth - ?, 4 pilings offshore; picnic/ swimming potential	
Public Comments from Survey: Access site needs to be upgraded – it could be an ideal area to put in boat. Overall this site should be expanded.	

Roses Creek Landing	
Waterway: Queens Creek	
Map #: 10-A-206	Plat Available: Yes
Directions to Site: Rt 198 (Buckley Hall Road), turn onto Rt. 626 (Hallieford Road), R on 662 (Old Mathews Lane) to end	
Signs to Site: 1 County of Mathews Sign	
Location of Signs: @ site	
Wording on Signs: Loading, unloading & emergency mooring only, no storage on premises, no vehicles on dock, use at own risk	
Ownership: Political subdivision	Maintained By: County
Current Use: (Hallieford Public Landing) local watermen mostly, few private boasts, fishing/crabbing from pier	
Improvements: Large pier, guard rails, riprap, gravel walkway	
Facilities: Parking for few vehicles, 2 boat trailers, small turn around area, no beach, no ramp, long L-shaped pier for boat tie ups	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings	
Potential Improvements: Improve, enlarge & designate parking areas. Extend guard rail along parking area to prevent vehicles from going into water. Install signs at boundary to designate public area. Designate area next to dock to launch canoes & kayaks. Signs, parking and lighting.	
Comments: Depth? Obvious permanent mooring, interesting – nice pier with “temporary” mooring only. Sheltered-nicely maintained pier. A ramp would be great. Rent/Lease permanent mooring to Mathews residents?	
Public Comments from Survey: Access sites needs to be expanded.	

Town Point Landing	
Waterway: Put-in-Creek	Zoned: B1
Map #: 29-A-201	Plat Available: Yes
Directions to Site: Rt 14 (New Point Comfort Hwy) turn onto Rt 615 (Lighthouse Rd) to end	
Signs to Site: 1 State sign regarding use	
Location of Signs: Int Rt 14 & Rt 615	
Wording on Signs: Public Landing	
Ownership: Political subdivision	Maintained By: County
Current Use: boat launch, fishing	
Improvements: concrete boat ramp, pier	
Facilities: boat ramp, small pier, parking for vehicles and boat trailers	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings	
Potential Improvements: Signs, parking, lighting, waste receptacles	
Comments: Parking, fishing pier, lighting, picnic benches, waste receptacles	
Public Comments from Survey: Access site should be expanded for transient boaters, and access to shopping. More parking is needed. This area needs to be dredged.	

White's Creek Landing	
Waterway: Whites Creeks (Bay access through "Hole-in-Wall")	Zoned: B1
Map #: 22-A-118	Plat Available: No
Directions to Site: Take Rt 198 (Buckley Hall Rd) until it becomes Rt 642 (Fitchetts Wharf Rd), bear right onto Rt 643, follow Rt 643 (Haven Beach Rd) to rt 682 (Rigby Wharf Rd), to the end of the state maintained road, go straight onto dirt road and follow to the end	
Signs to Site: 1 County of Mathews Sign	
Location of Signs: @S Site	
Wording on Signs: Loading, unloading and emergency mooring only, no storage on premises, no vehicles on dock, use at own risk	
Ownership: Political subdivision	Maintained By: County
Current Use: local fishermen – no boats moored	
Improvements: long pier – good shape	
Facilities: sandy beach, parking for a few cars	
Handicap Accessibility:	
Neighborhood Zoning & Development: Single-Family Dwellings	
Potential Improvements: Signs, parking, lighting, picnic benches	
Comments: Site is in good condition and located @ ESM Rt 682. Wooden pier in very good condition. Site has unpaved (sandy) site where small boats can be launched at high tide. Very limited parking area. Vehicle/trailer units could not exceed 5. Site should be upgraded because of close access to Bay fishing grounds. Parking and paved boat launch with pier.	
Public Comments from Survey: Islands are washing away at "Hole-In-Wall". Boat ramp needs to be expanded.	

Williams Wharf Landing	
Waterway: East River	Zoned: B1
Map#: 29-A-221, 222	Plat Available: Yes
Directions to Site: Rt 14 (New Point Comfort Hwy), turn onto 614 (Williams Wharf Rd), go to end	
Signs to Site: No	
Location of Signs:	
Wording on Signs:	
Ownership: Political subdivision	Maintained By: C/S/F
Current Use: crew team, local fishermen, boaters	
Improvements: floating concrete pier, long fishing pier	
Facilities: plenty of parking for vehicles and boat trailers, car-top launch area for no-powered boats, long pier for fishing "designated fishing area", other state/federal buildings	
Handicap Accessibility: yes, floating concrete pier	
Neighborhood Zoning & Development: Single-Family Dwellings and 2 vacant buildings	
Potential Improvements: Lighting, picnic benches, waste receptacles	
Comments:	
Public Comments from Survey: This site could be used for a public mooring area. This area is perceived as a private club. This access point should be expanded and may want to consider providing transportation access to town. This site should not be restricted to hand or wind powered boats; public funds were used and a historic public landing.	

Winter Harbor Haven Landing (Old Mill Landing)	
Waterway: Winter Harbor	Zoned: B1
Map #: 36-A-21A	Plat Available: No
Directions to Site: Rt 14 (New Point Comfort Hwy), turn onto Rt 611 (Tabernacle Rd), R on Rt 611 (Garden Creek Road), continue on Rt 611 (Old Mill Landing) to Int 609 (Bethel Beach Rd), remain on Old Mill Landing Rd and go to end	
Signs to Site: 1 County of Mathews Sign	
Location of Signs: @ site	
Wording on Signs:	
Ownership: Political subdivision	Maintained By: County
Current Use: local fishermen permanently moored boats, sunken boats, crab pots	
Improvements: pier	
Facilities: small pier, unimproved boat ramp, small turn around parking for 1 boat trailer	
Handicap Accessibility: yes	
Neighborhood Zoning & Development: Single-Family Dwellings	
Potential Improvements: Signs, parking, boat ramp lighting	
Comments: Also a sign that says "Virginia Public Landing", State owned. Dock appears to be good shape. Limited parked for six or fewer vehicles. "Unimproved ramp" is an erroneous designation for than access through the marsh grass that would mire an unsuspecting visitor in a muddy morass of pain and frustration	
Public Comments from Survey: Shoaling is an issue at this site which impedes access. This site should be expanded due t the excellent kayaking. Parking needs to be expanded. Ramp needs improvements	

Winter Haven Landing	
Waterway: Winter Harbor / Bay access	Zoned: B1
Map #: 36-A148	Plat Available: No
Directions to Site: Rt 14 (New Point Comfort Hwy), L on 608 (Hamburg Rd), at sharp turn to right remain on 608 (Potato Neck Rd) to end	
Signs to Site: County of Mathews Sign	
Location of Signs: @ site	
Wording on Signs:	
Ownership: Political subdivision	Maintained By: County
Current Use: fishing pier, boat launch	
Improvements: pier, gravel parking	
Facilities: parking at end for vehicles, turn around area at end, (adjacent private marina with ramp area for launching and boast slips)	
Handicap Accessibility:	
Neighborhood Zoning & Development: summer cottages, marina, shop	
Potential Improvements: Designate county-owned area. Signs, parking, boat ramp, lighting, picnic bench, waste receptacle	
Comments: Dredging being done at private marina. Dock appears in good shape. The shell ramp on the eastern side of the dock is routinely used for shallow draft boat launching. Parking area for six or more vehicles is in good condition.	
Public Comments from Survey: N/A	

Appendix E:

PAA PRIVATE LAND GIVING PROGRAM: TECHNICAL RESEARCH, OUTREACH CAMPAIGN,
DONATED LANDS LEGAL CLOSING AND REAL ESTATE LEGAL FRAMEWORK AND BENEFITS OF
LAND DONATIONS

Examples on Tax Benefits for Donating Waterfront Land for Public Access

One benefit for an individual donating private land for public water access is realizing significant deductions in Federal and Virginia state income taxes. These examples are for illustrative purposes only. For more information on how these benefits apply to your situation, contact your tax professional.

Summarizing Tax Benefits

The donation of conservation land is considered a charitable gift and the value of the donation may be deducted from the donor's income. Here's how the deduction is calculated.

1. Adjusted Gross Income (AGI) is Lowered by 30%.

This 30% reduction in your AGI applies to your Federal and Virginia state tax filing. For example, if your current AGI is \$50,000, after donation, it would be reduced by 30%, and your new AGI would be \$35,000.

2. This Reduction May be Applied Over Multiple Years.

The reduced AGI can be used for up to six years or until the total tax savings equals the value of the donated land. Using the example above, lowering your tax benefit by 30% means you've lowered your AGI by \$15,000 per year. At this rate, over 6 years, you will have had a total reduction of \$90,000: $6 \text{ years} \times \$15,000/\text{year} = \$90,000$. If the value of the land donated is greater than that amount, you will receive reduced AGI for 6 years. If the value of donated land is less than that amount, you will only carry over the reduction until your total savings equals the value of the land. If the land was valued at \$60,000 for example, you will only receive a reduced AGI for four years: $4 \text{ years} \times \$15,000/\text{year} = \$60,000$.

3. Virginia Offers Additional Tax Credits.

The Virginia Land Conservation Incentives Act of 1999, as amended, offers a state income tax credit for those who donate land for conservation purposes. The credit is 40% of the value of the donated land and unused credit in year one can be carried over for 10 more years. Unused credit may be sold or transferred.

Examples of Tax Benefits

The examples on the next page describe tax benefit scenarios.

Example #1: \$250,000 Adjusted Gross Income, \$500,000 Value of Donated Land

In this example, the land donor can reduce the original adjusted gross income by 30% for the maximum allowed six years. The donor will have unused Virginia tax credits that can be sold.

Lower Adjusted Gross Income by 30%

$$\begin{aligned} \text{New AGI} &= \text{Original AGI} - (\text{Original AGI} \times 30\%) \\ &= \$250,000 - (\$250,000 \times 30\%) \\ &= \$175,000 \end{aligned}$$

Apply the Lower AGI Over Multiple Years on Federal and Virginia Taxes

The New AGI calculated in the above step can be used in year 1 and carried over for as many as 5 more years, or until the total income reduction equals the value of donated land. In this example, the income reduction is calculated at \$75,000: of the Original AGI x 30%. After 6 years, the total reduction will be \$450,000: \$75,000/year x 6 years. Because the total reduction (\$450,000) is less than the value of the donated land (\$500,000), the reduction may be taken each of the 6 years. The table below demonstrates the tax savings that occurs due to the charitable contribution.

	Federal Income Tax	Virginia Income Tax
Before Donation Tax	\$82,500	\$14,117
(Original AGI x Tax Rate)	(\$250,000 x 33%)	(((\$250,000 – \$17,000) x 5.75% + \$720)
After Donation Tax	\$57,750	\$9,805
(New AGI x Tax Rate)	(\$175,000 x 33%)	(((\$175,000 – \$17,000) x 5.75% + \$720)
Annual Tax Savings	\$24,750	\$4,312
(Before Tax – After Tax)	(\$82,500 – \$57,750)	(\$14,117 – \$9,805)
Tax Savings Over 6 Years	\$148,500	\$25,872
(Annual Credit x 6)	(\$24,750 x 6)	(\$4,312 x 6)
Combined Tax Savings	\$174,375	
(Federal + Virginia)	(\$148,500 + \$25,872)	

Calculate Virginia Tax Credit Benefit

Virginia tax credits may be used up to 11 years or can be sold. If sold, the tax credits are subject to a transfer fee, and the sale will be subject to Federal tax. In this example, Virginia Income Tax is calculated at \$9,805/year (table above). The available tax credit is \$200,000: 40% of the value of the donated land. The available tax credits (\$200,000) are greater than the estimated taxes collected during 11 years (\$9,805/year x 11 = \$107,855). Therefore there will be unused credits. Let's say the land donor decides to apply \$100,000 credits to their Virginia taxes and sell the remaining \$100,000.

$$\begin{aligned} \text{Income from sale of Virginia Tax Credits} &= \text{Tax credit original value} \times \text{Sale rate} \\ &= \$100,000 \times 0.91 \\ &= \$91,000 \end{aligned}$$

$$\begin{aligned} \text{Transfer fee for sale of Tax Credits} &= \text{Tax credit original value} \times \text{VA Dept. of Taxation transfer fee} \\ &= \$100,000 \times 2\% \\ &= \$2,000 \end{aligned}$$

$$\text{Increase in Federal income tax from sale of credits} = \$13,530$$

Total Benefit from Land Donation

Total Benefit = Lowered AGI + Credits Applied + Credits Sold – Transfer Fee – Tax from Credit Sale

Example #2: \$150,000 Adjusted Gross Income, \$500,000 Value of Donated Land

$$= \$174,470 + \$100,000 + \$91,000 - \$2,000 - \$13,530$$

$$= \mathbf{\$349,845}$$

In this example, the land donor can reduce the original adjusted gross income by 30% for the maximum allowed six years, moving the donor into a lower Federal tax bracket. The donor will have unused Virginia tax credits that can be sold.

Lower Adjusted Gross Income by 30%

$$\text{New AGI} = \text{Original AGI} - (\text{Original AGI} \times 30\%)$$

$$= \$150,000 - (\$150,000 \times 30\%)$$

$$= \$105,000$$

Apply the Lower AGI Over Multiple Years on Federal and Virginia Taxes

In this example, the New AGI results in a lower Federal tax bracket. Because the land donation value is greater than the savings in Federal tax, the New AGI can be applied for all six allowed years.

	Federal Income Tax	Virginia Income Tax
Before Donation Tax	\$42,000	\$8,367.50
(Original AGI x Tax Rate)	(\$150,000 x 28%)	(((\$150,000 – \$17,000) x 5.75% + \$720)
After Donation Tax	\$26,250	\$5,780
(New AGI x Tax Rate)	(\$105,000 x 25%)	(((\$105,000 – \$17,000) x 5.75% + \$720)
Annual Tax Savings	\$15,750	\$2,587.50
(Before Tax – After Tax)	(\$42,000 – \$26,250)	(\$8,367 – \$5,780)
Tax Savings Over 6 Years	\$94,500	\$15,525
(Annual Credit x 6)	(\$15,750 x 6)	(\$2,587.50 x 6)
Combined Tax Savings	\$110,025	
(Federal + Virginia)	(\$94,500 + \$15,525)	

Calculate Virginia Tax Credit Benefit

Virginia tax credits may be used up to 11 years or can be sold. If sold, the tax credits are subject to a transfer fee, and the sale will be subject to Federal tax. In this example, Virginia Income Tax is calculated at \$5,780/year (table above). The available tax credit is \$200,000, which is 40% of the value of the donated land. The available tax credits (\$200,000) are greater than the estimated taxes collected during 11 years (\$5,780/year x 11 = \$63,580). Therefore there will be unused credits. Let's say the land donor decides to apply \$60,000 of credits to Virginia tax and sell the remaining \$140,000.

$$\text{Income from sale of Virginia Tax Credits} = \text{Tax credit original value} \times \text{Sale rate}$$

$$= \$140,000 \times 0.91$$

$$= \$127,400$$

$$\begin{aligned} \text{Transfer fee for sale of Tax Credits} &= \text{Tax credit original value} \times \text{VA Dept. of Taxation transfer fee} \\ &= \$140,000 \times 2\% \\ &= \$2,800 \end{aligned}$$

Increase in Federal income tax from sale of credits = \$24,500

Total Benefit from Land Donation

Total Benefit = Lowered AGI + Credits Applied + Credits Sold – Transfer Fee – Tax from Credit

Example #3: \$450,000 Adjusted Gross Income, \$500,000 Value of Donated Land

Sale

$$\begin{aligned} &= \$110,025 + \$60,000 + \$127,400 - \$2,800 - \$24,500 \\ &= \mathbf{\$270,125} \end{aligned}$$

In this example, the land donor will reduce their original adjusted gross income by the full 30% in the first years and a partial reduction in year four. (Total reduction over this timeframe is equal to the value of donated land.) The donor will use Virginia tax credits within eight years.

Lower Adjusted Gross Income by 30%

$$\begin{aligned} \text{New AGI} &= \text{Original AGI} - (\text{Original AGI} \times 30\%) \\ &= \$450,000 - (\$450,000 \times 30\%) \\ &= \$315,000 \end{aligned}$$

Apply the Lower AGI Over Multiple Years on Federal and Virginia Taxes

The reduced AGI may only be applied until the total AGI reduction equals the value of the donated land. In this case, a 30% reduction of the Original AGI is \$135,000. Over the first three years, the total reduction equals \$405,000. Therefore in year four, the donor cannot take the entire 30% reduction. Instead year four AGI will be reduced by \$95,000: the value of donated land minus the total reduction in years one through three. The table below calculates tax savings for years one through three and year four for Virginia and Federal income tax.

	Federal Income Tax	Virginia Income Tax
Before Donation Tax	\$178,200	\$25,617.50
(Original AGI x Tax Rate)	(\$450,000 x 39.6%)	(((\$450,000 – \$17,000) x 5.75% + \$720)
After Donation Tax (Yrs1-3)	\$103,950	\$17,855
(New AGI x Tax Rate)	(\$315,000 x 33%)	(((\$315,000 – \$17,000) x 5.75% + \$720)
Tax Savings (Yrs1-3)	\$222,750	\$23,287.50
(Before Tax – After Tax yr1-3) x 3	(\$178,200 – \$26,250) x 3	(\$25,617.50 – \$17,855) x 3
After Donation Tax (Yr4)	\$117,150	\$20,155
(Remaining AGI x Tax Rate)	(\$355,000 x 33%)	(((\$355,000 – \$17,000) x 5.75% + \$720)
Tax Savings (Yr4)	\$61,050	\$5,462.50
(Before Tax – After Tax Yr4)	(\$178,200 – \$117,150)	(\$25,617.50 – \$20,155)
Tax Savings Over 4 Years	\$283,800	\$28,750

(Tax Savings Yrs1-3 + Tax Savings Yr4)	(\$222,750 + \$61,050)	(\$23,387.50 + \$5,462.50)
Combined Tax Savings	\$312,550	
(Federal + Virginia)	(\$283,800 + \$28,750)	

Calculate Virginia Tax Credit Benefit

Virginia tax credits may be used up to 11 years or can be sold. In this case, the donor has \$200,000 tax credits available: 40% of value of donated land. The donor will use all of these credits within an eight-year time frame, and opts to not sell any of these credits

Total Benefit from Land Donation

$$\begin{aligned}
 \text{Total Benefit} &= \text{Lowered AGI} + \text{Credits Applied} \\
 &= \$312,550 + \$200,000 \\
 &= \mathbf{\$512,550}
 \end{aligned}$$



Donate Waterfront Land for Public Benefit

Only one percent of Virginia's coastal land is publicly owned. For those who don't live on the water, getting access could be impossible.

Increasing access to the Chesapeake Bay and its tributaries is the goal of the Middle Peninsula Chesapeake Bay Public Access Authority, and thanks to the generosity of land donors, Virginians are gaining access to the water.

The Middle Peninsula Chesapeake Bay Public Access Authority began accepting land donations in 2006. Since then we've increased our public land along the coast by 100s of acres, expanding the public spaces where Virginians can kayak, hike, and participate in other outdoor activities. (For a map of sites, visit www.mppaa.com.)

Today, the Public Access Authority gratefully accepts land donations to support its mission in providing Virginians with access to the water.

Why Donate?

Land donors cite several reasons and benefits for donating property:

- Leave a Legacy
- Inspire the Next Generation
- Support Your Economy
- Receive Tax Benefits

Criteria for Donation

To be eligible to donate land to the Middle Peninsula Chesapeake Bay Public Access Authority, your land must meet these three criteria

- Have clear property title
- Be adjacent to the water
- Be in Virginia's Middle Peninsula

Leave a Coastal Legacy

Whether you are considering land donation as a piece of your long-term estate planning or you are considering donating today, your donation supports the cultural heritage of the Middle Peninsula.

Since the founding of America, Middle Peninsula residents have had close ties to the water. Fishing, seafood processing, and boat building have supported families for centuries.

Today, fewer individuals are employed in these coastal industries—and that's why coastal access is so important! Access to the water is the only thing standing between coastal residents and their coastal heritage. The next generation might not work the water, but they can still achieve pride in the region's cultural heritage through recreational activities.

Foster the Next Generation of Environmental Stewards

When children have positive, first-hand experiences in nature, they are more likely to become adults who value and care for their environment. And when they have children, they are more likely to bring their children out into nature. This connection to the natural world sparks more outdoor experiences, and research shows that playing in nature has even greater benefits for children, including stronger

- awareness, reasoning, and observational skills
- balance, coordination, and agility
- immune systems
- creativity and imagination

Support Your Local Economy

Conserving public space can actually be good for the local economy. Research shows that natural areas can

- increase property values
- encourage tourism
- improve community health
- reduce your community's overall premiums for federal flood insurance



Receive Tax Benefits*

Federal Income Tax Benefit

Donated land is considered a noncash contribution meeting the conservation purposes of IRS regulations. Under this definition the value of donated land may be deducted at a rate of 30% of the donor's adjusted gross income per year, and the unused deduction may be carried forward for an additional five years, for a total of six years.

State Income Tax Benefit

Those who donate conservation land receive a tax credit equal to 40% of the value of the donated land ("Virginia Land Conservation Incentives Act of 1999"). Any unused credit may be carried forward for an additional 10 years, for a total of 11 years. More information is available on the Virginia Department of Taxation website:

<http://www.tax.virginia.gov/content/land-preservation-tax-credit>

Some Fine Print:

- \$100,000 is the maximum amount of tax credit that a land donor can apply in a given year.
- Donors who have more tax credits than they can use may transfer or sell the credits to other taxpayers, subject to fees.
- An appraiser who has earned an appraisal designation from a recognized professional appraiser organization can be used to determine the value of the land.
- Land that generates more than \$1 million in tax credits requires verification by the Department of Conservation and Recreation.
- \$100 million is the maximum amount tax credits the Virginia Department of Taxation will authorize in a year; credits are issued on a first-come-first-serve basis until the cap is reached.

*This is meant for informational purposes only. Those considering land donation should consult their accountant or attorney to learn more about how these tax benefits may apply.





Ready to Leave a Coastal Legacy?

Making a difference is easy as one, two, three!

1. Contact the Public Access Authority to discuss land donation for public benefit.

The Middle Peninsula Chesapeake Bay Public Access Authority is grateful that you're considering donating your property, and we're here to help talk through any of your questions and concerns to help you decide whether land donation is right for you—and the authority.

2. Work with the Public Access Authority to arrange an appraisal.

When you're ready, the Public Access Authority can suggest specialists who may be available to assist, such as conservation land attorneys and appraisers. A qualified appraiser holds an appraisal designation from a recognized professional appraisal organization, and this designation is required to donate land to the Public Access Authority.

3. The land will be legally transferred to the Public Access Authority.

The final step in land donation is the legal transfer of land, which is similar to closing on a house. The donor will sign over the property to the Middle Peninsula Chesapeake Bay Public Access Authority.

Contact Us

Learn more about the process of donating land to the Middle Peninsula Chesapeake Bay Public Access Authority.

Lewie Lawrence
804-758-2311
LLawrence@mppdc.com
www.mppaa.com



Virginia Coastal Zone
MANAGEMENT PROGRAM



Donate Waterfront Land for Public Benefit

Only one percent of Virginia's coastal land is publicly owned. For those who don't live on the water, getting access could be impossible.

Increasing access to the Chesapeake Bay and its tributaries is the goal of the Middle Peninsula Chesapeake Bay Public Access Authority, and thanks to the generosity of land donors, Virginians are gaining access to the water.

The Middle Peninsula Chesapeake Bay Public Access Authority began accepting land donations in 2006. Since then we've increased our public land along the coast by 100s of acres, expanding the public spaces where Virginians can kayak, hike, and participate in other outdoor activities. (For a map of sites, visit www.mppaa.com.)

Today, the Public Access Authority gratefully accepts land donations to support its mission in providing Virginians with access to the water.

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Land donors cite several reasons and benefits for donating property:

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- Support Your Economy
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- Be adjacent to the water
- Be in Virginia's Middle Peninsula

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Since the founding of America, Middle Peninsula residents have had close ties to the water. Fishing, seafood processing, and boat building have supported families for centuries.

Today, fewer individuals are employed in these coastal industries—and that's why coastal access is so important! Access to the water is the only thing standing between coastal residents and their coastal heritage. The next generation might not work the water, but they can still achieve pride in the region's cultural heritage through recreational activities.

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When children have positive, first-hand experiences in nature, they are more likely to become adults who value and care for their environment. And when they have children, they are more likely to bring their children out into nature. This connection to the natural world sparks more outdoor experiences, and research shows that playing in nature has even greater benefits for children, including stronger

- awareness, reasoning, and observational skills
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- immune systems
- creativity and imagination

Support Your Local Economy

Conserving public space can actually be good for the local economy. Research shows that natural areas can

- increase property values
- encourage tourism
- improve community health
- reduce your community's overall premiums for federal flood insurance



Receive Tax Benefits*

Federal Income Tax Benefit

Donated land is considered a noncash contribution meeting the conservation purposes of IRS regulations. Under this definition the value of donated land may be deducted at a rate of 30% of the donor's adjusted gross income per year, and the unused deduction may be carried forward for an additional five years, for a total of six years.

State Income Tax Benefit

Those who donate conservation land receive a tax credit equal to 40% of the value of the donated land ("Virginia Land Conservation Incentives Act of 1999"). Any unused credit may be carried forward for an additional 10 years, for a total of 11 years. More information is available on the Virginia Department of Taxation website:

<http://www.tax.virginia.gov/content/land-preservation-tax-credit>

Some Fine Print:

- \$100,000 is the maximum amount of tax credit that a land donor can apply in a given year.
- Donors who have more tax credits than they can use may transfer or sell the credits to other taxpayers, subject to fees.
- An appraiser who has earned an appraisal designation from a recognized professional appraiser organization can be used to determine the value of the land.
- Land that generates more than \$1 million in tax credits requires verification by the Department of Conservation and Recreation.
- \$100 million is the maximum amount tax credits the Virginia Department of Taxation will authorize in a year; credits are issued on a first-come-first-serve basis until the cap is reached.

*This is meant for informational purposes only. Those considering land donation should consult their accountant or attorney to learn more about how these tax benefits may apply.





Ready to Leave a Coastal Legacy?

Making a difference is easy as one, two, three!

1. Contact the Public Access Authority to discuss land donation for public benefit.

The Middle Peninsula Chesapeake Bay Public Access Authority is grateful that you're considering donating your property, and we're here to help talk through any of your questions and concerns to help you decide whether land donation is right for you—and the authority.

2. Work with the Public Access Authority to arrange an appraisal.

When you're ready, the Public Access Authority can suggest specialists who may be available to assist, such as conservation land attorneys and appraisers. A qualified appraiser holds an appraisal designation from a recognized professional appraisal organization, and this designation is required to donate land to the Public Access Authority.

3. The land will be legally transferred to the Public Access Authority.

The final step in land donation is the legal transfer of land, which is similar to closing on a house. The donor will sign over the property to the Middle Peninsula Chesapeake Bay Public Access Authority.

Contact Us

Learn more about the process of donating land to the Middle Peninsula Chesapeake Bay Public Access Authority.

Lewie Lawrence
804-758-2311
LLawrence@mppdc.com
www.mppaa.com



Virginia Coastal Zone
MANAGEMENT PROGRAM



Donate Waterfront Land for Public Benefit

Only one percent of Virginia's coastal land is publicly owned. For those who don't live on the water, getting access could be impossible.

Increasing access to the Chesapeake Bay and its tributaries is the goal of the Middle Peninsula Chesapeake Bay Public Access Authority, and thanks to the generosity of land donors, Virginians are gaining access to the water.

The Middle Peninsula Chesapeake Bay Public Access Authority began accepting land donations in 2006. Since then we've increased our public land along the coast by 100s of acres, expanding the public spaces where Virginians can kayak, hike, and participate in other outdoor activities. (For a map of sites, visit www.mppaa.com.)

Today, the Public Access Authority gratefully accepts land donations to support its mission in providing Virginians with access to the water.

Why Donate?

Land donors cite several reasons and benefits for donating property:

- Leave a Legacy
- Inspire the Next Generation
- Support Your Economy
- Receive Tax Benefits

Criteria for Donation

To be eligible to donate land to the Middle Peninsula Chesapeake Bay Public Access Authority, your land must meet these three criteria

- Have clear property title
- Be adjacent to the water
- Be in Virginia's Middle Peninsula

Leave a Coastal Legacy

Whether you are considering land donation as a piece of your long-term estate planning or you are considering donating today, your donation supports the cultural heritage of the Middle Peninsula.

Since the founding of America, Middle Peninsula residents have had close ties to the water. Fishing, seafood processing, and boat building have supported families for centuries.

Today, fewer individuals are employed in these coastal industries—and that's why coastal access is so important! Access to the water is the only thing standing between coastal residents and their coastal heritage. The next generation might not work the water, but they can still achieve pride in the region's cultural heritage through recreational activities.

Foster the Next Generation of Environmental Stewards

When children have positive, first-hand experiences in nature, they are more likely to become adults who value and care for their environment. And when they have children, they are more likely to bring their children out into nature. This connection to the natural world sparks more outdoor experiences, and research shows that playing in nature has even greater benefits for children, including stronger

- awareness, reasoning, and observational skills
- balance, coordination, and agility
- immune systems
- creativity and imagination

Support Your Local Economy

Conserving public space can actually be good for the local economy. Research shows that natural areas can

- increase property values
- encourage tourism
- improve community health
- reduce your community's overall premiums for federal flood insurance



Receive Tax Benefits*

Federal Income Tax Benefit

Donated land is considered a noncash contribution meeting the conservation purposes of IRS regulations. Under this definition the value of donated land may be deducted at a rate of 30% of the donor's adjusted gross income per year, and the unused deduction may be carried forward for an additional five years, for a total of six years.

State Income Tax Benefit

Those who donate conservation land receive a tax credit equal to 40% of the value of the donated land ("Virginia Land Conservation Incentives Act of 1999"). Any unused credit may be carried forward for an additional 10 years, for a total of 11 years. More information is available on the Virginia Department of Taxation website:

<http://www.tax.virginia.gov/content/land-preservation-tax-credit>

Some Fine Print:

- \$100,000 is the maximum amount of tax credit that a land donor can apply in a given year.
- Donors who have more tax credits than they can use may transfer or sell the credits to other taxpayers, subject to fees.
- An appraiser who has earned an appraisal designation from a recognized professional appraiser organization can be used to determine the value of the land.
- Land that generates more than \$1 million in tax credits requires verification by the Department of Conservation and Recreation.
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Virginia Coastal Zone
MANAGEMENT PROGRAM

Donated Lands Legal Closing and Real-estate Legal Research Framework

To assist with managing and coordinating of possible private land donations for public benefit, Public Access Authorities will benefit from a step by step process that can standardize many aspects of the donation process. The framework will set forth the guidance and standards necessary for use by any PAA enabled within the Commonwealth to facilitate legal closings for private donations.

Conceptual Framework for a Public Access Authority to accept donate lands for public benefit

Donating land for public access and conservation purposes is generally a straightforward process with a set of sequential steps. These steps ensure clear communication between a potential donor, legal representatives, title search company, title insurance provider and the donee . It should also be understood that the real estate donation process will vary from property to property and all parties involved should remain flexible as the due diligence process often uncovers unknown or unanticipated issues or encumbrances placed on the land such as civil liens to unpaid property taxes that must be addressed before closing occurs.

As a general rule, a donor is responsible for all of the regular costs associated with the property until the acquisition of the property is recorded and ownership transfers to the Public Access Authority. This may include, but not be limited to all taxes, bills and mortgages. There are of course exceptions to this and each participating Public Access Authorities should have a policy or operating principles which discuss how to handle pre-existing encumbrances.

To reduce future problems, please consider meeting with each locality Commissioner of Revenue in advance of any donations and seek agreement that a Public Access Authority is a political subdivision of the Commonwealth and therefore tax exempt. Establishing this point early will greatly reduce future legal costs to defend the tax exempt status of a PAA.

Steps needed to bring a property to closing

1. Initial Contact (No legal cost associated with this step)

Through a variety a ways, donors will make an outreach offer to donate land to a public access authority. Staff for the authority must evaluate the donation from a policy and functional perspective. As a rule, it is necessary to have a set of criteria by which to evaluate the proposed donation site to determine whether it will meet the stated goals and objectives of the PAA, i.e. does the site provide public recreational opportunities. This will ensure that the PAA is receiving useful properties to further its goals and not being used as a dumping ground for bad land.

Policy: Does the donation conflict with any local policy? PAA staff should advise the host locality of the possible donation and inquire at the planning and zoning level as well as the governing board level to ascertain if there are problems associated with the proposed use of the land as PAA site.

Functional: PAA Staff should prepare a site background packet, including real-estate assessment; zoning; aerials, copies of deeds and or survey plats for distribution to the PAA governing body for review. An electronic binder of all documents for each donation needs to be cataloged.

2. Resolution of Acceptance (minor legal cost to review resolution for form and function)

PAA staff should consult with legal counsel in advance of any donation and develop a standard resolution that authorizes the PAA to accept a deed of gift. The resolution should be used for every donation and include: reason why the PAA was created; the PAA is authorized to accept the gift; a legal description of the land; declaration of public need for the donation; and lastly acceptance of the gift with authorization of the Chairman to receive and execute any and all necessary documents.

3. Initiate Legal Counsel

Developing a relationship with one primary attorney, who has experience in land conservation and easements transactions. Spend time with the attorney so that he or she can understand what a Public Access Authority is and how it's enabled. Discuss the attorney's willingness to represent the PAA or the donor or both and how that relationship will work? Attorneys prefer to only represent one client, but there are situations where a land donation can be facilitated by only one attorney.

4. Due Diligence

Two Attorneys involved

Donor Side: Generally, the Donor's legal counsel prepares a draft deed of gift and transmits the deed of gift which specifies specific terms of the gift. The Donee will need to review the draft deed to ensure the terms are correct, all appurtenances as the Donee unstands are included and any restrictions that may be placed on the deed do not hinder or affect the use of the site to meet PAA purpose and objectives.

Appraiser. In Virginia, depending on the specific tax situation of the donor, an appraisal of land may be needed. The Appraisal sets the valuation of the land for tax purposes. This cost is generally born by the Donor as it often relates to tax credits and other incentives that the owner may receive in the future. The PAA generally does not care about the value of the donation, however the information may prove to be beneficial when determining the worth of PAA's assets for future instances, i.e. sell of land, use for matching funds.

Donee Side: A title search is necessary to identify any encumbrances that may be associated with the land and should always be required by the Donee. Encumbrance can include any rights or interest that others may have to in the property. While some encumbrances may be transferable, others may hinder or impede the land transfer

process. The title search will give the Donee an opportunity to determine if and how they want to handle the issue and what options may be available to remedy the issue. Generally the closing agent or Donee solicits a Title Company to conduct Title search. Note that the remedy may come with additional costs.

One Attorney involved

Donor and Donee: Both can work together to collect various legal documents to help inform the terms of the deed of gift. A legal description and property title review is commissioned. A title search is needed to determine if there are title-related issues that need to be addressed, such as estate ownership issues, past due taxes, third-party ownership of natural resources (gas, oil, and/or minerals), access easements, mortgage subordination, liens, and other potential complexities. In cases where there is one attorney, the title company is selected by the Donee.

Once clear title is ensured, the Donee can then request title insurance be ordered and becomes part of the title binder for closing. Every property received should have a titles insurance policy to protect the Public Access Authority against future claims against the land. Title insurance only covers what is part of the public record.

5. Tax Ramifications to the Donor

- a. **Accountant.** The tax ramifications of a charitable donation/tax credit will be different for each person. The Public Access Authority should never offer any tax advice. Seek an accountant who is experienced in this area.
- b. **Appraiser.** In Virginia, depending on the specifics tax situation of the donor, an appraisal of land may be needed. The Appraisal sets the valuation of the land for tax purposes. This cost is generally born by the Donor. The PAA generally does not care about the value of the donation.
- c. **IRS Form 8283.** The PAA will be asked to sign an IRS form 8283 at some point after closing if the Donor desires to leverage the tax donations value. Form 8283 certifies the value of the donation.

6. Closing

A date and time of mutual benefit will be established by legal counsel. A deed of gift will first be signed by the Donor. The Donee will follow with signatures to legally close on the donation. The PAA will be the legal owner upon signing, but not “of record” until the deed is recorded in the land records of the corresponding locality of record for the donation.

Disclaimer: The information contained in this (document/brochure/handout/flyer) is for informational purposes only and should not be construed as legal advice on any subject matter. Recipients of this information should not act upon it without consulting legal counsel as individual situations and facts vary.

Quantifying Benefits of Land Donated for Public Use

This document provides an overview of the benefits associated with parks and open space in their respective communities and explores several methodologies used to quantify the economic benefits of parks and open space in various community settings in other areas. The information included in this document also provides insight into how to use those methods, where applicable, to quantify the economic value of parks and open space in rural communities in the Middle Peninsula. This information may be used to better understand the contributions to the local economies by protected parcels of land used for public parks and open space and the need for additional study and data collection essential in determining these economic values.

Benefits of Private Donated Land

Many environmental, social and health benefits have been linked to open space protection. While these benefits have been studied and documented extensively, a majority of the economic benefits associated with each are not as easily quantifiable as those that have an identifiable economic value associated with them. While coastal zones cover a small percentage of the earth, they provide a significant amount of the total value of worldwide ecosystem services. These include provisioning services such as food, clothing, genetic resources, and clean water; regulating services such as air quality, climate regulation, water and erosion management, disease and pest regulation; and cultural services such as recreation, ecotourism, aesthetic value, and spiritual significance. For all these services, measurable benefits include:

- Water supply protection
- Flood control
- Fish and wildlife habitat
- Recreation (hunting, fishing, hiking, wildlife watching, etc.)
- Carbon sequestration
- Dilution of waste water
- Erosion control
- Agricultural crop production

Through increased revenues generated by agriculture, forestry, tourism and outdoor recreation, the protection of public open space enhances Virginia's largest industries and supports local economies. Conserved open lands also save localities the ongoing costs associated with support-service infrastructure and ensure sustainable working landscapes into the future. As an additional benefit, conserved lands protects water quality, offsets cost for managing storm water and protects drinking water supplies.

Natural Benefits: Environmental Controls

Protected open space or “green infrastructure” significantly reduces municipal government costs while protecting the environment by operating as natural filtration systems for water and air. Vegetation on protected parks and open space lands removes pollutants from the air, stores carbon, protects and enhances water quality, provides irreplaceable habitat, produces food, and provides other necessary functions. Researchers from the Georgia Institute of Technology and the University of Georgia analyzed lands conserved by the state and found that every \$1 invested in land and water conservation returned \$5 in economic value in natural goods and services. Conserved wetlands, grasslands and open space save local taxpayers money while protecting the environment by mitigating the impacts of flooding of polluted water in the same way that pipes and treatment systems do in highly urbanized areas, but with greater cost savings to municipalities.

The Middle Peninsula coastal area is especially vulnerable to flooding and stormwater runoff issues due to low lying topography and lack of ditch maintenance in some areas. Protecting water quality promotes the commercial fishing and seafood industries which make up an important sector of the Middle Peninsula local economies. Protected open space such as wetlands and grassy areas function as stormwater management control devices by slowing the flow process and allowing water to be filtered prior to entering into local supply sources.

During large storms, capacity at treatment plants can be exceeded, resulting in untreated wastewater being released into waterways. Parks and protected open space capture precipitation and slow runoff, reducing the amount of nutrients entering into lakes and streams. In parks unpaved, pervious surfaces absorb rainwater, recharging ground water supplies and allowing storm runoff to be released more slowly. Vegetation stores water and allows some to be evaporated. Reduced runoff and increased water storage can decrease the necessary size of a community’s storm water management system and lead to significant savings in water treatment costs. Without these natural services millions of dollars would be required to manage and treat storm water to improve water quality in the region.

Another example of natural filtration provided by protected open space is the process by which trees and vegetation on these lands reduce the amount of carbon in the air thus reducing air pollution. Air pollution is a significant problem that has been linked to health problems. State and federal agencies spend millions each year on researching and mitigating the impacts of carbon emissions in densely populated regions. Trees and shrubs remove other harmful pollutants from the air including carbon monoxide, ozone, and nitrogen dioxide.

Protect Native Plant and Wildlife Habitat

Rapid consumption of land threatens the survival of numerous species of plants and wildlife. As communities succumb to sprawl and dense development, plant and wildlife habitat becomes more endangered causing unsafe living conditions for both people and animals. Animals that are

displaced and forced to relocate often times venture into residential and commercial communities creating safety issues for both species. Protected parks and open space create a safe haven for wildlife and promote planning tools such as smart and sustainable growth.

Property Value

Parks and open space often increases neighboring property values, especially in more urban communities. Such factors as quality of the park and density of the surrounding neighborhood are generally considered in the valuation process. Parks in densely settled neighborhoods, where private yards and gardens are scarce or miniscule are valued more highly than parks in sparsely settled areas. In 2010, the Public Land Trust interviewed park professionals, park users, real estate agents, assessors, and law enforcement officials and determined that there is no practical methodology to measure park quality and its effect on property values.

Promote Healthier Communities

Access to open space can promote good health, active living and more vibrant communities. A report by the National Center for Disease Control and Prevention (CDC) estimated that in 2008, \$147 billion in health care costs could be attributed to obesity. Research suggests that nearby parks, playgrounds, and other walkable environments can help people increase their level of physical activity and reduce their medical expenses. Other studies show that people who live in communities with active recreational open space have a better quality of life than those with little to no access to neighborhood open space.

Promote stronger more diverse natural resource based economies

The Middle Peninsula's rural character is strengthened and complimented by open space preservation. Protected parks and open space strengthen the economy by providing active and passive recreational uses that promote ecotourism, one of the region's top economic bases. The strength of local economies is directly related to the number of visitors attracted to the region and their support of use of local businesses.

Ecotourism is essential to the Middle Peninsula's economy. The conservation and preservation of natural parks and open space help to promote ecotourism by providing revenue generating amenities that often provide more revenue through protected recreational space than would potential residential development. Natural areas and nature-based recreation areas provide direct recreational value to ecotourism through such activities as walking, boating, hiking, biking, and wildlife watching. Residents save money by using these nature-based recreation areas at no or low-cost instead of having to pay to participate in these activities elsewhere. Most of the popular forms of outdoor recreation for tourism in the Middle Peninsula region are either dependent on resource lands and waters or enhanced by their proximity to them. Land protection is essential for ensuring outdoor recreation opportunities for visitors and for Virginia's growing population. These properties afford opportunities to enjoy the outdoors and experience Virginia's diverse

landscapes and landmarks. Long-term support for land conservation and open space protection is strongly tied to outdoor recreation experiences for all ages.

Long-term support for land conservation and open space protection are strongly tied to outdoor recreation experiences for all ages. Most of the popular forms of outdoor recreation for tourism are either dependent on resource lands and waters or enhanced by their proximity to them. Open space protection is essential for ensuring outdoor recreation opportunities for visitors and for Virginia's growing population, and to afford opportunities to enjoy the outdoors and experience Virginia's diverse landscapes and landmarks.

A part of enjoying the Middle Peninsula is the enjoying its scenic views. The aesthetics of the region adds scenic value to the rural traditional landscape. Protected parks and open space contribute to the preservation and enhancement of this scenic value in helping the region retain its predominantly rural character.

Outdoor recreation participants spend money in local communities on food, lodging, rentals, and equipment. This spending has a ripple effect throughout the economy and contributes to more than just sales at local establishments. The tourism industry generates billions of dollars annually to the Commonwealth's economy. Active outdoor recreation, which includes activities such as biking, hiking, camping, and fishing, generates millions a year in revenue for local businesses. Many businesses rely on outdoor recreation and tourism spending as a building block for the success of their businesses. These businesses are a significant source of employment, especially in rural areas.

Private lands donated for public use in the Middle Peninsula provide public recreation access to water which also helps support local maritime industry sectors in the region. According to the Virginia Department of Revenue, there are a significant number of businesses in the Middle Peninsula that provide boat manufacturing, maintenance, storage and other services to customers inside and outside the region. Majority of these businesses supported tourism. Local governments that have instituted business license requirements generate revenue from these businesses through a business tax or assessed fee; the amount is based on gross revenue of the business.

Hunting and fishing are outdoor activities supported by the rural character of the Middle Peninsula region. Protected open space provides plant, fish and wildlife habitat and refuge for species that promote these recreational activities and the economy. Without public access to open space and waterways, public accessibility would be greatly reduced, adversely impacting the need for goods and services provided by these businesses.

Protected open space has far-reaching economic impacts on other key industry sectors such as agriculture and forestry by creating long-term stability in these sectors which make up a large portion of the region's economy. Open space helps to mitigate the impacts of farming and sustain the agriculture industry, supporting an economic stimulus to rural communities. The forestry

industry provides a substantial number of jobs and contributes billions of dollars to the state's economy.

The Middle Peninsula's coastal shoreline supports the commercial fishing and shellfish industry, a major contributor to the region's economy. Protected open space provides public access to working waterfronts that support the local fishing and shellfish industries important to the economy and identity of the Middle Peninsula.

Quantifying Economic Impacts for Private Land Donations Use for Parks and Open Space

Landowners' property rights give them the option, within local planning rules, to either develop their land to the maximum extent feasible or to protect the natural values of the property. Land protection is often placed in opposition to development when communities are considering how land should be used as a revenue generator. Most often, the assumption is that conservation costs government agencies money either through land acquisition or the removal of property from tax rolls, while development is thought to bring communities new revenue in the form of additional taxes. This may not always be the case in rural area such as the Middle Peninsula where the cost to render necessary services to fewer residents over a greater, more sparse spatial area. Open space preservation may generate financial returns for local governments and communities and create significant cost savings as well, especially when those properties are donated at little to no cost to government while providing an economic driver for local economies.

The measurement of economic significance is used to make resource allocation decisions and to demonstrate the need and benefit to the social welfare, economic development and the environment. Although there is an abundance of economic value that comes from parks and open space protection, quantifying those benefits to show an economic value is a complex task, specifically when the data needed to make such determinations is unavailable. Estimating the return on investment on donated land without actual figures on past long term investment or collection of data on revenues generated through activity is difficult to quantify.

Previous studies have identified several ways to quantify the return on investment of land for conservation and/or recreational purposes acquired through either private gift or purchase. In researching information to assist with economic valuation of open space, the majority of the readily available information was from the analysis of parks and open space values and contributions in urban areas where undeveloped land is scarce and in high demand. In urban areas, researchers have been able to quantify economic impacts such as increases in property tax revenue, tourism spending and savings from use of natural environmental filtration systems due to appropriate mechanisms in place for data collections. However, much of this data is either unavailable or inconclusive when studying the impacts of open space in more rural areas such as the Middle Peninsula.

Recognizing the importance of quantifying the economic value of open space on the local economy and the lack of information on the topic, numerous localities across the country have

conducted independent studies which required collection of extensive visitor profiles and spending habits. Several of the studies conducted by the Public Land Trust were used to compile information for this document. In 2003, the Center for City Park Excellence on Virginia Beach, Virginia hosted a forum of economists and other experts to determine how parks and open space economically impact cities. Participants identified seven attributes of parks that provide cities with measurable economic benefits.

- Hedonic (Property) Value
- Tourism Value
- Direct Use Value
- Health Value
- Community Cohesion Value
- Air Pollution Removal
- Stormwater Management Value

In 2010, the City of Virginia Beach requested that The Trust for Public Land (TPL) carry out a study of its park and recreation system based upon these seven factors. Their report provides a description and estimate of the economic value of each park attribute in Virginia Beach.

Methodologies

The next several sections explore several methodologies used to quantify the economic benefits of protected open space used for public recreational activities. While each provides insight into how other organizations have used available information to quantify economic impact, the effectiveness of each methodology is directly related to the data that is available during the time of the analysis. Deficiencies in the authenticity of the available data may either negate or enhance the quality of the values provided. As stated above, the information provided in previous studies was derived from research and data collection relative to a specific test area and may not be adequate applicable to the areas.

Direct Use Value

Direct use valuation is a commonly used method of calculating the return on investment for public open space. A direct use value is the value of the service provided to the public. Most direct uses of public parks are free of charge, but economists can still calculate their value by determining the consumer's willingness to pay for the recreation experience in the private marketplace. Rather than income, the direct use value represents the amount of money residents save by not having to pay market rates for the park activities they enjoy.

In their 2010 study on Virginia Beach, TPL used the model for quantifying direct use benefits based on the "unit day value" method documented in the U.S. Army Corps of Engineers' Water Resources Council recreation valuation procedure. The unit day value model categorizes park visits by activity, then assigns each activity a dollar value. For example, playing in a playground

is worth \$3.50 per user per visit. Running, walking, or in-line skating on a park trail is worth \$4, as is playing a game of tennis on a public court. For activities for which a fee is charged—such as golfing or visiting an arboretum— they considered only the extra value; that is, if a round of golf costs \$20 on a public course and \$80 on a private course, the economic benefits of the Park and Recreation System of Virginia Beach’s direct use value of the public course would be \$60. If an activity is priced at the full market value, the direct use value would be zero.

To calculate the economic benefit of public parks and open space in the Middle Peninsula using this method, one would have to estimate the value of the same services as actual values. One would assume that the values would be lower in a rural region compared to those in urban areas. While the Virginia Beach study provides estimates for value of services provided by public open space among its users, knowledge of the number of users, their activities, and their spending would be required to make the same or a similar assessment for the Middle Peninsula. Unfortunately, currently there is no immediate record of this type of information being collected for the Middle Peninsula region.

Benefit Transfer Methodology

The benefits transfer method is used to estimate economic values for ecosystem services by transferring available information from published studies in another location and/or context and making the values generalized. The basic goal of benefit transfer is to estimate benefits for one context by adapting an estimate of benefits from some other context. Benefit transfer is often used when it is too expensive and/or there is too little time available to conduct an original valuation study, yet some measure of benefits is needed. It is important to note that benefit transfers method can only be as accurate as the initial study.

The benefits transfer methodology was used, which included a thorough review of literature relevant to New Hampshire’s land cover types (e.g., forests and wetlands), to determine the natural goods and services and associated monetary values provided by state-funded land conservation projects. The TPL estimated the per-acre economic value of these natural goods and services to determine the economic values of the different land cover types identified from those sources. The TPL then calculated a return on investment by comparing the economic value of the natural goods and services provided by conserved lands to the state’s contribution to the purchase price. Sustainable timber management programs with harvesting that includes foresters, logging contractors, and truckers create an average 1.7 jobs per 1,000 acres, which amounts to over ten timber-based jobs in the Errol Community Forest. Increased revenue resulting from long-term stewardship and sustainable forest management produces predictable and consistent timber revenue, as well as forest pulp and products. The sales impact of the industry was \$766 million. The industry supported 5,970 jobs and generated \$288 million in value-added impacts. The retail sector produced the greatest employment impacts, supporting 2,440 jobs. A similar process was used by the Trust for Public Land for the Virginia Beach study. In order to quantify the contribution of park vegetation to air quality, the Northeast Research Station of the

U.S. Forest Service in Syracuse, New York, designed a calculator to estimate the pollution removal value of trees in urban areas. This calculator, based on the Forest Service's Urban Forest Effects (UFORE) model, is location-specific and takes into account the air pollution characteristics particular to Virginia Beach. Cities generate different results based not only on trees but also on variances in ambient air quality.

TPL obtained land cover information for all Virginia Beach parks through analysis of the city's tree canopy using a digitized assessment of aerial photography. The analysis determined that 51.8 percent of the city's 33,640 acres of parkland is covered with trees. The TPL estimated the monetary value of pollution removal by trees using the median U.S. externality values for each pollutant. The externality value refers to the amount it would otherwise cost to prevent a unit of that pollutant from entering the atmosphere. For instance, the externality value of preventing the emission of a short ton of carbon dioxide is \$870; the externality value of the same amount of sulfur dioxide is \$1,500.

In order to apply the benefits transfer method by applying these values to tree coverage and other vegetation in the Middle Peninsula region, information such as the amount of tree coverage, the various types trees and vegetation would need to be collected. This information is currently unavailable.

Cost Benefit Through Revenue Generation

Another method is to look at before and after revenue generation and cost analysis. Through this methodology, comparisons are made on the public revenue generated on the use of a property under private ownership and the revenue generated as conserved land that is tax-exempted. Factors to consider when determining cost benefit include annual tax generation, cost of public services to the site, and develop ability.

A study conducted by MPPDC in 2010 through funding from Virginia Coastal Zone Management Program at the Department of Environmental Quality, Grant FY2009 NA09NOS4190163 Task 97.01 and Task 95 quantified the cumulative property tax fiscal loss on tax exempt properties compared to direct revenue generated through other federal and state programs. The study showed that reduction of revenue by thousands of acres of land protected under conservation easements throughout Middle Peninsula localities represented only a fraction of a percentage of the localities annual budget. In addition the study showed that the revenue generated from those same properties achieved a net return on investment through federal and state Payment in Lieu programs and subsidies from the Virginia Department of Education. Although not quantified, the study also identified indirect economic benefits of the conserved acreage through agricultural and forestry uses permitted on the properties.

Since most of the currently eased lands are wetlands, this does not have a significant impact on county revenues. For instance, at the time of the study, Mathews County had approximately

598.97 acres of conserved lands which equated to a loss of \$2,942 in total tax revenues annually. This represented approximately 0.01% of the county's budget of \$22,206,678 for 2009-2010.

In conjunction with assessing the fiscal impacts of conservation easements, MPPDC staff also considered the fiscal impacts of fee simple land ownership by tax-exempt organizations for conservation purposes in Gloucester County. At the time, approximately 3,114.95 acres of land in the county owned by tax-exempt organizations equated to approximately a \$16,779 loss of tax revenue. When conservation easements and lands owned by tax-exempt organization were looked at together, Gloucester County had approximately 4,124.97 acres of conserved lands which equated to a loss of approximately \$49,185 in total tax revenues annually. This represents less than 0.05% of the county's \$107,165,062 budget for 2009-2010.

The study also showed that despite minor losses in tax revenue, conserved tracts of land continued to generate revenue either through stipends from state programs, timbering on tracts where permitted and other fees for recreational use.

Direct Income Value

The direct income method is applied by calculating the sum of all revenue generated through the site then subtracting from that sum all necessary expenditures associated with the site. The expenditures may include acquisition cost, ongoing maintenance costs and associated overhead however, does not take into account unnecessary improvements. Revenue may come in the form of fees for use, rents or the sell of natural resources.

Because minimal information needed for this analysis, direct income value is the more appropriate method for calculating economic benefits on specific parks and open space properties. To illustrate the use of direct income value method to quantify the economic benefits of protected open space in the Middle Peninsula region, the ecosystem, revenue and expenditure history of the Brown Tract was analyzed. The Brown Tract is an approximately 146 acre forested tract of land located in Essex and King and Queen Counties acquired by the Middle Peninsula Chesapeake Bay Public Access Authority in 2006. The Brown Tract supports hunting and other outdoor recreational activities to the public for a fee which have averaged approximate \$1250 over the past two years. Although not yet timbered, the tract allows for timbering which supports the local forestry economy. Similar PAA properties have generated revenue from timbering which was used for maintenance and improvements on the tract, reducing costs to local government and fostering sustainability.

Another PAA property, the Sinclair Landing Recreational Area, a 97 acre site equipped with residential structures and waterfront infrastructure located in Gloucester County provides recreational open space, waterfront access, hunting, and facilities. Since July 2013, the site has generated \$67,622.36 gross in rental fees, timber harvesting and user registration fees for waterfowl hunting as protected public open space versus generating \$10,124 in property tax revenue in 2013 as a residential use. To date a total of \$40,901 has been expended on

maintenance, overhead and improvements to the site for a net return of approximately \$26,700 since 2013.

Conclusion

There is significant evidence of the benefits of public parks and open spaces ranging across a broad spectrum of important areas. Determining the economic value of an open space is a relatively young science. Few studies exist that evaluate the economic value of parks and open space and even fewer on the economic impacts they have on rural communities. More research and analysis are needed regarding park usership, tourism, property transactions, storm water, and other factors. Most reasoning on the economic impacts of parks and open space lack the pertinent information to make economic benefit determinations and would benefit from deeper investigation and analysis. By examining the information in this document, two things are evident.; Open space plays a critical role in the local economies of the Middle Peninsula and in order to accurately quantify the economic value of open space in the region, deficiencies in the availability of information required to make a more accurate determination of the economic effects of parks and open spaces on the communities they serve will need to be addressed. The ability to quantify this information plays an important role in helping local officials, potential donors and other stakeholders understand the advantages and disadvantages of donating private property for public open space.

Appendix F:
PAA BY-LAWS

**BY-LAWS
OF
MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY
(Ratified June 13, 2003; Revised August 8, 2007)**

1. **Name.** The name and title of this Authority is the Middle Peninsula Chesapeake Bay Public Access Authority.
2. **Office.** The principal office of the Middle Peninsula Chesapeake Bay Public Access Authority shall be in Saluda, Virginia.
3. **Seal.** The Authority’s seal shall be circular in form and shall have inscribed thereon the name of the Authority and the words “Corporate, Virginia 2003.”
4. **Appointment and Tenure of Board of Directors.** The powers of the Authority shall be vested in the directors thereof in office. The governing body of each participating political subdivision shall appoint the number of directors, who may be members of the appointing governing body, set forth opposite its name below:

County of Essex	1
County of Gloucester	1
County of King and Queen	1
County of King William	1
County of Mathews	1
Town of Tappahannock	1
Town of Urbanna	1
Town of West Point	1

The initial term for the Director from Essex County shall be one year

The initial term for the Director from Gloucester County shall be one year

The initial term for the Director from King and Queen County shall be two years

The initial term for the Director from King William County shall be three years

The initial term for the Director from Mathews County shall be two years

The initial term for the Director from the Town of Tappahannock shall be two years

The initial term for the Director from the Town of Urbanna shall be four years

The initial term for the Director from the Town of West Point shall be four years

After the initial term, a director will serve a four-year term or until his / her successor is appointed and qualified. The governing body of each political subdivision shall be empowered to remove at any time, without cause, any director appointed by it and appoint a successor director to fill the remaining portion of the removed director’s term.

The governing body of each member political subdivision may appoint an alternate whose term shall be the same as the director of each political subdivision, provided, however, that the alternate's term shall not expire because of a director's death, disqualification, resignation, or termination of employment with the director's political subdivision. For purposes of these By-Laws, if a director is not present at a meeting of the Authority, the alternate for that member political subdivision present at a meeting shall have all the voting and other rights of a director hereunder and shall be counted for the purposes of determining a quorum at any meeting of the Authority. Wherever reference is made in these By-Laws to "directors," such term shall include an alternate acting in place of a director pursuant to the conditions set forth in the immediately preceding sentence. All notices provided for herein shall be given to alternates as well as directors.

5. **Organization.** A majority of the directors in office shall constitute a quorum. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all rights and perform all duties of the Authority. Business shall be conducted according to Robert's Rules of Order.
6. **Meetings.** The Board of Directors shall hold regular meetings on the second Friday of even months: February, April, June, August, October, and December (scheduled clarified August 2003 meeting). At the first meeting in any year, the Authority shall elect officers for the ensuing year, and in the event that such a day is legal holiday under the laws of the Commonwealth of Virginia, then the same shall be held the next succeeding secular day not a legal holiday under the laws of said commonwealth, or at such time as may be determined by resolution of the Authority.
7. **Special Meetings.** Special meetings of the Authority may be called by any three directors upon at least three working days written notice to each director served personally or left at his/her usual place of business or residence
8. **Special Subcommittee.** Any Director may establish a subcommittee comprised of members of his / her choosing to work with Authority staff to advance projects from the Directors locality.
9. **Officers.** The Board of Directors shall annually elect a chairman and a vice-chairman from their membership, a secretary and a treasurer or a secretary-treasurer from their membership or not as they deem appropriate, and such other officers as they may deem appropriate.
10. **Executive Director.** The Board of Directors may appoint an executive director, who shall not be a director, who shall exercise such powers and duties as may be delegated to him by the Board of Directors, including powers and duties involving the exercise of discretion.

11. **Duties of Officers.**

a. Chairman: The Chairman shall conduct all meetings of the Board of Directors and shall have general and active management of the affairs of the Authority.

b. Vice-Chairman: The Vice-Chairman shall have all powers and duties of the Chairman in the absence or disability of the Chairman.

c. Secretary: The Secretary shall act as clerk of all meetings of the Authority; shall record all proceedings of such meetings, sending a copy of each meeting's minutes to each director following the regular meeting; shall record all votes and shall have custody of all books and records of the Authority, except those kept by the Treasurer, and shall jointly with the Chairman execute all contracts and perform all other duties as may be assigned from time to time.

d. Treasurer: The Treasurer shall jointly with the Chairman sign all checks upon moneys of the Authority, and keep the financial records of the Authority, provide for the custody of the funds and other property of the Authority, and perform all other duties incident to his / her office.

e. Other Officers: Such other officers as may from time to time be selected by the Board of Directors shall perform such duties as may be specifically assigned to them by the Authority.

11. **Compensation.** Each director may be reimbursed by the Authority for the amount of actual expenses incurred by him in the performance of his / her duties.

12. **Amendments.** These By-Laws may be altered, amended, and/or repealed by the majority members of the Board of Directors at any meeting after thirty days' prior written notice of such an intention to each Director by the Secretary.

June 13, 2003

Chairman



Revised August 8, 2007

Chairman



Appendix G:
WORKING WATERFRONT INVENTORY KEY

Key for Working Waterfront Map in the Middle Peninsula (2011).

Number ID	Infrastructure Identification	Location
Middle Peninsula (MP), Essex County (E)		
MPE1	June Parker Marina	Rappahannock River, Tappahannock, Essex County
MPE2	Garrett's Marina & Harborside Storage	Rappahannock River, Essex County
MPE3	Hoskins Creek Landing/Dock Street	Hoskins Creek, Essex County
MPE4	Ware's Landing/Ware's Wharf	Rappahannock River, Essex County
MPE5	Ferry Landing	Piscataway Creek, Essex County
MPE6	Southside Motel and Marina	Hoskins Creek, Essex County
MPE7	Prince Street Landing	Rappahannock River, Essex County
Middle Peninsula (MP), Gloucester County (G)		
MPG1	Deep Point Landing	Piankatank River, Gloucester County
MPG2	Gloucester Point Landing	York River, Gloucester County
MPG3	Tanyard Landing	Poropotank River, Gloucester County
MPG4	Warehouse Landing	Ware River, Gloucester County
MPG5	Aberdeen Creek Landing	Aberdeen Creek, Gloucester County
MPG6	Bennie Belvin Seafood	Perrin River, Gloucester County
MPG7	B & R Marine Service and Ramp	Perrin River, Gloucester County
MPG8	Cappahosic Landing	York River, Gloucester County
MPG9	Clay Bank Landing	York River, Gloucester County
MPG10	Cedar Bush/Oliver's Landing	York River, Gloucester County
MPG11	Crown Point Marina	Perrin River, Gloucester County
MPG12	Freeport Marina	Piankatank River, Gloucester County
MPG13	Gloucester Point Marina	Sarah's Creek, Gloucester County
MPG14	Guinea Landing/Severn Landing	Mobjack Bay, Gloucester County
MPG15	Herman Green and Son's Seafood	Perrin River, Gloucester County
MPG16	Holiday Marine	Severn River, Gloucester County
MPG17	John's Point Landing	Severn River, Gloucester County
MPG18	Jordan Marine	Sarah's Creek, Gloucester County
MPG19	Payne's Landing	Ware River, Gloucester County
MPG20	Sedger's Creek Landing	Perrin River, Gloucester County
MPG21	Severn River Marine	Severn River, Gloucester County
MPG22	SF Marinas USA LLC/Coastal Design and Construction and Private Pier	York River, Gloucester County
MPG23	Shackleford Seafood	Mobjack Bay, Gloucester County
MPG24	Timberneck Landing Pier	York River, Gloucester County
MPG25	York River Seafood Co.	Perrin River, Gloucester County
MPG26	York River Yacht Haven	Sarah's Creek, Gloucester County
MPG27	Crabs Express	Rt. 14, Gloucester County
MPG28	Gloucester Seafood, Inc.	Abingdon Creek, Gloucester County
MPG29	King's Seafood	Perrin River, Gloucester County

MPG30	Mobjack Bay Seafood	Ware River, Gloucester County
Middle Peninsula (MP), King & Queen County (KQ)		
MPKQ1	Tucker's Recreation and Marine Park	York River, King and Queen County
MPKQ2	Chain Ferry Landing	Mattaponi River, King and Queen County
MPKQ3	Waterfence Landing	Mattaponi River, King and Queen County
MPKQ4	Melrose Landing	Mattaponi River, King and Queen County
MPKQ5	Rainbow Acres Campground	Mattaponi River, King and Queen County
MPKQ6	Walkerton Landing	Mattaponi River, King and Queen County
MPKQ7	Mattaponi Private Crab Dock	Mattaponi River, King and Queen County
Middle Peninsula (MP), King William County (KW)		
MPKW1	Aylett Landing	Mattaponi River, King William County
MPKW2	Judy Swamp Landing	Pamunkey River, King William County
MPKW3	Lestor Manor Landing	Pamunkey River, King William County
MPKW4	Glass Island Landing	Mattaponi River, King William County
Middle Peninsula (MP), Mathews County (M)		
MPM1	Davis Creek Working Waterfront Area	Davis Creek, Mathews County
MPM2	Mobjack Bay Marina	North River, Mathews County
MPM3	Horn Harbour Seafood	Horn Harbor, Mathews County
MPM4	Island Seafood Co, Inc.	Milford Haven, Mathews County
MPM5	Sea Farms	Milford Haven, Mathews County
MPM6	WC Burroughs and Son	Horn Harbor, Mathews County
MPM7	Narrows Marina	Milford Haven, Mathews County
MPM8	Mathews Maritime Foundation	Milford Haven, Mathews County
MPM9	Queen's Creek Marina	Queen's Creek, Mathews County
MPM10	Winter Harbor Haven Marina and Winter Harbor Haven Public Dock	Winter Harbor, Mathews County
MPM11	Winter Haven Landing	Winter Harbor, Mathews County
MPM12	Horn Harbor Marina	Horn Harbor, Mathews County
MPM13	Horn Harbor Landing	Horn Harbor, Mathews County
MPM14	Williams Wharf Landing	East River, Mathews County
MPM15	Town Point Landing	East River, Mathews County
MPM16	Doctor's Creek Landing	Horn Harbor, Mathews County
MPM17	White's Creek Landing	White's Creek, Mathews County
MPM18	Roane's Point Landing	Piankatank River, Mathews County
MPM19	Rose Creek Landing	Queen's Creek, Mathews County
MPM20	Grimstead Public Landing	Milford Haven, Mathews County
MPM21	Milford Landing	Milford, Haven, Mathews County
Middle Peninsula (MP), Middlesex County (MS)		
MPMS1	Oakes Landing	Urbanna Creek, Middlesex County
MPMS2	Whitney Landing	Rappahannock River, Middlesex County
MPMS3	Stamper's Landing	Piankatank River, Middlesex County
MPMS4	Wake Launching Ramp	Rappahannock River, Middlesex County

MPMS5	Broad Creek County Dock	Broad Creek, Middlesex County
MPMS6	Locklies Marina	Rappahannock River, Middlesex County
MPMS7	Broad Creek Working Waterfront Area	Broad Creek, Middlesex County
MPMS8	Fishing Bay Working Waterfront Area	Piankatank River, Middlesex County
MPMS9	Urbanna Working Waterfront Area	Urbanna Creek, Middlesex County
MPMS10	Shores and Ruark	Rappahannock River, Middlesex County
MPMS11	Mill Stone	Rappahannock River, Middlesex County
MPMS12	Seger's Landing	Rappahannock River, Middlesex County

Appendix H:
INVENTORY OF PUBLIC ACCESS POLICIES WITHIN EACH LOCALITY

Public Access Policies of the Middle Peninsula

ESSEX COUNTY

Comprehensive Plan (2015)

The Rappahannock River, tidal waters, and flowing streams of the County are resources for recreation and commerce and are essential to the growth and diversification of the economic base for the area. With the subdivision of large tracts of waterfront property into numerous smaller lots, each under private ownership comes the competing interests of those owners seeking privacy and the upland residents and tourists seeking use of the waters. This concern leads to the need of greater management capability over waterfront access and use. (pg. 23)

There are two broad recreational uses of the waterfront. First, the use of the waterfront for boating access, whether at a marina, a boat dock, ramp and pier, or car-top boat landing. Second is the utilization of the shoreline and near-shore areas for recreational activities such as swimming, bank fishing, nature studying, and picnicking. Both activities can be accommodated by public or private facilities. Both boating and shore recreation are allowed exemption as "water dependent facilities" under the requirements of the CBPA, provided that non-water dependent components are located outside of the RPA. Boating access to the tidal waters of Essex County is provided at several public docks and ramps, several private marinas, and by individual or community piers. Commercial marinas in the County are limited to two locations. The June Parker Marina or Tappahannock Marina is located at the edge of the town along the Rappahannock shorefront just north of the Bridge. The facility provides slips for some 40 boats. Boat storage facilities are also provided. Garretts Marina provides facilities to accommodate some 60 water craft and is located downstream near the southern end of the County's riverfront at Bowler's Wharf. Publicly owned lands which are County or Town owned provide limited boat launching or swimming/fishing beach facilities in Essex County. These facilities which are largely unimproved include: · the Layton Launching Ramp located at the end of route 637 just south of Otterburn Marsh; · Wares Wharf, located at the end of Route 611, located below Lowry's Point; · the Bowlers Wharf boat ramp located at the end of Route 660; · Boat Launching area at the foot of Prince Street in Tappahannock, and; · Boat Launching facilities at Hoskins Creek in Tappahannock. A public boat launching area adjacent to Route 17 along Piscataway Creek provides access to fresh water fishing opportunities in the County and is perhaps the most actively used boat launching facility in the County. Limited boating activity is also accommodated in 4 to 5 community subdivisions or developments along the County's riverfront below Tappahannock. These facilities generally consist of a shared pier facility and moorings for only a few boats owned and managed by Community Homeowner Associations. They include the Jones Point Community Association; the Point Breeze and Rappahannock Shores Community Association (both near Dunnsville), and the River Oaks Community Association located south of Garrett's Marina. The location of most of these facilities which provide boating access to the Rappahannock is shown on Map 15-1. Due to the limited number of boating facilities and generally low level of boating activity in the County, no significant water quality problems are known to exist as a result of boating activity. The County will need to monitor such activities as growth occurs. With the demand and subsequent subdivision of waterfront property comes the increase in piers and docks associated with waterfront housing construction. In some areas, individual private piers have proliferated. Some subdivision developments have provided a community docking facility to serve the needs of all residents including both waterfront and landlocked homeowners. This option eliminates the numerous private piers and consolidates all boating activity to one area and under a single

management structure; however, there may need to be limits and controls on the size and operation of such a facility. Waterfront recreation areas are also provided through public and private avenues. Public beaches and parks are options for recreation and nature study. Private recreation areas can also be found in some residential developments, usually in conjunction with a community boating facility. The management of waterfront access options and opportunities concerns the competing interests and costs of public facilities and private facilities and the protection of the environment. Public and private access to the water and shoreline areas is important to the economy and environment of Essex County. Operation of boating facilities can induce activities which can also bring about impacts once facilities are constructed. Several factors indicate demand for additional boating facilities is low in Essex County at the present time. The location of the County is upstream from saltwater fishing opportunities and therefore access to these opportunities can be more readily provided from facilities located downstream outside the County. The population in the County does not significantly drive demand for waterfront boating facilities. Potential for the location of additional marina facilities is also limited by the features or characteristics of the County shorefront. Tidal marshes front 84% of the County shorefront. Along many of these reaches boating facilities would require wetland disturbances to secure access and would likely have adverse impact on wetland habitat. Moreover, shallow water depths in near shore locations would require dredging to provide access for boating causing bottom disturbance to fish and other aquatic habitat. 26 Many areas of the County shorefront, particularly north of the Town of Tappahannock, are also distant from the Route 17 corridor and are served by narrow rural roads in areas dominated by agricultural uses and lack both the access and facilities necessary to support commercial marina facilities. In such locations, the introduction of boating facilities would be incompatible with the rural character of the shoreline and present land uses. (pg 24-25).

Waterways & Bridges As a part of the 2035 Rural Long Range Transportation Plan, bridge infrastructure throughout the Middle Peninsula was evaluated and rated for functionality and structural integrity. The plan identified four bridges in Essex County as functionally obsolete and four other bridges structurally obsolete. The Virginia Department of Transportation's Six Year Improvement Plan lists a 2016 improvement project for the bridge at Route 691 (Gordon's Mill Road) and Piscataway Creek. Travel on the Rappahannock River is limited to private pleasure craft and some commercial grain transport. A public wharf was rebuilt in the early 80's and is maintained in Tappahannock by the Virginia Department of Transportation. Navigable waters do have potential for expanded shipping and transportation in the future which would have potential to relieve traffic through the County. Additional access points would allow for increase in both recreational and commercial use of the water. Essex County is an active member of the Middle Peninsula Chesapeake Public Access Authority (PAA). The PAA will be instrumental in assisting the County in obtaining additional waterfront access. (pg 69)

The County will work with the PAA and state agencies to adopt methods of obtaining increased access to its waterways. (pg 76)

COMMUNITY FACILITIES AND PUBLIC SERVICES

Goal: To provide a system of community facilities, public services, and infrastructure that is consistent with existing and future needs and resident well-being and that encourages a form of development consistent with the Land Use Plan.

Objective: Encourage the development of Parks and Recreation facilities to serve the needs of County residents. Explore

opportunities to provide greater public access to the river and creeks. (pg 77)

Work closely with the Middle Peninsula Public Access Authority and other agencies to explore opportunities to provide greater public access to the river and creeks. (pg 90)

THE ECONOMY

Goal: Create a balanced sustainable community through moderate economic growth within the County’s existing growth management plan.

Objectives:

- Preserve the tradition of agricultural, forestry, fishing and shellfish industries as important components of County rural character and the local economy. Promote additional tourism/travel industry or Eco-tourism related development which complements the rural, scenic, and historic qualities of the County (pg 92)

Maritime Economy

Essex County’s naturally built environment works well with promoting recreation and tourism as one of the more dominant industries in the County while protecting and preserving its natural resources. The travel industry provides employment and tax benefits with substantial dollars spent by travelers circulating through the local economy. Tourism plays a small role in the County economy; however, its role can be maximized through enhancement of recreational facilities.

From the historical and cultural aspects of Tappahannock to the Rappahannock River waterfront and natural environment and wildlife refuge, Essex County has many assets to assist with the promotion of tourism. The County should focus on building on these assets to make them more attractive to the thousands of travelers that intersect the communities in route to urban areas (pg 97)

Implementation

- Develop a Tourism and Recreation Plan that will outline Essex County’s strategy in promoting the County and its assets as a tourist community. The Plan should include the use of outdoor recreation enhancements such as Trails, Bike and Pedestrian activities as well as walking tours of the historic and cultural landmarks. The Plan should also exploit of the County’s waterfront access and seek to enhance water recreation opportunities.
- Provide trails, bicycle and pedestrian infrastructure as well as waterfront access and amenities to promote tourism and economic development in the county. Coordinate with the Town of Tappahannock and other agencies to create and implement a county tourism plan.

-Develop a Tourism and Recreation Plan that will outline Essex County’s strategy in promoting the County and its assets as a tourist community. The Plan should include the use of outdoor recreation enhancements such as Trails, Bike and Pedestrian activities as well as walking tours of the historic and cultural landmarks. The Plan should also exploit of the County’s waterfront access and seek to enhance water recreation opportunities. (pg 102)

Provide trails, bicycle and pedestrian infrastructure as well as waterfront access and amenities to promote tourism and economic development in the county. Coordinate with the Town of Tappahannock and other agencies to create and implement a county tourism plan. (pg 102)

Development Plan for Geospatial Capabilities –

4.1.7 PARKS AND RECREATION A geospatial program will help to create solutions for the Parks and Recreation department including river access, park locations, and other recreational service activities will also benefit once inside a geospatial application. Currently, Parks and Recreation is looking for an area that is suitable for public river access, but a few issues are making it difficult. Some of these issues can be seen in land cover (i.e. marsh, flood zone), waterfront property value. The use of some foundational projects such as parcel and tax updates, flood zone data and conservation easements would aid the Parks and Recreation department in better decision-making and planning for potential river access. Another project that could be addressed is trail locations (i.e., John Smith Trail) and launch points (kayaks, canoes etc.) within the county.

Local Ordinances

Definition of Public Access: *Essex County does not have one*

New Public Access is granted: *By-right or special permit use?*

Zoning for Parks:

Locality	Agriculture	Conservation	Low Density	Multifamily
Essex		R	R	R

Definition of Open space: *Open Space, Useable:* That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening from the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space may include, but not be limited to, lawns, decorative planting, walkways, active and passive recreation areas, and watercourses. Open space shall not include driveways, parking lots or other vehicular surfaces, any area occupied by a building, nor areas so located or so small or so circumscribed by buildings, driveways, parking lots, or drainage areas, as to have no substantial value for the purpose stated in this definition.

Floodplain management:

Sec. 18-101. - Permit and application requirements.

(a) *Permit requirement.* All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the county and Town of Tappahannock subdivision regulations. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to ensure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(b) *Site plans and permit applications.* All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- (1) The elevation of the base flood at the site.
- (2) The elevation of the lowest floor (including basement) or, in V Zones, the lowest horizontal structural member.
- (3) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
- (4) Topographic information showing existing and proposed ground elevations.

(Ord. No. 15-03, § 6.1-51, 4-14-2015)

Sec. 18-102. - General standards.

- (a) The following provisions shall apply to all permits:
- (1) New construction and substantial improvements shall be according to [section 18-70](#) and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
 - (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
 - (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(b) In addition to the provisions in subsection (a) of this section, in all special flood hazard areas, the additional provisions shall apply:

- (1) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Army Corps of Engineers, the state department of environmental quality, and the state marine resources commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the department of conservation and recreation (division of dam safety and floodplain management), other required agencies, and the Federal Emergency Management Agency.
- (2) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Sec. 18-103. - Elevation and construction standards.

(2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential

building (or manufactured home) shall have the lowest floor, including basement, elevated at least one foot above the base flood level See [section 18-70](#) for requirements in the Coastal A and VE Zones. Nonresidential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator.

(3) *Space below the lowest floor.* In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
- b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- c. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 2. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
 3. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 4. The bottom of all required openings shall be no higher than one foot above the adjacent grade.
 5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 6. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

Sec. 18-122. - Nonconforming structures or uses.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (1) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the

proposed expansion would not result in any increase in the base flood elevation.

- (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC and the appropriate provisions of this chapter.
- (3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this chapter and shall require the entire structure to conform to the VA USBC.

ARTICLE XVI. - NONCONFORMITIES

Section 16.1. - Intent.

With the districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures, and use of land and structures in combination which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue. No additional land may be purchased to expand nonconforming uses.

Section 16.2. - Change of Nonconforming Use.

A nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use of land or buildings has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 16.3. - Extension of Use Within Existing Building.

The nonconforming use of a building may be hereafter extended throughout those parts of a building which are lawfully and manifestly arranged or designed for such use at the time of enactment of this Ordinance.

Section 16.4. - Buildings Nonconforming in Height, Area, or Bulk.

A building nonconforming only as to height, area, or bulk requirements may be altered or extended, provided such alteration or extension does not increase the degree of nonconformity in any respect.

Section 16.5. - Discontinuance of Nonconforming Use.

No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of two (2) years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located. However, on application made to the Administrator by the owner or any party in interest, the Administrator may extend the aforesaid two-year period up to an additional two (2) years for good cause.

Section 16.6. - Expansion, Enlargement or Replacement of a Nonconforming Use.

16.6-1. A nonconforming structure or use may be extended up to 50 percent of the gross floor [area] for structures and up to fifty (50) percent of land area for any nonconforming use prior to becoming nonconforming, if setback and yard requirements are in compliance with district regulations.

16.6-2. Nonconforming automobile graveyards or nonconforming industrial structures or uses in a residential district shall not be allowed to expand.

16.6-3. If a nonconforming mobile home is removed other than by natural disaster or public action, it may not be replaced other than provided for in 16.6-4 unless it complies with regulations within the Ordinance.

16.6-4. The owner of a nonconforming mobile home may replace the nonconforming mobile home with a new or larger mobile home provided that the lot on which the mobile home is located is owned by the occupant and provided setbacks and yard requirements are in compliance with district regulations.

16.6-5. Whenever a nonconforming use is totally or partially destroyed due to natural disaster or public action, that use will be permitted to be reconstructed to its original condition prior to the disaster. Any expansion or alteration of the use differing from its original condition must meet the conditions of this section.

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

When evidence available to the Administrator is deemed by him to be inconclusive, whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Zoning Appeals after public notice and hearing and in accordance with the rules of the Board.

If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was lawfully of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to area, frontage, and dimensions of lots, the provisions of such lot area, frontage, and dimension regulations and restrictions shall not prevent the owner of such lot from erecting a single-family dwelling or making other improvements on the lot; provided such improvements conform in all other respects to applicable zoning and health regulations and restrictions.

Other Relevant Ordinances:

Sec. 22-2. - Trespassing on beach at Ware's Wharf.

If any person shall, without authority of law, go upon or remain upon the public beach at Ware's Wharf, or any part, portion or area thereof, between sunset and sunrise, he shall be guilty of trespassing and a Class 1 misdemeanor.

Other Projects

Land Inventory and Potential Recreational and Cultural Uses (Essex Co. Department of Parks and Recreation, 2015) –

https://www.essexcountyrec.com/forms/5962_essex_county_department_of_parks_and_recreation_draft.pdf

This report reviews two tracts of land that are presently undeveloped, or partially developed and underutilized. It looks at the tracts and proposes the development of the tracts for parks and recreational and educational purposes that will provide a myriad of benefits for the local population, creating the local region as a destination, and which will greatly enhance the economic development initiatives which are quickly gaining momentum in the County. The two tracts are presently being called the DeSha Road Tract, and the Poor House Tract.

DeSha Road Tract Description: The DeSha Road tract is a curvilinear 5.6 acre tract is bounded to the north and west side by a curve in DeSha Road as one heads south towards the Hoskins Creek bridge. It is also bounded on the south and east side of a similar curve by a marsh and Hoskins Creek. It is bound on the northeast by private property. The most obvious and proposed development of this tract would be for water access – canoes, kayaks and bankside fishing. This particular tract has its beauty and assets strongly defined by the natural environment and DeSha Road. However, that which is beautiful; the proximity of the road to the marsh and creek, are going to likely create a permitting process that could be rather lengthy and expensive. So there is a likelihood that development of the tract for the County’s managed recreation purposes might not be in the near future. Launching canoes and kayaks into the creek and fishing from the bank are not as much a concern as creating parking for vehicles related to the floating activities. The launching platform for the crafts can be floated so as to not impact the tidal creek.

Poor House Tract Description: The Poor House Tract is off of Kino Road, and the main paved road into the property provides access back to the area of the tract commonly called the County Dump and Landfill. This area is Parcel E, and it is presently unavailable for recreational access by the public. In the eastern center portion of Parcel D, there is a small shooting range used by the sheriff’s department and a local sporting goods store. These areas are to be respected in any development plan that is proposed. The Poor House Tract is a considerably larger tract of approximately 675 acres with an interesting history to be respected and presented to the eventual users of the park. It also has streams and topographical variations that present environmental permitting concerns as well as varying educational opportunities. Recreational activities being considered: Recreational Possibilities Multiuse Trails, Walking/Running Trails, Biking Trails, Horse Trails, Kayaking, Canoeing, Picnic Areas (Open and Shelters), Scheduled Primitive Camping, Retreats, Shooting Range, Sporting Clay, Archery, Golf Driving Range, Educational Opportunities and Events.

TOWN OF TAPPAHANNOCK Comprehensive Plan (2007)

Water Transportation Presently, water navigation on the Rappahannock is predominantly private pleasure craft. Public ramps are maintained at Dock and Prince Streets. Commercial transport to Newport News from Tappahannock is limited to some light barge activity, although potential exists for the expanded use of this waterway for transport. The Town is currently exploring funding opportunities for a waterfront park which would also allow water access and is exploring other opportunities as a member of the Middle Peninsula Chesapeake Bay Public Access Authority. (pg. 37)

Waterfront Access and Boating Facilities

The Rappahannock River and Hoskins Creek are resources belonging to the citizens of Virginia. The use of these waters for recreation and commerce are traditional and acceptable as the economic base for the area. With the subdivision of large tracts of waterfront property into numerous smaller lots, each under private ownership, comes the competing interests of those owners seeking privacy and the upland residents and tourists seeking use of the waters. The increasing use of our waterways leads to concern of environmental damage due to improper or reckless activities causing pollution or habitat destruction. This concern leads to the need for greater management capability over waterfront access and uses.

The only actual Marina facility in Tappahannock is the Tappahannock Marina located at the edge of the town along the Rappahannock

shorefront just north of the Bridge. The facility provides slips for some 48 boats. Boat storage facilities are also provided to accommodate up to 96 watercraft. Services provided at this facility include fuel sales, a launching ramp, a hoist and hull repairs. Containers are provided on the site for solid waste and sanitary facilities are provided. Boat holding tank pump-out facilities consist of a portable pump with holding tank. A dump station is also provided for emptying portable marine toilets. Final disposal of sewage from boats and on-shore sanitary facilities is by connection to the town wastewater treatment plant. Review of the shoreline sanitary survey conducted by the Virginia Department of Health in January, 1997 indicated this to be the only boating facility in Essex County and did not reveal any particular impacts of concern. Other privately owned facilities or publicly owned lands in the town provide only limited boat launching or swimming/fishing beach facilities. These facilities which are largely unimproved include:

- Riverside Condominiums (maximum of 14 slips)
- The Haven Marina located on Hoskins Creek (maximum capacity of 20 slips)
- Southside Motel Marina located on Hoskins Creek (maximum capacity of 8 slips)
- Boat Launching facilities at Hoskins Creek in Tappahannock.

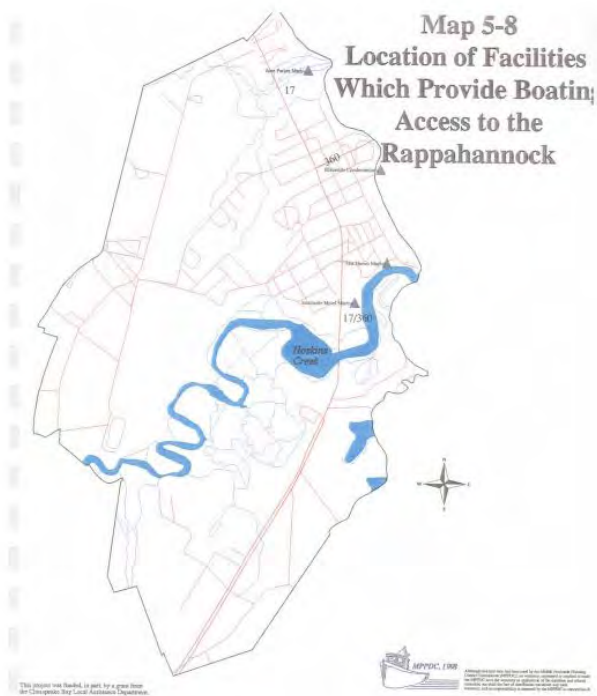
Also there is a boat launching area at the foot of Prince Street in Tappahannock that is owned by the PAA but is leased back to the Town of Tappahannock.

The location of these facilities which provide boating access to the Rappahannock is shown on Map 5-8.

The development of marinas and other boating related facilities can have a number of adverse impacts on water quality and near-shore habitats. Such impacts can include:

- Clearing of shoreline vegetation to provide access or accommodate parking facilities which can add impervious surface and in turn generates additional runoff carrying pollutants and sediment loads to adjacent waters which can be harmful to marine wildlife habitat;
- On-shore storage of fuel, oil, and sewage waste which may adversely impact water quality if not properly managed;
- Dredging or channel widening, often required to provide access to boating facilities which can release settled pollutants and increased turbidity in the water and adversely impact shellfish;
- Bulkheading to protect the shoreline which may obstruct the free passage of groundwater into the adjacent water body and/or may create reflection waves which tend to scour the bottom and increase turbidity;

Operation of boating facilities can induce activities which can also bring about impacts once facilities are constructed. These include propeller cutting of rooted aquatic plants or submerged aquatic vegetation, boat wakes which may accelerate the cutting action of waves on the shoreline, and disturbance of bottom sediments and increased turbidity due to turbulence caused by propellers. (pg. 95)



pg. 98

Required maintenance of boats can involve periodic washing and scraping and repainting of boat bottoms. These activities, if pursued without regard to their introduction into the adjacent water body can also adversely impact water quality. Soaps can initiate algae blooms and thus reduce dissolved oxygen levels in surrounding waters. Anti-fouling paints can also introduce copper and other toxic substances into adjacent waters.

Due to the limited number of boating facilities and generally low level of boating activity in the town and Essex County no significant water quality problems are known to exist as a result of boating activity. Several factors indicate demand for additional boating facilities is low in both the county and town at the present time. The location of the town is upstream from saltwater fishing opportunities and therefore access to these opportunities can be more readily provided from facilities located downstream outside Essex County. The low population in the County of approximately 9500 residents does not significantly drive demand for waterfront boating facilities.

Potential for the location of additional Marina facilities is also limited by the features or characteristics of the town shorefront which is fully developed. Tidal marshes front 84% of the adjacent County shorefront. Along many of these reaches boating facilities would require wetland disturbances to secure access and would likely have adverse impact on wetland habitat. Moreover, shallow water depths in near shore locations would require dredging to provide access for boating causing bottom disturbance to fish and other aquatic habitat.

There are two broad uses involved in the waterfront issue. First, the use of the waterfront for boating access, whether it be at a marina, a boat dock, ramp and pier, or car-top boat landing. Second is the utilization of the shoreline and near-shore areas for recreational activities such as swimming, bank fishing, nature studying, and picnicking. Either public or private facilities can provide these activities. Both boating and shore recreation are allowed exemption as "water dependent facilities" under the requirements of the CBPA,

provided that non-water dependent components are located outside of the RPA.

Boating access to the tidal waters of Tappahannock is provided at boat ramps at Dock and Prince Street and at the private marina in town. The management of waterfront access options and opportunities concerns the competing interests of costs of public facilities and private facilities and the protection of the environment. Opportunities for developing a waterfront park are discussed in Chapter 9, Parks and Recreation.

Tappahannock has determined that boating facilities should be located only where: there is sufficient water depth, without frequent dredging; there are not public or private shellfishing grounds which would be impacted; there is adequate tidal flushing; there are suitable soils for sanitary facilities or connection to a municipal sewer system; there is limited harm to fish and wildlife habitat; and there are compatible existing land and water uses nearby.

Existing marinas and boat repair facilities are encouraged to adopt operational procedures consistent with BMPS. When existing marinas remodel or expand their facilities, structural BMPs should also be constructed. For proposed boating facilities, BMPs should be required as a condition of development approval.

Comprehensive Plan 100 The town, with the county, should study the needs for waterfront public access in conjunction with state, federal, regional, and private agencies. The Planning District Commission should be encouraged to assist local efforts in planning water access, open space, and park facilities which will benefit education and habitat vital to water quality. In addition, when regional projects such as a regional airport, park, or solid waste landfill are being planned, there should be an open space/recreation/natural habitat component included in the development. (pg. 89)

Water access is presently provided by two public boat ramps. One ramp is at the end of Prince Street, having poor access, inadequate parking, and no pier facilities. The other ramp is located on Hoskins Creek. The Hoskins Creek facility has both ample parking and a docking area; repairs to the dock are needed. The Hoskins Creek ramp is owned by the Virginia Department of Game and Inland Fisheries and not the Town, although the Town does provide some policing and maintenance services because they own the property the ramp is on.

No public beach access to the Rappahannock presently exists in the town. Other public access, if available, cannot be identified at this time. All public use facilities exist on the north side of town, with none south of Hoskins Creek. Publicly owned land exists at the base of the Thomas Downing Bridge between the overpass and Prince Street, but is presently undeveloped. The Town has been exploring the possibility of converting this area into a park.

Pilings from an historic wharf provide evidence of previous public access to the Rappahannock riverfront. This area however, has potential for a waterfront park facility.

The Town is a member of the Middle Peninsula Chesapeake Bay Public Access Authority. The Authority was formed in 2003 for the purpose of acquiring and managing public water access opportunities in the region that can be used by the general public for passive and active activities.

Privately owned recreation areas have been identified within the town, and nearby in the surrounding region. Privately owned ball

fields are located in the northern end of town. The property on which they are situated is for sale and a change in ownership may discontinue this use. The June Parker Marina has been evaluated as a possibility for conversion from private to public use. Numerous marinas, a golf course, overnight camping, and a private membership park are within close proximity to Tappahannock. A portion of the Rappahannock River Valley National Wildlife Refuge is located just north of Town and the Essex County Museum is located on Water Lane. (pg 178)

Waterfront Park

The town recognizes the opportunities for public shoreline enjoyment may be made available due to the proximity of the Rappahannock River. The following program for waterfront park development has been considered at the foot of Prince Street.

Potential Waterfront Park Development actions would include:

- Acquire 2 parcels between bridge and condominiums for development as a passive urban park
- Provide limited parking for park (pg 179)
- The Rappahannock River bordering town holds significant promise for future access, vistas, active recreation, marine activity, etc. (pg 179)
- Presence of Hoskins Creek meandering through town offers unique potential natural setting for passive recreation and aesthetic enjoyment.
- The upland area west of town at the head of Hoskins Creek offers future potential for a park facility.
- The dock on Hoskins Creek meets current access demand for boat use and could potentially be expanded and improved for mixed recreational use.
- Presence of commercial marina immediately north of town suggests possible downtown/wharf boat link for visitors by water or potential use of part of the Marina site as a small waterfront park facility.
- Town history is strongly linked to the waterfront and creeks. The history suggests possible festival or special event focus to increase tourism into the downtown commercial district. (pg 180)

Problems Identified

1. Lack of parks and recreation facilities for Tappahannock.
2. Lack of publicly-owned land south of Hoskins Creek, in the downtown and in the far western reaches of the town.
3. Lack of pedestrian access between public spaces, particularly evidenced by the Route 360/17 safe-crossing problems and the airport crossing conflict between the middle and high school sites.

Lack of neighborhood parks denies the town an important motivational tool for achieving developer-associated improvements for recreation in the town comprehensive plan and zoning ordinances. (pg 180)

Goal: Develop and improve recreation services, facilities and programs for the citizenry of Tappahannock.

Objectives:

Provide recreation programs in association with a system of neighborhood parks, pocket parks, public lands, playgrounds and open spaces.

Provide public access to the waterfront on the Rappahannock River or on Hoskins Creek or both.

Develop water trails along Hoskins Creek or the Rappahannock River, or both.

Goal: Provide safe public access for the residents of Tappahannock to public lands, government buildings, schools and open spaces and to a system of parks and facilities for recreation.

Objectives:

Designate an urban trail system in the Town of Tappahannock utilizing the existing street system.

Provide expanded public access to public lands and open spaces for those areas of town not connected by the existing street system and for future development in the southern part of town via an expanded trail loop system.

Goal: Provide town residents with adequate recreation and open space facilities.

Objectives:

Develop an urban park at the end of Prince Street as part of a Central Business District revitalization effort.

Encourage development of other neighborhood parks and playgrounds.

Explore possibilities for the acquisition, development and maintenance of waterfront acreage for public use.

Require developer provision of recreation and open space areas adequate to serve the needs prompted by subdivision and residential development.

Considerations for Park Development

1. Parks system should be explored that relates to the downtown waterfront park.
2. Existing schools should be incorporated into park planning for programs and facilities development.
3. A joint town/county Park Authority, or planning committee, should be explored as one approach to planning for future park facilities.
4. Every effort should be made to relate the downtown dock/park component to the historical record of wharves or docks for accuracy in restoration, if possible and practical.
5. Early park support and visibility could be enhanced by building on an established festival event, such as the annual RivahFest, and supported by service organizations. Food sales, proceeds, and commissions would be associated with vendor activity. A parade, contest, or water competition would complete the "Water Day" event.
6. Another boat trip venture, of a local nature and brief in duration, might be introduced and linked to a historical town walk.
7. Seek funding mechanisms required for the downtown waterfront park development as a cooperative effort between the town and Adkins Oil Co.

IMPLEMENTATION RECOMMENDATIONS

1. Designate existing publicly owned lands shown on the land use plan as park lands/open space lands. These sites would include the elementary, middle and high schools, the Dock Street dock, the parcel under lease to VDOT that is managed by the U.S. Fish and Wildlife Service and owned by the Town, the government building sites and the Downtown statue, as well as the conservation lands associated with Hoskins Creek.
2. Designate and develop a waterfront park facility.
3. Establish a program to upgrade all park sites for appropriate public use as recreation facilities.

Enabling a Parks and Recreation Authority

A Parks and Recreation Authority can be developed to carry out the task associated with a system of open spaces for public use. Among the structures to consider for implementation are a Parks Authority, a Parks Commission, and a Parks and Recreation Department. A Parks Authority, whether it is a town authority or a joint City/County Authority, is the political structure that sets rules and regulations, establishes development priorities and funding mechanisms, and provides for comprehensive management and overall system maintenance. A Parks Commission is comprised of community leaders and representatives from the town citizenry who are tasked with development of specific actions, programs, and land use priorities that impact upon delivering recreation for the community at large. A Parks and Recreation Department would be responsible for the day-to-day operation and maintenance of facilities and for programming events and activities. (pg 182)

Utilizing Publicly Owned Land and Facilities

Given the history of excellent cooperation between Tappahannock and Essex County, it seems logical to presume that this cooperation will certainly extend to County-owned land located in the town. For Tappahannock, this suggests with a minimum of public expense that the town can anticipate reasonable access to adequate publicly owned land to form the basic "spine" of a system of parks and open spaces for public use. The town owns the property on which the Dock Street dock is located, the prominent statue downtown as a street focus, and the parcel currently maintained by, and leased to, the Virginia Department of Game and Inland Fisheries near Hoskins Creek. While the town holds other properties as well, these parcels appear most suitable for inclusion in a system of parks and open spaces. The County operates the three schools, as well as the library and the downtown government buildings and grounds, all of which are suitable for inclusion in the proposed system. The airport facility has strong potential for a mixed-use designation, which could in the future make some portion of that land available for use in a system of open spaces and parks. The airport property consists of over 70 acres of land that the Town envisions becoming a mixed-use district within the town. There is the potential there for light industry, office spaces, more parking areas, and open space to be used for recreational purposes such as a recreational trail or a cross country course for the schools. Please see the Figure 2 (Analysis Plan) and Figure 7 (District Use Plan) following this section that illustrates what the property and surrounding area looks like now and what the Town envisions for the future of the airport property. The figures are taken from an analysis report created for the Town by the Community Design and Assistance Center of the College of Architecture and Urban Studies of the Virginia Polytechnic and State University. The considerable wetlands areas that adjoin Hoskins Creek provide an extremely rare and exciting conservation land area, highly suitable for inclusion into the proposed open space system. This large area presents a great opportunity for use as a passive observation area for wildlife and the natural environment, as well as an excellent location for pedestrian use and access via the urban trails system. (pg 183)

Waterfront Park Facility Development

The property immediately south of the Downing Bridge at the end of Queen Street offers potential for a waterfront park site. Specifically, there are two small lots of green open space between the waterfront and eastern edge of the existing residential use, bounded on the south by the Atkins Oil property. Acquiring the described open space could serve to provide access for the public to the waterfront, and potentially serve as a vital interest component for a revitalized downtown commercial district. However, the site size and configuration will limit parking opportunities and water depths will preclude development of boating facilities. Recreational offerings

that should be provided include passive uses such as picnic facilities, pedestrian seating and opportunities for enjoying views of the waterfront. More intensive uses on the site could be disruptive to the area's peaceful residential character and are not recommended.

As an alternative or in addition, the town may consider locating a passive waterfront park on portions of the June Parker Marina property. The existing marina could complement public recreation offerings and at the same time afford an opportunity to enhance the visual quality of this entry point to the town by creating a town gateway statement through park design.

The Town can work with the Middle Peninsula Chesapeake Bay Public Access Authority to address needs for access to the water within the Town. (pg 189)

Working with representatives of these groups the town should undertake a Central Business District planning effort. The Central Business District Plan should address ways of revitalizing the CBD and include an action agenda for immediate implementation by both the private and public sectors. Among other things the Plan should include a detailed development evaluation and plan for increasing public access to the waterfront starting with development of the recommended Prince Street Park. (pg 197)

Local Ordinances

Definition of Public Access: *Tappahannock does not have a definition*

New Public Access is granted: By-right or special permit?

Public grounds. The term "public grounds" shall mean the parks and all public lands owned or leased by the town, and those parts of public places which do not form travelled parts of streets as defined in this section.

ARTICLE II. - PARK RULES AND REGULATIONS

Sec. 50-11. - Intent.

These rules and regulations are established in accord with [Chapter 50](#) of the Town of Tappahannock Code of Ordinances for the use, protection, regulation and control of all of its services, facilities and parks, recreations conservation, education, historic and scenic areas and preserves and parkways.

Sec. 50-12. - Hours.

Park and playground shall be closed between the hours of 9:00 p.m. and 6:00 a.m. No person shall enter or remain in any park while same is closed. The town manager shall be authorized to grant exceptions to the above hours on a temporary or permanent basis by filing a request in writing with the town for approval.

Sec. 50-13. - Noise.

It is unlawful to use any loudspeakers, amplifiers or other noise making device for advertising or other purposes. However, amplifiers and loudspeakers may be used in connection with municipal functions, civic and community functions, holiday gatherings or any other event approved by the town manager upon securing the prior written permission of the town manager.

(Ord. of 12-8-2015(3))

Cross reference— Noise in the operation of motor vehicles, [§ 38-8](#), disturbing the peace, [§ 42-11](#).

Sec. 50-14. - Intoxication.

No intoxicated person shall enter, be or remain in any park, and any such person so found in a park shall be either arrested or ejected from the park.

(Ord. of 12-8-2015(3))

Cross reference— Profane swearing and intoxication in public; penalty; transportation of public inebriates to detoxification center, [§ 42-26](#).

Sec. 50-15. - Alcohol.

No person shall bring into or consume alcoholic beverages in the park. (Except by special permit).

(Ord. of 12-8-2015(3))

Cross reference— Profane swearing and intoxication in public; penalty; transportation of public inebriates to detoxification center, [§ 42-26](#).

Sec. 50-16. - Fireworks.

Unless given written permit by the town manager and the mayor, it shall be unlawful for any person to possess or use in the park any blank cartridge, toy pistol, toy cannon, toy cane or toy gun in which explosives are used; the type of unmanned balloon which requires fire underneath to propel the same; firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs or other fireworks of like construction, or any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks, containing nitrates, chlorates, oxalates, sulfides of lead, barium, antimony, arsenic, mercury, nitroglycerin, phosphorous or any compound containing any of the same or other modern explosives. Included within the foregoing prohibition are model rockets and model rocket engines designed and used for the purpose of propelling recoverable aero models. Included in the foregoing prohibition are sparklers containing not more than .0125 pounds of burning portion per sparkler, flitter sparklers in paper tubes not exceeding one-eighth inch in diameter, toy snakes not containing mercury, toy pistols, toy canes, toy guns or other device manufactured to utilize paper and/or plastic caps containing not more than .25 of a grain of explosive content per cap, or said paper and/or plastic caps themselves.

(Ord. of 12-8-2015(3))

Cross reference— Display, possession and sale of fireworks prohibited; exception, [§ 30-35](#).

Sec. 50-17. - Trash.

There shall be no littering of ground. All papers, garbage and other debris shall be placed in waste containers. Where waste container is not provided, waste shall be carried away.

(Ord. of 12-8-2015(3))

Cross reference— Use of public containers, [§ 46-35](#); Placing out of town garbage in containers in town, [§ 46-36](#).

State Law reference— Similar provisions, Code of Virginia, § 18.2-324.

Sec. 50-18. - Protection of property.

No person shall:

- (1) Willfully destroy, deface, alter, change or remove any monument, stone marker, bench marker, stake, post or blaze, making or designating any boundary line, survey line, or reference point.
- (2) Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, foundation, lamppost, fence, gate, hedge or other structure.
- (3) Deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property.
- (4) Appropriately excavate, injure or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the town manager.
- (5) Cut, mar, remove or destroy any tree, sapling, seedling brush or shrub, whether alive or dead, or chip, blaze,

box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower or any tree or shrub or pick, gather, uproot, remove, or destroy any flower, plant, or grass.

- (6) Remove or cause to remove any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the town manager.
- (7) Picnic table areas are to be used for the consumption of food, no cleaning fish and bait, no sleeping or laying on picnic tables or benches or other objects.

(Ord. of 12-8-2015(3))

Cross reference— Willful and malicious damage to or defacement of public or private facilities; penalty, [§ 42-38](#).

Sec. 50-19. - Fires.

No person shall build, light or cause to be lighted any fire in any area, grill, stove, fireplace or other suitable container.

(Ord. of 12-8-2015(3))

Cross reference— Bonfires or rubbish fires on public ground, [§ 30-33](#); Setting fires, [§ 30-34](#).

Sec. 50-20. - Parking and traffic.

There shall be no driving or parking of any motor vehicle in the park except in designated drives, parking spaces, and other specified areas. There shall be no obstruction of any park walk or drive.

[Other Projects](#)

**GLOUCESTER COUNTY
Comprehensive Plan (2016)**

Community Facilities Services Goals/Objectives/Implementation

Goals: CF-1: Review and prioritize capital improvements and public facilities to meet existing and future level of service needs for the County

Objective: Develop and adopt a plan to anticipate and address the long-term public facility needs to serve Gloucester residents based on the Comprehensive Plan, School Board Comprehensive Plan, and other plans and policies.

Implementation Strategy: Develop plans to address specific public needs and issues, such as public access, utility expansion, and inmate housing, among others. (pgC-26)

Natural Resource Goals/Objectives/ Implementation

NR-4: Conserve and management Gloucester’s natural resources

Objective: Protect and preserve open space through ordinances and policies

Implementation Strategy: Review Ordinances to better define “open space” and provide appropriate protection based on the use of the open space as buffers, natural habitat, or recreation areas

Objective: Identify appropriate sites for public waterfront access and boating facilities and preserve those that exist

Implementation Strategy: Inventory existing public access sites and identify their current and potential uses

Implementation Strategy: Work with the Chesapeake Bay Public Access Authority, FEMA, and other agencies to identify new site for public access

Implementation Strategy: Develop management plans for open space and public access parcels

Implementation Strategy: Develop a county policy for acquiring new sites through dedication donation, or acquisition

Local Ordinances

Public access is defined in terms of highway corridor overlay districts:
 o Sec. 6A-4: “The purpose of this section is to regulate vehicular and non-vehicular access to developments subject to this article. The intent of such regulation is to maintain or improve the level of service of roads; to minimize the number of access points to roads; to promote the sharing of access and the ability of travel between sites; to ensure that development is of a scale proportionate to the capacity of existing and proposed transportation facilities; to provide pedestrian circulation networks among residential, commercial, and recreational areas; and to enhance safety and convenience for the public. Toward those ends, Virginia Department of Transportation standards shall be seen as minimum standards; in some cases, this ordinance will require standards more stringent than those prescribed by VDOT.”
 o “Pedestrian Access: Pedestrian walkways shall be incorporated into each project in such a fashion as to minimize conflicts with vehicular traffic. Pedestrian circulation systems shall be extended to adjacent parcels and shall connect uses within individual projects. Pedestrian walkways shall be shown on site plans.”

Public parks and recreation facilities means any and all buildings, lands and water, including roadways, recreation equipment, structures and the flora and fauna therein, owned, leased or operated under the jurisdiction of the county as a park or recreation area and open to the general public for park or recreation purposes. This definition includes, but is not limited to, Abingdon Park, Ark Park, Beaverdam Park, Tyndall's Point Park, Woodville Park, Gloucester Point Beach and Oliver Landing.

Zoning for Parks:

Water - dependent facility means a development of land that cannot exist outside of the RPA and must be located on the shoreline because of the intrinsic nature of its operation. These facilities include, but are not limited to:

- (1) Ports;
- (2) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers;
- (3) Marinas and other boat docking structures;

Locality	Agricultural	Conservation	Low Density	Multifamily
Gloucester		R	R	R

- (4) Beaches and other public water oriented recreation areas; and
- (5) Fisheries or other marine resources facilities.

Sec. 8.5-9. - Existing structures in floodplain district.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in a floodplain district to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code and this chapter.

(Ord. of 7-7-87, Art. VIII; Ord. of 8-3-2010)

ARTICLE III. - DISTRICT PROVISIONS

Sec. 8.5-36. - General requirements.

(a) All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a

building permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances such as the Gloucester County Zoning Ordinance, the Gloucester County Wetlands Zoning Ordinance [Chapter 20], the Gloucester County Soil and Erosion Sedimentation Control Ordinance [Chapter 7.5], the Gloucester County Site Plan Ordinance [Chapter 15.5], the Gloucester County Subdivision Ordinance [Chapter 15], the Gloucester County Chesapeake Bay Preservation Ordinance [Chapter 5.5], and the Virginia Uniform Statewide Building Code [Chapter 5, Article I]. Prior to the issuance of any such permit, the building official shall require all applications to include a certification of compliance with all applicable state and federal laws.

(b) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(c) Prior to any proposed alteration or relocation of any channels or of any water course, stream, etc., within this jurisdiction, an approved permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality (DEQ), and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations or from the office of environmental programs). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Soil and Water Conservation) and the Federal Insurance Administration.

(d) All proposals for the subdivision of land and/or new development shall include a plan drawing showing the location of all existing and proposed public and private utilities, facilities and drainage structures. If the one hundred-year flood elevation has been determined by the flood insurance study or other reliable source approved by the County of Gloucester, Virginia, such flood elevation shall be delineated on the proposed plan, provided that the more stringent elevation data shall control. In addition, within the approximated floodplain district, flood and floodway information from federal, state, or other acceptable sources shall be used when available. If the proposal is greater than fifty (50) lots or greater than five (5) acres, whichever is the lesser, and the one hundred-year flood elevation has not been determined for the land area, the developer shall determine the one hundred-year flood elevation and delineate such flood elevation on the proposed plan. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within Zone AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. All plans shall be certified by a registered professional engineer and shall be reviewed by the subdivision agent to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage;
- (2) All necessary permits have been received from the State of Virginia and appropriate federal agencies;
- (3) All public and private utilities and facilities (including sewer, water, telephone, electric, gas, etc.) are located and constructed to minimize or eliminate flood damage. New and replacement sanitary sewage

systems are to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters as approved and permitted by the State Health Department for private systems and the Gloucester County department of public utilities for public systems;

- (4) Adequate drainage is provided to reduce exposure to flood hazard. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties; and
- (5) Adequate measures have been taken to minimize the adverse environmental impacts of the proposed development.

(e) Recreational vehicles placed on sites shall either: (1) be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use, or (2) meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Uniform Statewide Building Code. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(f) All new buildings must be constructed on properly designed and compacted fill (ASTM D-698 or equivalent) that extends beyond the building walls before dropping below the base flood elevation and has appropriate protection from erosion and scour. The design of the fill or the fill standard must be approved by a registered engineer.

(g) Where a nonresidential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this chapter, and (ii) a record of certificate which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the agent.

(h) Man-made alterations to sand dunes that would increase potential flood damage are prohibited. (Ord. of 7-7-87, § 4-1; Ord. of 9-6-94; Ord. of 8-3-2010; Ord. of 9-2-2014(2))

Sec. 8.5-37. - Floodway district.

In the floodway district, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the one hundred-year flood evaluation. (Ord. of 7-7-87, § 4-2; Ord. of 9-6-94; Ord. of 8-3-2010)

Sec. 8.5-38. - Flood-fringe and approximated floodplain districts (AE, AO and A zones).

In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area, provided that all such

uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

Within the approximated floodplain district, the applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred-year flood elevation more than one (1) foot at any one (1) point. The engineering principle-equal reduction of conveyance-shall be used to make the determination of increased flood heights.

Within the floodway area delineated by the applicant, the provisions of [section 8.5-37](#) shall apply. (Ord. of 7-7-87, § 4-3; Ord. of 9-6-94; Ord. of 8-3-2010; Ord. of 9-2-2014(2))

Editor's note— An ordinance adopted Sept. 2, 2014, changed the title of [§ 8.5-38](#) from "Flood-fringe and approximated floodplain districts (AE and A zones)" to read as herein set out.

Sec. 8.5-39. - Coastal high hazard district (V, VE and Coastal A zones).

In the coastal high hazard area district (V, VE and Coastal A zones), the following regulations shall apply in addition to the regulations cited in sections [8.5-36](#) through [8.5-38](#):

- (1) No land below the level of the one hundred-year flood event may be developed unless the new construction or substantial improvement is located outside the resource protection area (RPA) (measured landward one hundred (100) feet from the mean high tide or associated tidal wetlands) or a buffer modification to the RPA requirement has been granted by the Chesapeake Bay Preservation Ordinance Administrative Board. This one hundred-foot buffer requirement excludes water dependent uses as defined;
- (2) All manufactured homes to be placed or substantially improved within V or VE or Coastal A zones shall comply with the same standards as set forth for conventional housing in V or VE or Coastal A zones;
- (3) There shall be no fill used as structural support;
- (4) Existing nonconforming uses and/or structures located on land below the level of the one hundred-year flood event shall not be expanded; and
- (5) All new construction and substantial improvements in zones V, VE and Coastal A shall be elevated on pilings or columns so that:
 - a. the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at least two feet above the base flood level; and
 - b. the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

(Ord. of 7-7-87, § 4-4; Ord. of 9-6-94; Ord. of 8-3-2010; Ord. of 9-2-2014(2))

Editor's note— An ordinance adopted Sept. 2, 2014, changed the title of [§ 8.5-39](#) from "Coastal high hazard district (V and VE zones)" to read as herein set out.

Sec. 8.5-40. - Critical facilities.

The building of critical facilities in the five hundred-year floodplain is prohibited. (Ord. of 9-6-94; Ord. of 8-3-2010)

Sec. 8.5-41. - Specific standards.

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or in the case of areas for which no detailed flood profiles or elevations are provided, the one

hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used when available. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, and be constructed by methods and practices that minimize flood damages using materials that are resistant to flood damage, with the electrical, heating, ventilation, plumbing, and air conditioning equipment and other services so designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. The following provisions shall apply:

- (1) *Residential Construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation.
- (2) *Non-Residential Construction.* New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated to no lower than two feet above the base flood elevation. Buildings located in all A, AO or AE zones may be flood-proofed in lieu of being elevated, provided that all areas of the building components below the base flood elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation to which such structures are floodproofed, shall be maintained in the building inspections office.
- (3) *Elevated Buildings.* Fully enclosed areas of new construction or substantially improved structures, which are below the regulatory flood protection elevation, shall:
 - a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage.
 - b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
 - c. Include in zones A, AO and AE measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must be certified by a professional engineer or architect, or meet the following minimum design criteria:
 - i. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - ii. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - iii. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - iv. The bottom of all required openings shall be no higher than one (1) foot above the adjacent finished grade.
 - v. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

- vi. The inside finished grade of each enclosed area must be as high or higher than the outside finished grade.
 - vii. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- d. In zones V, VE and Coastal A, a registered design professional engineer or architect shall develop and seal the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction used are in accordance with accepted standards of practice for meeting the provisions of Article III, [Sec. 8.5-39](#).
- i. The space below the lowest floor shall be either free of obstruction or constructed with nonsupporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system;
 - ii. Breakaway walls shall collapse from water loads that are less than that which would occur during the base flood; and,
 - iii. The elevated portion of the building and supporting foundation shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading shall be those required by the Virginia Uniform Statewide Building Code (USBC). The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage.

ARTICLE II. - REGULATIONS GOVERNING PUBLIC PARKS AND RECREATION FACILITIES

Sec. 13.5-2. - Alcoholic beverages and controlled substances prohibited.

(a) No person shall consume or possess an open or previously opened container containing any alcoholic beverage, or be under the influence of an alcoholic beverage while in public parks and recreational facilities.

(b) No person shall consume, possess or be under the influence of any controlled substance, as defined by the Code of Virginia, while in public parks and recreational facilities.

(Ord. of 3-5-2002)

Sec. 13.5-3. - Operating or parking vehicles in recreational facilities generally.

No person shall operate or park any vehicle in public parks and recreational facilities except on the roadways and parking areas provided and/or designated for this purpose. Nor shall any vehicles be parked in a manner as to impede or obstruct the normal, safe flow of traffic.

(Ord. of 3-5-2002)

Sec. 13.5-4. - Games of chance prohibited.

No person shall engage in games of chance in public parks and recreational facilities. (Ord. of 3-5-2002)

Sec. 13.5-5. - Concealed weapons prohibited.

Unauthorized persons shall not carry concealed weapons, nor shall they have on or about their person dangerous or deadly weapons other than firearms, in public park and recreational facilities. (Ord. of 3-5-2002)

Sec. 13.5-6. - Discharge of firearms or shooting of bows.

It shall be unlawful to discharge any firearm to include any weapon which propels a projectile by pneumatic means, or shoot any bow in any public park or recreational facility. Provided however, that the director may grant permission to discharge firearms or shoot arrows as part of an approved event or program. (Ord. of 3-5-2002)

Sec. 13.5-7. - Open fires.

No person shall make a fire in public park and recreational facilities other than in grills, fireplaces or other areas as designated and approved for such use by the director. All fires shall be closely monitored and completely extinguished by persons starting and using them before those persons leave the immediate vicinity. (Ord. of 3-5-2002)

Sec. 13.5-8. - Use of public park and recreational facilities by children.

No parent or guardian shall permit a child under the age of thirteen (13) years, or such other age as is specifically posted by the director, to make use of public park and recreational facilities without providing for direct supervision of the child. Provided, however, that no person under the age of sixteen (16) years shall be permitted on the property know as Oliver Landing unless such person is accompanied by and under the continuous direct supervision of an adult. (Ord. of 3-5-2002; Ord. of 5-5-2009)

Sec. 13.5-9. - Skateboards, skates and rollerblades.

No person shall ride or use a skateboard, skates or rollerblades in public parks and recreational facilities except in areas so designated for such use. (Ord. of 3-5-2002)

Sec. 13.5-10. - Toilets; cleanliness and use.

No person shall fail to cooperate in maintaining restrooms in a neat and sanitary condition. No person over the age of six (6) years shall enter restrooms designated for the opposite sex. There shall be no loitering in the restrooms. (Ord. of 3-5-2002)

Sec. 13.5-11. - Preservation of natural resources and public buildings and property.

The possession, destruction, injury, defacement, removal or disturbance in any manner of any building, sign, equipment, monument, statue, marker, or other structure, or of any animal or plant matter and direct or indirect products thereof, including, but not limited to, wood, bulb, or annual flowers, egg, nest or nesting site, or of any soil, rock, fossil, mineral formation, phenomenon of crystallization, artifact, relic, historic or prehistoric feature, or of any other public property of any kind, is prohibited, except as otherwise provided in this section or by special permit. A person shall not dig in or otherwise disturb grassy areas, or in any other way injure or impair the natural beauty or usefulness of any area.

Unless specifically permitted by special regulations, the collection of plants, rocks, minerals, animal life or other natural objects is permitted only in accordance with written permits obtained in advance from a park ranger. No permits will be issued to individuals or associations to collect specimens for personal use, but only to persons officially representing reputable scientific or

educational institutions in procuring specimens for research, group study or museum display. (Ord. of 3-5-2002)

Sec. 13.5-12. - Control of litter.

No person shall throw, deposit or leave any litter, refuse or rubbish of any kind in public parks and recreational facilities except in public receptacles and in such manner that the litter, refuse or rubbish will be prevented from being carried by the elements. Where public receptacles are not provided all such litter, refuse or rubbish shall be carried away from the area by the person responsible for its presence and properly disposed of elsewhere. (Ord. of 3-5-2002)

Sec. 13.5-13. - Control of animals.

No person shall permit his animal to run at large. In the case of a dog, the owner or his agent shall secure the animal by a collar with a chain, cord or leash not exceeding eight (8) feet in length, and have the animal under complete and immediate control. (Ord. of 3-5-2002)

Sec. 13.5-14. - Instruction.

No person other than those authorized by the director shall offer instruction in public park and recreational facilities. (Ord. of 3-5-2002)

Sec. 13.5-15. - Hours of operation.

The director shall establish hours of operation for public parks and recreational facilities; the hours may prohibit use of certain facilities at certain times. Hours for public parks and recreational facilities will be posted. Provided, however, that Oliver Landing shall be closed to the public beginning at 10:00 p.m. each day, and shall remain closed to the public until 5:00 a.m. on the following day, except that persons over the age of sixteen (16) years engaged in boat launching and boat retrieval may use the facilities for those purposes only. Provided further, that the hours of operation for Abingdon Park shall be sunrise to sunset when Abingdon Elementary School is not in session or when expressly permitted by the Gloucester County School Board. (Ord. of 3-5-2002; Ord. of 5-5-2009)

Sec. 13.5-16. - Permits for use of public park and recreational facilities.

Permits for the use of public park and recreational facilities may be required by the director. Where permits are required, no person shall engage in or make use of any park and recreational facility without first paying for same and adhering to the rules and regulations governing use of said facility. (Ord. of 3-5-2002)

Sec. 13.5-17. - Leasing of park facilities; charges for use of such facilities and admission to recreation activities.

When authorized by the board of supervisors and upon such terms and conditions as it may provide, the public parks and recreation facilities may be leased. The director shall fix and collect charges for the use of the facilities and services, fix and collect charges for admission to concerts, entertainments and other recreational activities sponsored by it. (Ord. of 3-5-2002)

Sec. 13.5-21. - Use of nature trails, pedestrian paths, etc.

No persons other than those authorized by the director shall operate a motorized vehicle upon nature trails, pedestrian paths, and bikeways specifically designated and established for such use. (Ord. of 3-5-2002)

Sec. 13.5-24. - Bathing and swimming.

Swimming or wading of any type, kind, or description is prohibited in Beaverdam Reservoir and Park.

At Gloucester Point Beach no person shall swim, bathe, or wade in any water or waterways in or adjacent to any public area, except in such places as are designated therefore and in compliance with such regulations as are herein set forth or hereafter adopted.

No person shall go in or on any waters or place customarily designated for the purpose of swimming or bathing, or congregate there, when such activity is prohibited by the appropriate county employee.

No person shall erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind. (Ord. of 3-5-2002)

Sec. 13.5-25. - Boating.

No person shall bring into or operate any watercraft upon any waters designated as a public swimming or bathing area, unless during a sailing regatta or other activity sponsored or authorized in writing by the director.

No person shall tie or secure any watercraft to a marker or piling used to designate a protected swimming or bathing areas.

Water-skiing or using personal watercraft, as such term is defined in Section 29.1-700, Code of Virginia, 1950, as amended, within fifty (50) feet of boat launching areas, piers, cofferdams, docks, mooring areas, or within one hundred (100) feet of designated swimming areas is prohibited.

Operation at Beaverdam Reservoir and Park of any internal combustion engine of any description whatever, especially of a gasoline-powered engine for propulsion of any boat, regardless of size is prohibited. Operation of any wind-propelled vessel, including, but not limited to, a sailboat or windsurfer is prohibited. Operation of any electric motor vessel that has not been licensed by the Commonwealth of Virginia, or, operation of any vessel without a U.S. Coast Guard approved flotation device for each and every person on board is prohibited. (Ord. of 3-5-2002)

Sec. 13.5-26. - Hunting, trapping and fishing.

No hunting or trapping of any type, kind or description is allowed.

It shall be unlawful to fish within twenty-five (25) feet of boat landing areas or designated swimming areas. (Ord. of 3-5-2002)

Sec. 13.5-28. - Rules and regulations.

The director shall have the right to promulgate rules and regulations for the operation of public parks and recreation facilities and the activities therein. Such rules and regulations shall be posted at such park and recreation facility and available for review in the office of the county administrator. (Ord. of 3-5-2002)

Sec. 13.5-29. - Penalties for violations of chapter.

Any person violating any provision of this chapter or any rule or regulation duly adopted hereunder shall be guilty of a Class 2 misdemeanor, unless otherwise specifically provided. In addition, such person may be ejected from the park, building or other facility wherein the violation occurred, or permanently banned from county parks and recreational facilities. (Ord. of 3-5-2002)

Sec. 21-8. - Wharves.

(a) Public wharves in Gloucester County are for the use of the general public and shall be open to all vessels both recreational and commercial.

(b) The board of supervisors may, from time to time, designate certain portions of any wharf or pier owned or controlled by the County of Gloucester for commercial use only, for recreational use only, for loading or unloading, for overnight mooring, or for any other purpose deemed appropriate by the board.

(c) Any cargo, vessel, or equipment, of whatsoever kind, placed upon or moored to the wharf or pier shall remain there solely at

the risk of the owner, and the wharf shall be available for the use of the general public on equal terms with the owner of such property while such property remains on the wharf

Other Projects

- York River Use Conflict: The Middle Peninsula Chesapeake Bay Public Access Authority partnered with Gloucester County to explore public policy alternatives for managing use conflicts. The project committee developed seven recommendations to be considered by the board. (<http://www.mppdc.com/articles/reports/yorkriveruse/final%20report.pdf>)
- Captain Sinclair Master Plan: The Middle Peninsula Chesapeake Bay Public Access Authority partnered with Virginia Commonwealth University to develop a management plan for the 96.81 acres of waterfront property. ([http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Sinclair's%20Recreation%20Area\(1\)_RED%20Part%201.pdf](http://www2.vims.edu/seagrant/coastalaccess/resource/docs/Sinclair's%20Recreation%20Area(1)_RED%20Part%201.pdf))

KING & QUEEN COUNTY

Comprehensive Plan (Amended 2006)

Walkerton is an excellent location for further development as a village center and possibly as a tourist attraction. River access and water based recreation activities are important factors in development at Walkerton. (page 6)

Parks and Recreation: Current recreational facilities consist primarily of school facilities and some operated by civic organizations such as the Ruritan Club. A Parks and Recreation Commission has been established by the County to survey needs and plan for the future. Privately sponsored youth activities such as basketball and baseball leagues have been started. Several museums have been established in the county by civic or church groups. Routes 14 and 721 have been designated by the state as a Scenic Byway. Map 7 shows the location of recreation and cultural facilities and Map 8 shows locations of public water access.

It is not anticipated that the County will in the near future be able to establish extensive park facilities. However, there are opportunities for recreational use of natural areas and local waters for canoeing, kayaking, nature and bike trails, scenic byways, etc., and Tea-21 grants are being used to establish some of these activities. It is also anticipated that school facilities, including fields at the old Marriott school, will continue to be available for youth sports and other community affairs. Provision of recreational and cultural facilities by civic organizations and private enterprise will be encouraged. Possible designation of portions of the Mattaponi as a Scenic River should be investigated. (page 9)

Notwithstanding the above, there are certain qualities of the County that may serve as magnets to possible growth. For one thing, new growth, especially commercial, tends to attach itself to areas that have previous histories of growth. This suggests that the major highway corridors that provide ready access to adjoining jurisdictions where jobs and retail centers are located are prime candidates to receive additional development when market conditions are favorable. This may help account for the population movement in recent years away from the center of the County to the upper and lower sectors around the Route 360 and Route 33 corridors. Intermittent development may also be expected along the

waterfront areas because of the desirability of land with access to the water for residential development. (Appendix A page 2)

Dragon Run Watershed Management Plan (2003)

GOALS 1. Establish a high level of cooperation and communication among the four counties within the Dragon Run Watershed to achieve consistency across county boundaries. 2. Foster educational partnerships and opportunities to establish the community's connection to and respect for the land and water of the Dragon Run. 3. Promote the concept of landowner stewardship that has served to preserve the Dragon Run Watershed as a regional treasure.

(Appendix C page 3)

ACTIONS:

Recommended:

1. Land Use and Resource Preservation

- A. Designate a Unified "Dragon Run Planning Area"
- B. Implement Tools to Preserve Farm, Forest, and Natural Resources
- C. Address Public and Landowner Access Issues

C. Address Public and Landowner Access Issues

Public access to the Dragon Run is limited because property adjacent to the navigable stream is almost entirely privately owned. In most cases, access must be arranged by landowner consent. While generally effective, this informal arrangement has sometimes frustrated landowners and recreation-seekers alike. Private landowners express frustration with trespassers and with users who do not practice "leave no trace" recreation. In contrast, those seeking recreation are hindered by sparse access to the pristine river.

Landowners have expended time and money to resolve trespassing and vandalism problems, ranging from posting signs to instituting a formal program requiring verbal or written permission prior to visitation. Liability is often cited as a landowner concern. Virginia's landowner liability law (Code of Virginia §29.1-509), however, dismisses a landowner's liability when recreational users access their property with permission, express or implied, if no fee is charged to the user. Furthermore, if a landowner grants an access easement to a government agency or authority, then the landowner is held harmless from all liability and the easement holder is responsible for providing and paying for the cost of all legal services required as a result of a claim or suit.

As demand for public access has increased, recreation-seekers have encountered access limitations. Land-based public access exists at three locations: 1) Rappahannock Community College in Glens (hiking); 2) Virginia Coastal Reserve in Mascot (education); and 3) Friends of Dragon Run property in Mascot (hiking/birding) with parking on a Virginia Department of Transportation unpaved lot. Fishing spots are limited to traditional access points, such as bridges. Also, the boating distance between traditional access points equates to nearly an entire day, causing logistical problems for novice paddlers. Occasionally, the sheriff's department must dispatch a rescue team to retrieve boaters who are lost in the dark. Organizations that offer guided paddling trips effectively manage access with trip planning and suitability, proper equipment and safety information, appropriate consideration for private property, and response to the unexpected (e.g. medical emergencies, cold water immersion). Figure 3. Farming in the Dragon Run watershed.

The Dragon Run Steering Committee seeks to balance reasonable public access to publicly owned waters with private property rights, preservation of the watershed's sense of peace and seclusion, and the watershed's ecological integrity that are highly prized by

landowners and visitors alike. The following is a list of proposed actions:

- Erect signage notifying boaters/recreationists of trespassing issues and the physical dangers of boating in a wilderness area Responsibility: Dragon Run Steering Committee
- Provide land-based access as an alternative to boat-based access Responsibility: Middle Peninsula Chesapeake Bay Public Access Authority, Virginia Coastal Reserve (Virginia Institute of Marine Science), Virginia Dept. of Forestry, local governments, non-profit organizations
- Supervise or manage public access sites Responsibility: Middle Peninsula Chesapeake Bay Public Access Authority, Virginia Coastal Reserve (Virginia Institute of Marine Science), Virginia Dept. of Forestry, Virginia Dept. of Transportation, local governments, non-profit organizations
- Assess recreational carrying capacity/access to determine appropriate recreational "load" Responsibility: Dragon Run Steering Committee

This action addresses Goal I(A, C), 11(A), 111(A) (Appendix C pages 19-20)

Recreation and Access

Significant recreational activities and opportunities exist in the Dragon Run watershed, including hunting, fishing, hiking, and boating. Educational opportunities and activities also exist. Meanwhile, access often requires landowner permission; public access is limited.

Hunting represents a significant recreational activity that generates at least \$300,000 per year in the watershed. Seventeen hunt clubs lease approximately 42,000 acres, or 46%, of land in the watershed for hunting -mainly deer, turkey, and waterfowl (MPPDC, 2002). Hunt club leases provide income to landowners and offer hunting access to many acres of private lands.

Fishing is also a significant recreational activity in the Dragon Run. According to the DGIF, the Dragon Run's share of the state's fishing value is more than \$1.6 million, including trip related expenses such as food and lodging and transportation (MPPDC, 2002). Fishing by boat is popular in the lower Dragon, while bank and fly fishing are more common in the upper Dragon. Fishermen regularly use the public, unpaved lot at Route 603 near Mascot, and a public boat ramp exists at Harcum in the Piankatank River (Gloucester County). Otherwise, landowner permission is generally required.

The Virginia Birding and Wildlife Trail for the Coastal Area, published in 2002 (DGIF, 2002a), describes two sites within the Dragon Run watershed. First, Rappahannock Community College (public), located in Glens on State Route 33 in Gloucester County, offers wooded trails adjacent to a tributary to the Dragon Run. Second, the Friends of Dragon Run (private) offer a birding trail with views of the Dragon Run and the Baldcypress-Tupelo Swamp community. The site is located near Mascot on Route 603 with parking in a public, unpaved lot. It is important to note that the Friends' site and adjacent properties are privately owned.

Additionally, a 121-acre tract on Route 603 near Mascot is part of the Virginia Estuarine and Coastal Research Reserve System (public). The site can be accessed with permission and is used for research, long-term monitoring and education.

Besides the sites near Route 603, the Dragon Run Access Plan (MPPDC, 1994) indicates other traditional access sites in the watershed. Landowner permission is generally required at these sites, which include: Route 604 at the Essex/King and Queen county line (Byrd's Bridge); Route 602 at the Middlesex/King and Queen county line (Ware's Bridge); and U.S. Route 17 at the Middlesex/Gloucester county line (James Vincent Morgan Bridges).

Boating is also a significant recreational activity in the watershed. Motorized pleasure craft seasonally utilize the lower Dragon. Self-propelled boating is common from Route 602 to Meggs Bay. For example, waterfowl hunters often make short trips in canoes or jon boats, while guided and unguided paddling trips also occur. Several organizations offer guided paddling trips on the Dragon Run (Figure 13), including Gloucester County Parks and Recreation (2 trips/summer; —30 people/summer); Chesapeake Bay Foundation (since 1995, 56 trips; 1080 people; for middle and high school students in Middlesex and Gloucester Counties); Rappahannock Community College (1 3-day trip/year; —20 people); and Friends of Dragon Run (15-20 trips/year; —200 people/year). Some outdoor outfitters offer guided trips by appointment. (Appendix C page 45-46)

Local Ordinances

Definition of public access: King and Queen County does not have a definition.

Other Relevant Definitions: King and Queen County, VA defines public access in its ordinances as it relates to street designations o "Street, service drive: A public right-of-way generally but not necessarily parallel and contiguous to major highway, primarily designated to promote safety by eliminating unrestricted ingress and egress to the right-of-way by providing safe and orderly points of access to the highway and which may enter a public road." o "Street, minor: A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than 500 vehicles per day." o "Way, Pathway, Trail, Trace, Path, Branch: A dead-end right-of-way generally less than 1,000 feet long. A minor street that changes direction or begins and ends on the same thoroughfare that is generally a private but sometimes public road."

King and Queen County Ordinances reference public parks, public boat ramp, public pier in the permitted use table, which are by approved CUP in most districts.

Sec. 3-82. - Interpretation of Table 4.1. Modified

The table of permitted use in zoning districts is to be interpreted as follows:

- A. If a use is not specifically listed in the table then that use may not be established within King and Queen County.
- B. A use may, however, be implied through a listing of a category, which contains a family of uses although the use itself may not be specifically listed as a separate use. In such case, the use may be permitted in a district only if it can be clearly demonstrated that the use is customarily accepted as being within the meaning of the category identified in the table.
- C. If, however, a specific use is listed in the table as permitted in any district by right or by conditional use or special exception, then that use may not be implied as belonging to a general category. In such case a specific use definition shall take precedence over a general category definition.
- D. Regulations of an overlay zoning district which place limitations on, or modify the requirements of a use or uses otherwise permitted in a primary zoning district, shall be

considered to be in addition to the regulations of the primary zoning district in which such use or uses are located.

- E. *Conditional use permits:* In order to provide for good zoning practices and to provide for adjustments in the relative location of uses and buildings of the same or different classification, conditional use permits, limited as to location by the land use regulations, are permitted as set forth herein. In considering an application for a conditional use permit, the planning commission and the board of supervisors shall give due regard to the nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed exception. They shall also take into account the special characteristics, design, location, construction buffers provided, methods and hours of operation, effect on traffic conditions, or any other aspects of the particular use or structure that may be proposed by the applicant.

General conditions that apply to all conditional uses are as follows:

- 1) The use shall comply with all licensing requirements, if any, of any county, state or federal government or agency.
- 2) The use shall not be operated as to cause a nuisance to the neighborhood in which it is located.
- 3) In granting a conditional use, the board of supervisors shall consider the public convenience, necessity, and general welfare.
- 4) A conditional use permit shall be approved only when the board of supervisors is satisfied that the use and the operation thereof will not be in conflict with the objectives of the comprehensive plan, will not adversely affect health, safety, welfare, or otherwise adversely affect adjoining and surrounding property, will not unreasonably impair noise level, light, and air, convenience of access or safety from fire, flood and other dangers, will not create or unreasonably increase congestion on adjacent streets, will not overburden utilities, public facilities or public services, will not encroach upon historic areas, will not impair the character of the area, will not impair the value of property in the area, and will not otherwise be contrary to the stated intent and purpose of this article or contrary to good zoning practices.
- 5) In evaluating and acting upon conditional use permit applications, the planning commission and the board of supervisors shall consider, among other factors: the adequacy of utilities, access, and necessary public facilities and services; offstreet parking and vehicular circulation; the arrangement and relationship among elements of the site plan; and the adequacy of separation, buffers, yards and other features to protect adjacent properties from potential adverse effects of the conditional use. The planning commission may recommend and the board of supervisors may impose such reasonable requirements and conditions as deemed necessary to accomplish the intent and purpose of this article and to meet the guidelines set forth in this section.
- 6) Except to the extent that greater requirements may be imposed by the board of supervisors pursuant to the provision of this section, a

conditional use shall comply with the regulations and standards generally applicable within the district in which it is located and with the specific conditions for the particular use as set forth in the district regulations.

- 7) Prior to the issuance of a conditional use permit, a public hearing shall be held by the planning commission and the board of supervisors.
- 8) An application for a conditional use permit substantially the same as one previously denied shall not be reconsidered within a one-year period from the date the similar application was denied.

F. A conditional use permit issued by the board of supervisors shall be required for:

- (1) Any planned unit developments (PUD);
- (2) Any use in any zone in Table 4.1 marked with a "C".

G. The zoning administrator, planning commission, or board of supervisors, may initiate a revocation of a conditional use permit. The zoning administrator shall give notice of the possibility of revocation to the owner and/or applicant. After review by the zoning administrator and consideration and recommendation by the planning commission, the board of supervisors shall act on the proposal to revoke the conditional use permit. The time period for the board to take action, as well as the fines or other penalties to be imposed against the owner and/or applicant, shall be as determined by Code of Virginia. The board of supervisors may revoke a conditional use permit if the board of supervisors determines that there has not been compliance with the terms and conditions of the permit. No conditional use permit may be revoke except after notice and hearing as provided by Code of Virginia, § 15.2-2204, as amended. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the board of supervisors may give such notice by first class mail rather than by registered or certified mail. The board of supervisors, after giving notice as provided herein, may also revoke a conditional use permit if fraudulent, false or misleading information is supplied by the owner or applicant (or his agent) for the conditional use permit.

Table of permitted uses in Primary Zoning Districts									
Description of Use	A	RS	RR	RG	LB	GB1	GB2	LI	I
Park (Public)	C	C	C	C	C	C	C		
Public Pier	C	C	C	C	C	C	C	C	C
Boat Ramp (Public/commercial)	C	C	C	C	C	C	C	C	C

Are there parking requirements or permits for public access locations?
No, there no requirements.

Are there sewage or trash disposal requirements at public access locations? No, there no requirements, but trash and sewage disposal is usually addressed as a condition of the CUP.

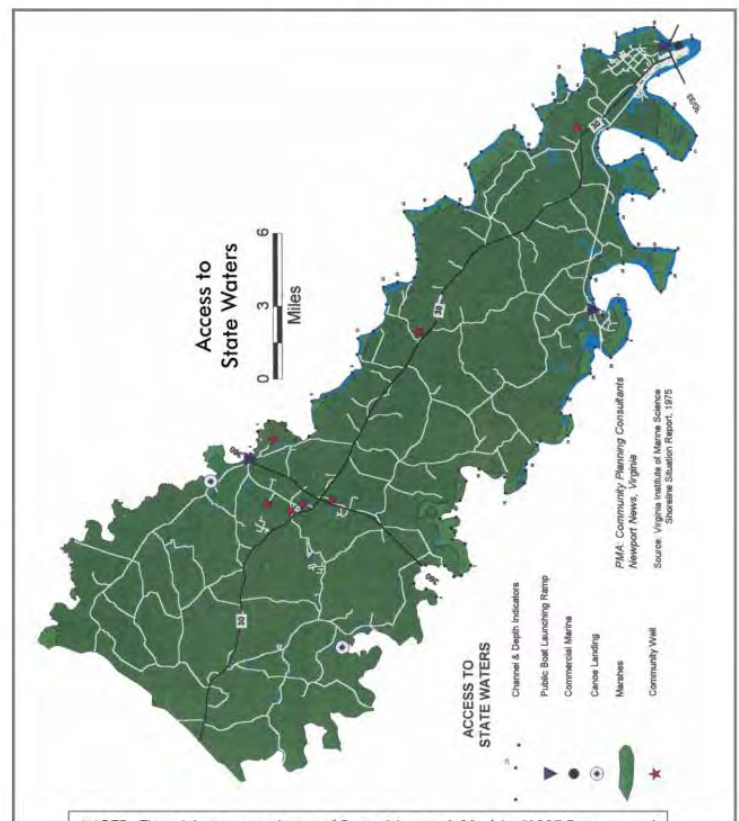
Are there road access requirements for public access locations? The CUP would trigger a level 3 site plan review and therefore, would kick in state agency review (VDOT) in regards to the entrance.

3. Access to State Waters (page II-22) While the main focus of the Chesapeake Bay Preservation Act is to protect the water quality of the Chesapeake Bay and other state waters, it also has the purpose of improving access to these waters for private and commercial recreational purposes. In this context, "state waters" will refer to the Mattaponi and Pamunkey Rivers and their tributaries that are potentially accessible by small boat. In general, accessible means that the body of water has not less than three feet of depth below mean low water. This section examines existing access to the Pamunkey and Mattaponi Rivers which flow into the York River and from there directly into the Chesapeake Bay. Both of these rivers are tidal up to approximately where Route 360 runs through the County and have depths suitable for navigation of most small boats.

Exhibit II-F delineates the major features of these rivers that affect their existing or potential use for recreation. The Chesapeake Bay Area Public Access Plan, prepared in 1990 by the Chesapeake Executive Council includes a survey of recreational facilities in King William County. They are summarized as follows:

- Aylett Landing, located just east of Route 360 on the Mattaponi, includes a limited boat launch ramp and space for bank fishing and nature study.
- West Point / Glass Island Landing, located within the Town of West Point on Glass Island on the upstream side of Route 33. This site includes a boat launch ramp, bank fishing and picnic space.
- Mattaponi River Restaurant and Marina, located on the Mattaponi River within the Town of West Point downstream from the Bridge. This facility has about 40 boat slips.
- Lester Manor Landing, a boat launching ramp for small boats, is located on the Pamunkey River at the end of Route 633.

EXHIBIT II-F
KING WILLIAM COUNTY, VIRGINIA
ACCESS TO STATE WATERS*



*NOTE: This exhibit is a reproduction of Figure 16, page 1:39 of the "1997 Environmental Element of the Comprehensive Plan, King William County, Virginia" prepared for King William County, Virginia by PMA: Community Planning Consultants, Newport News, Virginia and adopted by the King William County Board of Supervisors May 26, 1997.

- Canoe / skiff landings at the end of Route 602 and at the mouth of Herring Creek (Zoar State Forest).

Channels in both rivers are deep enough to accommodate most small boats. Typical channel depths (below mean low water) are shown on Exhibit II-F. Depths at the tidal line on the Mattaponi River near Aylett are in the four- to five-foot range and these extend to depths of 14 to 16 feet where that river enters the York River. But in between, there are depths that range to more than 50 feet. The deeper areas are almost always found on the outside of steep bends where currents have their highest erosive effect. The pattern is repeated in the Pamunkey River which starts in the Route 360 area with depths of approximately five feet and enters the York River through an 18-foot channel. In between, as in the Mattaponi, bottom depths reach to below 50 feet on the sharp bends.

Included on the same map are major marsh areas. By observation one finds that much of the shoreline between where the two rivers intersect with Route 360 and the York River is comprised of marshes. These, as has been noted, have a stabilizing effect on the shoreline not only guarding against erosion from wave action but also serving as incubator grounds for new marine life. Very little of the shoreline has been developed with subdivisions. This is a setting, and indeed an opportunity that will enable policies to be put into place that are designed to protect and preserve the shoreline consistent with County goals and the preservation of the Chesapeake Bay.

One method of making the waters of the Pamunkey and Mattaponi Rivers ore available for recreation of the public would involve opening up more access points for small boats. The State has in past years installed boat ramps at key points along existing rivers. In addition, it is also possible for ramps to be established by others such as in private campgrounds or marinas. The Virginia Marine Resources Commission (VMRC) establishes criteria for new access points to state waters. Major items are as follows:

- Water depth must be not less than three feet below mean low water.
- The site must not interfere with shellfish production. VMRC did not report any active or condemned shellfish beds in either the Mattaponi or Pamunkey Rivers so this criterion should not be an issue in King William County.
- Wave height and current should be very low. The meanderings of the two rivers and the large marsh areas should act as a barrier to most wind and current damage. These factors should not be a major deterrent to establishing new boat access points.
- The tidal exchange shall be adequate to maintain water quality. According to NOAA's nautical charts, the range between mean-high and meanlow tide is about three (3) feet in the Pamunkey and Mattaponi Rivers. Since there are few inlet water bodies with perennial flow that are potentially navigable, the tidal flushing action of these two rivers should not be a barrier to meeting this criterion.
- No encroachment upon wetlands, habitat areas, submerged aquatic vegetation or existing recreational use.
- Shoreline stabilization is required without use of artificial structures.

The Virginia Institute of Marine Science has not mapped Submerged Aquatic Vegetation (SAV) in the Mattaponi or Pamunkey Rivers although it is highly likely that SAV is present in tidal-fresh water areas.

While it is a goal of the Chesapeake Bay Program to follow the dual strategy of preserving the Bay and its water bodies with perennial flow, yet opening both up for more recreational use, an issue raised during a work session with the Planning Commission concerned how motorboats were contributing to the erosion of shorelines. Boat wakes created by speeding boats, particularly when pulling water skiers, are a common source of shoreline erosion. (pg II-22-25)

I. Recreation and Parks In 1962, citizens of King William County purchased approximately 44 acres of land from Mr. Lewis Chenault. With the purchase of this land, called King William Park, came a place to develop and play baseball, privately. The group of citizens who used the park formed the King William Recreation Association. Hence, the park was private and had selective membership.

Years later, the need to form a public baseball league led the Hamilton-Holmes PTA to acquire the first charter for sanctioned Little League baseball. With the increase in popularity in Little League and the decrease in participation in the private baseball league, King William Park's use and maintenance declined.

In 1984, the King William Ruritan Club had an interest in the park and created a joint membership with the King William Recreation Association thus forming King William Park, Inc. The King William Park, Inc., Board consisted of five members of the Ruritan Club and five members of the previous Recreation Association. With this merge, the Ruritan Club provided financial assistance to maintain the park facility and improve the existing community building located within the park. In February, 1989, after years of volunteerism and increasing difficulty securing funds necessary to continue operating the facility, an agreement was made between King William County and King William Park, Inc. to obtain the property "for the development of parks and recreation for the use of the citizens."

With the acquisition of the 44-acre park facility finalized, the King William County Board of Supervisors, in March 1989, formed the King William County Department of Recreation and Parks.

The Recreational Park features softball and baseball fields, basketball courts, and a playground area. The facility also has two buildings for public use. One is a combination concession stand / restroom building. The other houses a combination community room and the Department's office. There is also a picnic shelter available for rental. The park is open daily year-round and on evenings for scheduled activities.

Today, in addition to overseeing the recreational park facility, the Recreation and Parks Department provides a balanced recreation program for the community. The program incorporates the needs, interests, and desires of the public. The Department continuously plans for the future of recreation and parks in King William County through facility development and programs that meet the needs of the growing population.

The Recreation and Parks Office is located at the King William County Recreational Park at 11615 King William Road, Aylett, Virginia 23009.

King William County Recreation and Parks utilizes King William County School facilities for both indoor and outdoor recreation programs. The Department also uses other public and private facilities for recreation programs (i.e., libraries, senior centers, rescue squad buildings, and the like.)

Department sponsored programs are open to all County residents. Some programs are open to residents of other localities as well.

To date, the County has not developed a countywide recreation master plan. Currently, the County is in the process of completing the master plan for the King William County Recreational Park. Proposed improvements at the Recreational Park include horseshoe pits, tennis courts, a soccer field, a nature trail / walking trail and new 25,000 square foot community building to replace the existing community room / office building. No budget for these proposed facilities has been developed although the community building is in the County's Capital Improvements Plan. Some funding for proposed improvements could be obtained from the State Department of Conservation and Recreation.

The Department is staffed by a Director, one full-time recreation supervisor, and one part-time recreation assistant. A recreation advisory board meets every other month. King William County Public Works Department maintains the parks and recreation facilities. The Department will continue to monitor the status of the proposed King William County Reservoir, currently being reviewed by the U.S. Army Corps of Engineers. As a part of the agreement between Newport News and King William County concerning the reservoir, as many as five recreation / park sites may eventually be built. The first would be on property owned by King William County and Newport News. The "Scotland Landing Recreation Area" is proposed to have a mountain bike trail, three soccer fields, several large picnic areas / shelters, walking / nature trails, environmental education center, and a kids adventure area.

The King William Little League, Inc., the King William Youth Football / Cheerleading Association and Youth Wrestling help to organize, promote, and oversee league play in their respective sports.

The Department is also interested in developing a recreational area near the new King William County Courts Building in King William Courthouse.

Zoar State Park and Zoar State Forest Nature Trail are located along SR 600 in King William County. Zoar State Forest Nature Trail is located on a 29-acre parcel of property managed by the Virginia Department of Forestry. This site's proximity to the Mattaponi River makes it an excellent recreational resource for visitors. In addition to the nature trail, public access is available to the Mattaponi River for canoe launching and "dipping" for river herring in Herring Creek.

Other facilities in the County include three public boat landings, the West Point Country Club, and a private marina. The Town of West Point operates a separate recreation program.

Growth Management and County Planning

Implementation Strategies:

i. Study the establishment of preservation tracts that serve also as recreational sites, such as for hunting, fishing, and other sports. (pg VIII-6)

w. Support the preservation and protection of lands needed in the future for roads, parks, schools, and other public facilities in development plans. (pg VIII-7)

D. Environmental Issues

1. Access to Public Waters ISSUE

The need to improve public access to State waters is one of the major goals of the Chesapeake Bay Program. That program emphasizes the desire to improve access for boat-related activities, swimming, fishing, and for natural wildlife areas. At the same time, it is recognized that some shoreline erosion is caused by speeding

boats, particularly when pulling water skiers in an area with exposed shorelines.

GOALS

- To improve existing public boat ramps and increase the number of access points for public use.
- To provide policies that reduce erosive effects of operating motor-driven boats.
- To manage the use of the proposed Cohoke Creek Reservoir for recreational purposes.
- Ensure the provision of safe and adequate public waterfront access facilities in King William County.

IMPLEMENTATION STRATEGIES

- a. Request that the State develop additional boat ramps with adequate parking and boat handling areas.
- b. Identify areas where shoreline accesses could be developed.
- c. Establish "NO WAKE" operating rules in areas of the rivers where the shorelines are subject to erosion by boat wakes.
- d. Identify sites of public access to the proposed Cohoke Creek Reservoir.
- e. Develop a shoreline access and management plan.

(pg VII-15)

Local Ordinances

Definition for public access: King William does not have a definition of public access.

Other relevant definitions: King William County, VA defines public access in its ordinances as it relates to street designations:

"Landscaped buffers along existing and planned public roads: For all subdivisions developed in R-R and R-1 residential districts, a buffer shall be located along all public roads (not within subdivisions) existing on the date of final subdivision approval and all roads designated on the major thoroughfare plan on which the subdivision fronts, to a minimum depth of 50 feet."

"Right of access. Anyone who subdivides land shall provide right of access to public streets of sufficient width to meet the minimum requirements of the Virginia Department of Transportation. No land shall be reserved, held or controlled for the purpose of prohibiting access to streets and roads unless owned, held or controlled exclusively by the county or an agency of the state or federal government."

"Public streets. All streets intended to be public in a proposed subdivision shall be designed and constructed in accordance with subdivision street standards published by the Virginia Department of Transportation. Streets so designed and constructed shall be recommended by the county for inclusion in the state highway system."

Are there parking requirements or permits for public access locations? No, there no requirements.

Are there sewage or trash disposal requirements at public access locations? No, there no requirements.

Are there road access requirements for public access locations? No, there no requirements.

For new public access, is this a by-right use or is a special permit needed? "Public schools or other governmental buildings and uses, including fire stations, parks, playgrounds, public boat landings, office

buildings” is a by-right use in all districts per 86-171 of the Zoning Ordinance.

Secs. 46-1—46-30. - Reserved.

ARTICLE II. - RECREATIONAL PROPERTIES

Sec. 46-31. - Intent of article.

It is the intent of the county to operate all public owned recreational facilities in a safe manner while providing reasonable access and use by the general public. (Ord. of 3-26-1992, § 9-70)

Sec. 46-32. - Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director means the director of recreation and parks or his designee.

Park means all property owned, maintained, or operated by the county for the use of public recreation and is under the auspices and control of the county recreation and parks department.

(Ord. of 3-26-1992, § 9-71)

Cross reference— Definitions generally, [§ 1-2](#).

Sec. 46-33. - Damage to park property.

No person, except an employee of the county in the performance of his assigned duties, shall in any manner pick, pull, pull up, tear, tear up, dig, dig up, cut down, break, burn, injure, deface, disturb, destroy, mutilate, disfigure, remove, scar, take or gather in any manner, in whole or in part, any part of any park, building, sign, equipment, or other property, including, but not limited to any tree, flower, fern, shrub, vine, turf, plant, rock, artifact, fossil, or mineral, found growing or being a part of the land of any park.

Notwithstanding any other provision to the contrary, the director may issue permits in writing to permit collecting for scientific and/or education purposes of trees, flowers, ferns, shrubs, vines, turf, plants, rocks, artifacts, fossils, minerals, or any part thereof in any park or recreational facility. (Ord. of 3-26-1992, § 9-72)

Sec. 46-34. - Use of alcohol and controlled substances.

It shall be unlawful to possess, consume, and/or distribute any alcoholic beverages and/or controlled substances as defined by and in accordance with Code of Virginia, § 18.2-247 et seq. and The Drug Control Act, Code of Virginia, § 54.1-3400 et seq. (Ord. of 3-26-1992, § 9-73)

Sec. 46-35. - Dangerous devices.

No person other than any law enforcement officer, emergency service person, or county employed security guard in the course of their respective employment shall have in his possession in any park any slingshot, bow and arrow, crossbow, dart device, boomerang, fireworks, or any other device for high speed missile projection, except in areas designated by the county and with the written permission of the county.

The possession, carrying, storage or transporting of pneumatic guns or firearms and ammunition or components or combination thereof is permitted. No person other than any law enforcement officer, emergency service person, or county employed security guard in the course of their respective employment shall discharge in any park any firearm or other gun, including an air-powered or gas-powered gun except in areas designated by the county and with the written permission of the director. Violators of this section, upon conviction, shall be guilty of a Class 4 misdemeanor. (Ord. of 3-26-1992, § 9-74; Ord. No. O12-01, 2-27-2012)

Sec. 46-36. - Animals protected.

No person, except an employee in the performance of his assigned duties, shall capture, pursue, molest, injure, attempt to injure, kill, or attempt to kill any animal in any park. This shall also include the disturbance and/or destruction of any nest. Enforcement shall be handled by the appropriate agencies and follow the laws as stated in this Code and Code of Virginia. (Ord. of 3-26-1992, § 9-75)

Cross reference— Animals, [ch. 10](#).

Sec. 46-37. - Hours of operation.

No person except a law enforcement officer or county employee in the performance of his assigned duties, shall enter or remain in any park except during such hours as designated and posted by the county as the hours of operation. All activity must be completed by midnight. This may be waived if conditions warrant, and written permission is given by the director. Unauthorized persons will be considered trespassing and will be subject to the law as described by this Code and the Code of Virginia. (Ord. of 3-26-1992, § 9-76)

Sec. 46-38. - Pets kept on a leash.

In an effort to provide a safe environment, all pets are required to be kept on a leash of not more than ten feet in length or securely penned or caged. Pet owners are responsible for their pets and are subject to the law in accordance with and pursuant to Code of Virginia, title 29.1 and [chapter 10](#) of this Code, and Code of Virginia, §§ 3.1-796.66—3.1-796.126:11. (Ord. of 3-26-1992, § 9-77)

TOWN OF WEST POINT

[Comprehensive Plan \(2000\)](#)

[Land Use and Natural Resources](#)

Goal: Increase public access to the Mattaponi, Pamunkey and York Rivers as well as the West Point Creek.

Objective: Establish recreational programs through the Parks and Recreation Department, to allow the public an opportunity use the water resources. Objective: Construct additional boat landings for access to the rivers. Objective: Develop playgrounds and marsh walks. Objective: Develop a Marina (pg 26)

Recreation and Open Space Goals: The Town should provide its citizens with adequate recreation, open space, and cultural opportunities. Objective: The Town should improve public access to the waterfront through acquisition of property or easements (pg 28)

Waterfront Access and Boating Facilities · It is the policy of the Town that any new water dependant development consult with the Virginia Marine Resources Commission to follow siting criteria established for the protection and management of water dependent development sites (pg 40)

Waterfront Access and Boating Facilities

The Mattaponi, Pamunkey and York River, and flowing streams of the Town are resources belonging to the citizens of Virginia. These waters traditionally offer recreational and commercial use and still serve as a solid economic base for the area. With the subdivision of waterfront property into smaller lots comes the competing interests of those water front property owners seeking privacy and the upland residents and tourists seeking use of the waters. The increasing use of waterways leads to concern of environmental damage due to improper or reckless activities, such as unmanaged marsh walks in sensitive areas or boat propeller destroying Submerged Aquatic Vegetation (SAV). These activities can cause habitat destruction or pollution. This concern leads to the need of greater management capability over waterfront access and water uses.

The Town has identified two waterfront issues that require planning. First, the use of the waterfront for boating access, whether it be at a marina, a boat dock, ramp and pier, or car-top boat landing (Map 15). Second is the utilization of the shoreline and near-shore areas for recreational activities such as swimming, bank fishing, nature studying, and picnicking.

Either public or private facilities can provide these activities. Both boating and shore recreation are allowed exemption as water dependent facilities" under the requirements of the CBPA, provided that non-water dependent components are located outside of the RPA:

Boating access to the tidal waters of Town is provided at a public dock and park, and by individual or community piers.

Two publicly owned sites provide limited boat launching, fishing and swimming facilities. These include:

- A Department of Game and Inland Fisheries Boat Ramp Site on State route 1130 and a public park nearby
- A small car top landing and park at the end of Main Street

Due to the limited number of boating facilities and the generally low level of daily boating activity in the Town, no significant water quality problems are known to exist as a result of boating activity; however in future years as development occurs, the Town will monitor such activities. As consistent with the recreation goal of improving open space, the Town will explore opportunities to expand public access, but does not anticipate any such improvements in the near future. When new facilities do occur, it is the policy of the Town to locate these facilities where:

- There is sufficient water depth, without frequent dredging
- There are not public or private shellfishing grounds which would be impacted
- There is adequate tidal flushing
- There are suitable soils for sanitary facilities or connection to a municipal sewer system · There is limited harm to fish and wildlife habitat
- There are compatible existing land and water uses nearby
Town of West Point Comprehensive Plan

Waterfront recreation areas are also provided through public and private avenues. Public beaches and parks are options for recreation and nature study. Public and private access to the water and shoreline areas are important to the economy and environment of the Town. The only commercial marina in the Town is presently closed. The facility provided slips for 35 boats. Boat storage facilities were also provided. Any future development of marinas and other boat related facilities may have a number of adverse impacts on water quality and near shore habitats. Such impacts can include:

- Clearing of shoreline vegetation to provide access or accommodate parking facilities which can add impervious surface and in turn generate additional runoff, carrying pollutants and sediment loads to adjacent waters which can be harmful to marine wildlife habitat
- On-shore storage of fuel, oil, and sewage waste which may adversely impact water quality if not properly managed
- Dredging or channel widening, often required to provide access to boating facilities which can release settled pollutants and increased turbidity in the water and adversely impact shellfish
- Bulkheading to protect the shoreline which may obstruct the free passage of groundwater into the adjacent water body and/or may create reflection waves that tend to scour the bottom and increase turbidity

Operation of marine equipment can effect water quality. These effects include:

- Propeller cutting of rooted aquatic plants or submerged aquatic vegetation
- Boat wakes which may accelerate the cutting action of waves on the shoreline,
- Disturbance of bottom sediments and increased turbidity due to turbulence caused by propellers

Required maintenance of boats can involve periodic washing, scraping, and repainting of boat hulls. These activities, if carelessly done, can also adversely impact water quality. Soaps can initiate algae blooms and thus reduce dissolved oxygen levels in surrounding waters. Antifouling paints can also introduce copper and other toxic substances into adjacent waters.

It is the policy of the Town that any new water dependent development must consult with the Virginia Marine Resources Commission to follow siting criteria established for the protection and management of water dependent development sites. Additional information is available from the Virginia Marine Resources Commission. (pg 51)

Local Ordinances

Definition for public access? Access: Access to and along the waterfront shall be provided from inland areas, including connections and coordination with adjacent properties as part of an integrated public waterfront facility.

Are there parking requirements or permits for public access locations?

Parking is required as stated in our off-street parking requirements

Are there sewage or trash disposal requirements at public access locations?

Amenities: Open space areas shall include seating, lighting, directional signage, bicycle racks, water fountains, shelters, and trash receptacles. Such amenities shall be provided in sufficient quantity adjacent to parking areas and sidewalks. Such amenities shall also be placed in additional areas with high levels of pedestrian traffic. These amenities shall be carefully selected and sited so as to complement the aesthetic appearance of the development and the district. All amenities required under this section shall be maintained so as to prevent trash, debris, odor, and other nuisances from interfering with the enjoyable use of such amenities by the public.

Are there road access requirements for public access locations?

Waterfront connection: Streets that connect to the waterfront shall be designed and developed to pedestrian-scale and incorporate a variety of amenities. Landscaped intersections shall be provided to enhance the space. Informational signage, kiosks, monuments, fountains, and/or other gateway treatments near points of access on the Pamunkey and Mattaponi rivers shall be installed to welcome residents and visitors, and shall include community name(s) and directional signs to community features and points of interest.

For new public access, is this a by-right use or is a special permit needed? This is an overlay district and will require a plan of development approval.

Sec. 70-423. - Permitted uses and structures.

The following uses and structures shall be permitted in the Waterfront Mixed-Use District:

- (1) Marinas.
- (2) Public access/open space/recreational uses.

ARTICLE XXVI. - WATERFRONT OVERLAY DISTRICT

Sec. 70-437. - Purpose.

(a) The West Point Waterfront Overlay District (the district) is intended to implement the goals and objectives of the waterfront master plan, that is, to improve public access to the waterfront and encourage sustainable waterfront development and redevelopment, while preserving and restoring sensitive shoreline resources. Improving accessibility would offer enhanced recreational and eco-tourism opportunities for residents and visitors. Encouraging sustainable development would offer a blend of housing and employment opportunities, while stimulating economic activity and preserving historic character.

(b) The town's sensitive resources will drive successful efforts to promote access and development; they also warrant preservation in their own right. (*Ord. No. 03-06, 9-25-06*)

Sec. 70-438. - Boundaries.

The district's boundaries include the town's entire waterfront along the Pamunkey, York, and Mattaponi Rivers and the shoreline, near-shore, and upland areas as depicted on the West Point Waterfront Master Plan. The precise boundaries of the district are depicted on the official zoning district map. (*Ord. No. 03-06, 9-25-06*)

Sec. 70-439. - Existing zoning in the Waterfront Overlay District.

(a) The district shall overlay the existing zoning districts in place at the time of adoption. The owners of property in the district shall continue to possess all current zoning rights and be subject to the requirements applicable in the existing districts unless and until the property is rezoned in accordance with the waterfront master plan. Such owners shall also be subject to the requirements applicable to the district. Where the district provisions are silent on a zoning rule or regulation, the requirements of the underlying zoning district shall apply. Where there is a conflict between any provision of this article and a provision of the underlying zoning district, the more stringent standard or requirement shall apply. The underlying zoning for the existing districts shall remain an integral part of the "Zoning Ordinance of the Town of West Point, Virginia" (the ordinance) as included in [Chapter 70](#) of the *Code of the Town of West Point Virginia*.

(b) The district's boundaries include residential, commercial, and industrial zoning districts. Light- and medium-density residential uses are located along the waterfront of the Pamunkey and Mattaponi Rivers. The more densely-populated Downtown Residential District is situated in the southern part of the town where the Pamunkey and Mattaponi Rivers converge to form the York River. Light Industry, Highway Business, and a Special Development District are also included in the district. (*Ord. No. 03-06, 9-25-06*)

Sec. 70-440. - Administration.

(a) *Zoning administrator.* Pursuant to article IV, [section 70-48](#) of the Ordinance, the zoning administrator of the Town of West Point shall review all applications for zoning permits and plans of development.

(b) *Planning commission.* Pursuant to article IV, [section 70-51](#)(d) of this chapter, the West Point Planning Commission (the commission) shall have the authority to approve, modify, or reverse the recommendation of the zoning administrator with respect to applications for plans of development, provided that all decisions of the commission shall be consistent with and pursuant to the applicable provisions of this chapter and other applicable requirements. The commission shall have the authority to grant

requests for waivers, substitutions, and modifications for any of the provisions of [section 70-444](#) (*Ord. No. 03-06, 9-25-06*)

Sec. 70-441. - Procedure and applications.

Prior to the submission of a formal application for the development and design of a parcel or parcels, applicants are encouraged to meet with the zoning administrator and, in the case of development proposals requiring review and approval by the planning commission, the chairperson of the commission to discuss the submittal requirements, performance standards, design standards, and the review process.

(1) *Applicability.*

a. *Exceptions:* Except as otherwise provided in this chapter, applications to construct, erect, enlarge, structurally alter, or move a single-family dwelling, or an accessory structure on an existing lot, shall be exempted from the provisions of this article, provided that:

1. Such applications shall not be exempt from the architectural standards contained in [section 70-444](#) subsection (1);
2. This exemption shall not apply to construction of single-family dwellings proposed as part of a subdivision of land and subject to the requirements of [Chapter 54](#) of the Town Code;
3. In addition to the information required for issuance of a zoning permit, such applications shall include a plot plan containing a brief description of the project, including the project name(s), a summary of uses, size of buildings, square footage by use, and total number of parking spaces; and
4. A conceptual plan shall be included with drawings prepared by an appropriate professional, showing the overall context of the project and its relationship to surrounding structures.

b. *Industrial uses:* Applications to construct, erect, enlarge, structurally alter, move an industrial building or structure, or convert an existing building or structure devoted to an industrial use to accommodate a different industrial use, shall be exempted from the provisions of this article. This exemption shall not apply to redevelopment and/or revitalization activities in which an industrial use of building or property is proposed to be converted to accommodate a residential or commercial use as part of a request for a rezoning.

(2) *Development process.*

a. *Design workshop:* Prior to submitting an application for a rezoning, special use permit, plan of development, or subdivision of land, the applicant proposing such development or construction shall meet with the zoning administrator and commission in a design workshop to review and revise the project for conformance to the performance and design standards detailed respectively in [sections 70-443](#) and [70-444](#). The workshop shall address issues such as resource protection/restoration, open space and public access, site planning, and building design.

b. *Application:*

1. Following the design workshop, the applicant proposing such development or construction shall file with the zoning administrator an application for a rezoning, special use permit, plan of development, or subdivision of land together with such plans and specifications as the zoning administrator may require as a result of the design review process.
2. Each application shall specifically include a statement describing how the proposed site plan and building

design meet the spirit and intent of the district and the town's comprehensive plan. All plans submitted as part of the application package shall be stamped by the appropriate licensed professional in accordance with state law.

- (3) *Submittal requirements.* In the case of an application for a rezoning, plan of development, special use permit, and/or subdivision, and in addition to all information and documentation required under this chapter or under policies and procedures established by the zoning administrator, the following elements and guidelines constitute a complete application for development and redevelopment within the district:
- a. *Number of copies:* The applicant shall file with the zoning administrator 15 copies each of the application(s) and documentation related to the project. The application and plans must be accompanied by the required fee(s). The application shall also include any supporting documentation as determined in the design workshop.
 - b. *Project description:* The applicant shall include a brief description of the project, including the project name(s), a summary of uses, size of buildings, square footage by use, total number of parking spaces, and a listing of public amenities. Noncompliance with the performance standards contained in [section 70-443](#) and design standards detailed in [section 70-444](#) shall be accompanied by a list of requested waivers, substitutions, and/or modifications, and a detailed explanation for each request.
 - c. *Phasing plan:* A phasing plan that includes the proposed schedule for completion of the development and justification for the phasing shall be provided.
 - d. *Conceptual plan:* A conceptual plan with drawings prepared by an appropriate professional, showing the overall context of the project and its relationship to surrounding structures, shall be included.
- (4) *Public hearings and notice requirements.*
- a. The planning commission and town council shall hold public hearings on any application for a special use permit pursuant to Article XXII, [section 70-398](#) of this chapter, or on any requests for a rezoning.
 - b. After the application is received, the commission and council shall fix a reasonable time not to exceed 60 days in which to hold the public hearing on the application. The commission and council shall give public notice of the hearing consistent with Code of the Town of West Point and the Code of Virginia.
- (5) *Issuance of permits.* Zoning permits shall be issued in accordance with Article IV, [section 70-49](#) of this chapter.
- (6) *Special use permits.* Special use permits shall be issued in accordance with Article XXII of this chapter.
- (7) *Plans of development.* Plans of development shall be reviewed and approved in accordance with Article IV, [section 70-51](#) of this chapter. (Ord. No. 03-06, 9-25-06)

Sec. 70-442. - Permitted uses.

Permitted uses within the district shall be governed by the underlying zoning districts. (Ord. No. 03-06, 9-25-06)

Sec. 70-443. - Performance standards.

The following performance standards detail waterfront resource and open space standards which provide larger open space areas and contiguous access to and along the Town's waterfront. These standards are intended to protect shoreline resources and promote recreational activity along the waterfront.

(1) Waterfront resource standards.

- a. *Access:* Access to and along the waterfront shall be provided from inland areas, including connections and coordination with adjacent properties as part of an integrated public waterfront facility.
- b. *Multi-modal transportation:* Waterfront facilities shall be oriented toward providing multi-modal transportation opportunities for boating, pedestrians, bicyclists, and public transportation users, and accommodations made for such transportation needs.
- c. *Preservation of sensitive resources:* Development and redevelopment activities shall conform to the standards set forth by the Chesapeake Bay Preservation Act and enforced through the Code of the Town of West Point. Stormwater management standards mandated by the Code shall also apply within the district. Prior to development and redevelopment activities, all necessary efforts shall be made to protect, restore, and mitigate impacts to affected wetlands and their associated habitats.

Development and redevelopment activities, as defined in [section 70-250](#), shall be encouraged to utilize low-impact development techniques to provide an integrated environmental design. Such techniques include preserving hydrologic character (i.e., wetlands, floodplains, and high-permeability soils) while enabling full use of a site, controlling stormwater runoff at the source, and utilizing native plants, soil, and gravel that can be easily integrated into a site's landscape.

(2) Open space standards.

- a. *Use:* Useable open space shall be provided within residential and commercial areas to provide park-like settings and protect sensitive resources. Within such areas, useable open space shall not be less than one square foot per one square foot of floor area contained in each lot devoted to residential and commercial uses. Useable open space shall abut active uses to encourage pedestrian traffic between such uses and provide access to the waterfront. Public usage of the waterfront near marinas, retail stores, cafes and restaurants, and recreational uses, such as the West Point Riverwalk, shall provide a setting for the establishment of open space areas and amenities.
- b. *Amenities:* Open space areas shall include seating, lighting, directional signage, bicycle racks, water fountains, shelters, and trash receptacles. Such amenities shall be provided in sufficient quantity adjacent to parking areas and sidewalks. Such amenities shall also be placed in additional areas with high levels of pedestrian traffic. These amenities shall be carefully selected and sited so as to complement the aesthetic appearance of the development and the district. All amenities required under this section shall be maintained so as to prevent trash, debris, odor, and other nuisances from interfering with the enjoyable use of such amenities by the public.

(3) Lots and buildings.

a. Placement:

1. Where practicable, commercial buildings shall be placed at the sidewalk or near the front property line, with their primary entrances facing the street.

Commercial buildings on waterfront sites shall have at least one entrance facing the river.

2. Views to the water shall be preserved from critical public vantage points as determined by the zoning administrator. Massing and placement of buildings shall be designed to minimize negative impacts on water views and retain value for upland development.

b. *Roof lines:* A diversity of roof heights shall be provided. Buildings shall be designed with traditional roof forms that are visually compatible with the historic character of West Point's waterfront.

(4) *Streets and Ways.*

- a. *Alleys:* The use of rear alleys is encouraged; the minimum width of such alleys shall be 10 feet.
- b. *Street trees:* Deciduous trees shall be planted along streets to provide shade, buffering, runoff prevention, and natural treatment of stormwater. Specimen trees as defined in subsection [70-347\(g\)](#) shall be used as accents and focal points in locations such as community and neighborhood entries and gateways to waterfront districts. Indigenous species shall be used in accordance with subsection [70-347\(h\)](#).

(5) *Off-street parking.*

- a. *General:* In addition to the standards described below, off-street parking shall adhere to the requirements set forth in Article XX of this chapter.
- b. *Parking structures:* Parking structures shall be compatible with adjacent uses and architecture, and shall be screened from properties located in any residential district in accordance with [section 70-362](#)
- c. *Surface parking lots:* Surface parking lots shall be located to the side or rear of buildings or in the interior of development sites surrounded by proposed buildings. In any case, parking structures and parking lots shall not dominate the frontage of streets nor impede pedestrian routes. (*Ord. No. 03-06, 9-25-06*)

Sec. 70-444. - Design standards.

This section guides the development of the district so as to respect the scale and character of the underlying zoning districts. The following design standards are applicable throughout the district and allow higher land use densities in a context that promotes mixing land uses and building types. These standards lower street and utility costs because of reduced frontage, and promote a concentration of uses within a pedestrian-friendly environment. Dimensional standards such as minimum lot area, minimum lot width, and minimum yard requirements shall be governed by the provisions of the underlying zoning districts.

(1) *Architectural standards.*

- a. *Architectural design:* The architectural design of buildings, structures, and site layout shall be visually compatible with the traditional architecture of the Town and character of its waterfront. New construction shall respect the prevailing scale and proportion of surrounding buildings and structures.
- b. *Building materials:*

1. Traditional building materials, such as shingles, wood clapboards, brick, stone, or an approved substitute shall be used for the exterior of new construction and additions to buildings. For existing buildings, building materials shall be maintained where possible and repair or

replacement of materials shall utilize materials that match the original in shape, size, texture, and color as closely as possible.

2. Materials that are chemically or physically compatible with those existing shall be used where practicable, as materials that are not compatible can cause damage to existing structures including rust, wood, and rot, and can also accelerate the natural aging process. Developers and designers are encouraged to use environmentally-friendly methods and materials that conserve energy, minimize pollution, and utilize renewable energy sources.

c. *Building facades:*

1. Building facades for new construction shall include detail and ornamentation to enhance points at the street level. Additions and/or new elements shall be placed on the rear or other secondary facade and outside of the primary viewshed whenever practical.
2. Location or size of doors and windows shall be maintained as much as possible on existing structures. Original locations of windows shall be maintained as well as size, shape, sash, light configuration, and other important character-defining features where practical. Roof shapes shall also be maintained as much as practical.

(2) *Parking and circulation standards.*

- a. *Parking:* Parking decks and structures within the district are encouraged to maximize the use of valuable land for principal uses and to reduce the appearance of excessive amounts of surface parking within the district. As noted within the architectural standards, site layout shall preserve the historic character of West Point and parking facilities shall not compromise the aesthetic quality of the district.
- b. *Pedestrian circulation:* On-site pedestrian circulation networks shall be designed to provide safe access through the district, particularly between buildings and parking areas and structures.

(3) *Streetscape standards.*

- a. *Waterfront connection:* Streets that connect to the waterfront shall be designed and developed to pedestrian-scale and incorporate a variety of amenities. Landscaped intersections shall be provided to enhance the space. Informational signage, kiosks, monuments, fountains, and/or other gateway treatments near points of access on the Pamunkey and Mattaponi rivers shall be installed to welcome residents and visitors, and shall include community name(s) and directional signs to community features and points of interest.

(4) *Street and site furnishings standards.*

- a. *General:* Furnishings shall be selected so as not to detract from the overall character of the street and the surrounding environment.
- b. *Form and quality:* Consistency in the form and quality of street and site furniture is essential to the ambiance of such areas. Furnishings within individual sites shall be chosen to complement specific architectural and site designs. Furnishings shall be included that enhance the setting and provide amenities.
- c. *Amenities:* Newspaper/information kiosks, public art displays, and water fountains shall be placed

appropriately within the context of the overall street design. Benches shall be provided near retail and other commercial establishments.

Clustering benches can provide group seating and paired arrangements can help create a rhythm to the sidewalk character. Additionally, trash receptacles shall be located in proximity to the benches and in other locations with pedestrian traffic.

(5) *Lighting standards.*

- a. *Consistency:* Site lighting shall enhance the character of the area and not detract from the aesthetic appearance of the development or the district. The natural lightscapes shall be maintained as much as safety will allow. The character and brightness of exterior lighting on different development sites shall remain relatively constant. Such consistency is important in establishing the overall character of the district during the nighttime hours and for providing a sense of security.
- b. *Roadway lighting:* Roadways and site driveways shall be lit from both sides. In this manner, lights shall be situated opposite one another, rather than in an alternating pattern. A designated family of fixtures shall be used along public roadways, site driveways, public sidewalks and bikeways, and parking lots to reinforce a unified image.
- c. *Orientation:* Driver and pedestrian orientation shall be provided through a hierarchy of lighting effects that correspond to different zones and uses within development sites. Light pole heights shall be scaled according to function (e.g., pedestrian sidewalks, parking lots, and driveways). Intersections, decision points, crossings, steps, and arrival points, among others, shall be articulated in a manner that signals their presence, shape, and nature. The illumination pattern shall provide visual clues as to what conditions may lay ahead.

(6) *Landscaping standards.*

- a. *General:* Existing planting shall be maintained and existing tree lines and open viewsheds shall be maintained whenever practical.
- b. *Uniform design:* Landscaping shall be used as a unifying design element and a cost-effective long-term aesthetic and environmental enhancement for public and private spaces. Groundcover, shrubs, and trees meeting the requirements of [section 70-347](#) shall compose the primary landscaping features within the district and conform to walks and street surfaces to provide an attractive pattern of development. Landscaping shall be installed within parking areas in accordance with [section 70-351](#)
 1. Deciduous shade trees shall line the sidewalks within the district at a density of not less than one tree per 40 linear feet of sidewalk. Such trees shall be at least two inches in caliper at the time of planting. Where appropriate, such trees shall be clustered to accommodate prime vistas.
 2. Developments within the district shall be exempt from the buffering requirements contained in [section 70-346](#), [section 70-348](#), [section 70-349](#), [section 70-350](#), and [section 70-352](#) provided that:
 - i. The development is an approved mixed-use project that has a governing set of

design guidelines approved by the town;

- ii. All of the requirements of sections [70-347](#) and [70-351](#), and all other requirements of this article, are met;
- iii. The proposed landscape design or materials involve a readily discernable theme or complement an architectural style or design; and
- iv. Landscaping materials are maintained in accordance with [section 70-347\(d\)](#) of this chapter.

- c. *Materials:* Selected landscaping material shall be appropriate to the local growing conditions and feature native species. Where applicable, landscaping plans shall include removal of invasive species and replacement by indigenous species.
- d. *Loading and receiving areas:* Loading, receiving, and trash storage areas shall be screened from public view in accordance with sections [70-346](#) and [70-353](#). Fences, walls, and dense plantings may be used to screen outdoor areas from wind and unsightly views.

(7) *Signage standards.*

- a. *General:* In addition to the following standards, signage located within the district shall adhere to the requirements set forth in Article XXI of this chapter.
- b. *Utility:* Signage and graphics within the district shall introduce visitors to the area, direct them, and provide a means for orientation and way-finding.
- c. *Design:* The use of high quality graphics is essential to the overall visual experience, and letterform, logos, and artwork shall look comfortable within the sign perimeter. Signs shall be simple in form and color, be clearly legible, and creatively use two- and three-dimensional form to express the identity of the development, and the character of the neighborhood and its architecture. Existing historical signs and markers shall be maintained.
- d. *Placement:* Sign locations shall be oriented to the public right-of-way, shall avoid facing residential uses wherever possible, and shall not overlap and conceal architectural elements. Signage shall fit within the architectural features of the facade and complement the building's architecture. Signage shall be limited to one business identification per frontage and shall include only tenant identification text and logos. Product advertisement on signage or in display windows is prohibited.
- e. *Illumination:* Direct exposure of light sources and internally-illuminated signage shall be prohibited within the district. Indirect and external light sources shall be used where lighting is required. The orientation of any illuminated sign or light source shall be directed to avoid visibility to adjacent properties, spill light, or glare onto residential uses.

(8) *Fencing standards.*

- a. *General:* In addition to the following standards, fencing provided in the district shall adhere to the requirements set forth in Article XIX, [section 70-345](#) of this chapter.
- b. *Height:* In instances where security and safety relating to certain land uses and activities require fencing, such fencing shall be no higher or more extensive than needed to provide general safety or security

needs and it shall be constructed of ornamental materials or some other appropriate material.

- c. *Access:* For properties along the waterfront, fencing shall not be used to deter public access to and along the waterfront or to inhibit migration of wildlife between natural areas.

(9) *Utility standards.*

- a. *Location:* All on-site utilities shall be located underground.
- b. *Screening:* Service areas and mechanical equipment shall be screened through walled units or integrated into architectural features of the buildings. (Ord. No. 03-06, 9-25-06)

Sec. 70-445. - Nonconforming uses, buildings, and structures.

Uses, buildings and structures not specifically permitted herein, and those prohibited in the underlying zoning districts, shall be considered nonconforming. As such, all nonconforming uses, buildings and structures shall adhere to the requirements set forth in article XXIII of this chapter. (Ord. No. 03-06, 9-25-06)

Secs. 70-446—70-451. - Reserved.

Other plans

West Point Waterfront Master Plan

http://www.west-point.va.us/pages/Departments_Services/dept_serv_pdfs/waterfront_redev.pdf

MATHEWS COUNTY

Comprehensive Plan

Key Planning Recommendation

Environmental

- Improved recreational access to the County's waterfronts and beaches (page 4)

2030 Vision for Mathews County

In 2030, Mathews County will be a community where:

- Shoreline management and public access to the water are community priorities. (page 5)

Mathews County Goals for 2030

Environment

- Provide public access to outstanding County waterways and shorelines.

Accomplishments include: Public recreational improvements at Mathews High School and Park, Williams Wharf Landing, Haven/Festival Beach, and Piankatank River Landing; future improvements are planned for Fort Nonsense, the Court House Area, the East River Boatyard property and the Hall property (Billups Creek) owned by the Middle Peninsula Chesapeake Bay Public Access Authority. (page 10)

Issues most important to County residents were: protecting water quality and resources (74%); preserving the rural character (63%); availability of wireless/broadband (60%), preserving forestland (53%), access to the water (48%), and ability to pay local taxes (46%). (page 13)

Common themes were: Public access to County waters and shorelines (pg 13)

Planning / Development Policies and Strategies for Economy

E2 8. Affirm the commitment of the County to protect the working waterfront as a priority for economic development and preserving coastal character. Improve communication regarding pending development matters, water quality monitoring/reporting, water access, etc. Consider appropriate "good neighbor practices" that enable shared information and communication regarding development activities. (page 45)

E3 2. Encourage development of conference/lodging facilities in selected locations with water access. Ensure environmental compatibility with the area. (page 46)

Hotel and Conference Facility In 2001, Mathews County commissioned a study to determine if there was a market for a conference center in the county. The study concluded that, as a tourist destination, the County would benefit from a quality hotel and conference facility with water access. The County should identify potential sites for development as well as existing facilities that could be redeveloped. Once a suitable location is determined, and its owner supportive, the County could assist in developing a concept plan to market to potential investors. (pg 50)

Pages 78 to 84

Recreation

Recreation opportunities are very promising for Mathews County in the future. Increased public access to shorelines and waterfront facilities can provide citizens and visitors with wonderful experiences and resources that have been so highly valued by residents for generations. The 2003 State waters Access Plan for Mathews County provides an extensive inventory of public facilities and makes recommendations for potential improvements. This plan should be updated with respect to recommendations for improvements and priority facilities. The East River Boat Yard property in West Mathews offers great potential for additional public access. In addition, there



are increased opportunities for use of existing bicycle routes and blueways, which can promote the County as a seasonal destination. In general, these compatible recreation activities are sensitive to the environment and beneficial to the local economy. (pg 93)

Planning / Development Policies and Strategies for Public Facilities & Services

PFS 6 2. Improve directional signage for existing public beaches and water access points. (page 97)

PFS 7 Mathews County is recognized for its natural environment and inherent recreational amenities. Public access to the water and shores enhances residents' quality of life and is fundamental to the ecotourism segment of the County economy. The County should continue to promote public access and appropriate facilities along its waterways and shorelines. (page 97-98)

1. Update the adopted 2003 Mathews County State waters Access Plan to assess public needs, priorities, and recommended improvements for water access. Work with the Middle Peninsula Chesapeake Bay Public Access Authority to develop and conduct a survey to assess County residents' needs for new and/or expanded public water access sites and facilities.
2. Pursue site planning and recommended improvements to the East River Boatyard property for public recreation and access. Consider grant funding for planning and construction (e.g., Virginia Department of Conservation & Recreation, Virginia Game & Inland Fisheries, U.S. Fish & Wildlife, and EPA Brownfields).
3. Continue to work with VIMS and other partners to plan, map, and promote the Mathews County Maritime Heritage Trail.

Access to the Waterfront Mathews County is extremely fortunate to have over 280 miles of shoreline. This tremendous asset is highly valued by residents and County officials because of its contribution to the area's quality of life, recreation, and local economy. In 2003, the County adopted a Statewaters Access Management Plan that provided information on all public access areas and marinas throughout the County. The plan also includes specific recommendations and priorities for improving public facilities. More detailed information on this waters access plan is found in the preceding section, Public Facilities and Services (Recreation). (page 136)

Planning/Development Policies, Action Strategies for Environment 2030

EN4: The waterfront of Mathews County is a valuable ecological, recreational and scenic asset that should be available to all citizens. Use of waterfront lands should be balanced to provide reasonable access points for the public and protection of the environment, while recognizing the rights of private residential and business property owners.

1. Review and update the County Statewaters Access Plan at least every five years to ensure that public access and recreational needs are met. Update the 2003 Plan in conjunction with developing a Parks and Recreation Master Plan.
1. Site any new waterfront community facilities or marinas in accordance with the checklist and criteria established by the Virginia Marine Resources Commission for Marinas and Community Facilities for Boat Mooring (1988, www.mrc.state.va.us). Coordinate locations with aquaculture and blue infrastructure resources to minimize land use conflicts and ensure protection of water quality.
2. Identify desirable waterfront and off-shore locations for pursuing aquaculture. Develop a strategy for improving

water quality, managing land use, and reducing development and pollution conflicts. (pg 143-144)

Much of the residential development that exists today in Mathews is on the waterfront. Although these areas are highly cherished for their waterfront amenities, there are many environmental challenges associated with expanding development in these areas.

Consequently, new development along the waterfront in the future should be more conservative in terms of lot sizes, building types and locations, and shoreline and water access. In addition, new or expanded development on existing lots must recognize constraints relative to providing and maintaining safe wastewater treatment and water supply, as well as protecting water quality. Finally, planning for future possible rises in sea level can protect property investments and assist in using environmental assets for the purposes of accommodating natural succession. (pg 151)

Community Opportunities and Challenges

Over the next 10-20 years, some of the opportunities and challenges for Piankatank include:

- The Piankatank River is considered "qualifying" as a scenic river from Route 17 in Middlesex, Gloucester and Mathews Counties to the Chesapeake Bay. In Mathews County, the public access areas on the Piankatank are some of the most frequently used. A scenic river designation could be beneficial in helping maintain the natural integrity of the area and encourage tourism. (page 163)

Community Opportunities and Challenges Over the next 10-20 years, some of the opportunities and challenges for the West Mathews Planning Area include:

- Although much of the West Mathews District has frontage on the water, and there are many marinas, there are few public access points in the District. The County has one public water access point on the North River (Auburn Wharf Landing); it recently purchased the East River Boat Yard property and plans to develop it for public recreation. Access to the property is somewhat challenging and may limit the amount of activity that can be accommodated.

West Community Conditions, opportunities, policies and strategies:

WEST 4: Public access to the waterfront is a priority for the County. Increased public access to the waterfront should be provided in West Mathews. 1. Pursue development of the East River Boat Yard property as a public access point in West Mathews.

Develop a concept plan for the property and coordinate it with district residents. Solicit partners and applicable grant funds for implementation. Encourage small business, as well as recreational concepts.

East River Boat Yard - Public Access Landing (page 208)

The East River Boat Yard provides an excellent opportunity to improve public access to the waterfront while encouraging local business. Currently, the County leases several of the existing buildings to local watermen for business purposes. The property has great potential for a variety of uses including public recreation and water access, aquaculture, small business development and education. The following illustrations provide some concepts that could be considered for the property.

Bayside

Community Overview

Bayside contains some of the most frequently used public water access points for residents and visitors – Haven/Festival Beach, Bethel Beach Natural Area Preserve, Williams Wharf, and New Point

Comfort Lighthouse and Observation Area. In addition, there are seven other public landings in the Bayside District; thus, the area hosts 11 of the 19 public water access points in the County. Bayside includes the several small communities that have become established over the years: Diggs, Onemo, Sarah, Port Haywood, Susan, Peary, Shadow, New Point, and Bavon.

East River Boatyard Public Access

Redevelopment of the East River Boatyard for recreation is proposed in West Mathews. This is an opportunity to address the need for increased public access in this part of the County. In addition, the facilities that may be located here can complement the other recreational assets in the County. (pg 225)



<http://www.co.mathews.va.us/Home/ShowDocument?id=757>

PFS 6 Parks and public recreation areas are important community amenities that directly influence the community's quality of life and economic well-being. A well-thought out master plan is an effective tool for meeting community recreation needs and phasing capital improvements.

1. Develop a Parks Master Plan that provides an inventory of public recreational facilities and programs and identifies needed improvements for the short and long-term.
2. Improve directional signage for existing public beaches and water access points. (A-19)

PFS 7 Mathews County is recognized for its natural environment and inherent recreational amenities. Public access to the water and shores enhances residents' quality of life and is fundamental to the eco-tourism segment of the County economy. The County should continue to promote public access and appropriate facilities along its waterways and shorelines.

1. Update the adopted 2003 Mathews County Statewaters Access Plan to assess public needs, priorities, and recommended improvements for water access. Work with the Middle Peninsula Chesapeake Bay Public Access Authority to develop a survey to assess County residents' needs for new and/or expanded public water access sites and facilities.
2. Pursue site planning and recommended improvements to the East River Boatyard property for public recreation and access. Consider grant funding for planning and construction (e.g., Virginia Department of Conservation & Recreation, Virginia Game & Inland Fisheries, U.S. Fish & Wildlife, and EPA Brownfields).
3. Continue to work with VIMS and other partners to plan, map, and promote the Mathews County Maritime Heritage Trail. (A-20)

WEST 4 Public access to the waterfront is a priority for the County. Increased public access to the waterfront should be provided in West Mathews.

1. Pursue development of the East River Boat Yard property as a public access point in West Mathews. Develop a concept plan for the property and coordinate it with district residents. Solicit partners and applicable grant funds for implementation. Encourage small business, as well as recreational concepts. (A-35)

Summary: Important Issues and Concerns (A-73)

Public Access to water in West Mathews (need more) in county as a whole. (A-79)

Balance property rights with regard to public access (parking, etc.)

- Public Access to water and beaches

Public access areas developed to increase the recreational use of State waters are to be planned within the framework of the performance standards of the RPA and/or the RMA. (A-103)

C. Access to State Waters

Improved recreational access to State waters, especially the Chesapeake Bay, is a favored policy of the State of Virginia and a part of the guidelines of CBLAD. A study of shoreline access is presented in the Chesapeake Bay Area Public Access Plan which covers all of the states that border on the Chesapeake Bay and its major tributaries. While it is one State policy to improve public access to State waters, it is another policy to ensure that those access areas do not become non-point sources of pollution. General policies concerning public access to State waters include:

- (a) Mathews County will cooperate with the State in the use of boat landings to ensure the sites are well maintained and properly used in ways that will not increase pollutants entering State waters.
- (b) The County will prepare a plan to increase the number of public boat ramps in the County. The emphasis will be on providing adequate docking space and trailer parking along with other such amenities as the County deems appropriate. When the plan is completed, the County may ask the State to install ramps at the designated areas
- (c) It is the policy of the County that the siting criteria for Marinas and Community Facilities for Boat Mooring set out by the Virginia Marine Resources Commission in 1988 applies within the County (Reference: Chapter VI, Table 6-7, Local Assistance Manual. (A-105)

Local Ordinances

Definition for public access: Mathews does not specifically have a definition of public access.

Other related definitions, include:

Beach – the shoreline zone comprised of unconsolidated sandy material upon which there is a mutual interaction of the forces of erosion, sediment transport and deposition that extends from the low-water line landward to where there is a marked change in either material composition or physiographic form, such as a dune, bluff or marsh, or, where no such change can be identified, to the line of woody vegetation (usually the effective limit of stormwaves) or the nearest impermeable manmade structure, such as a bulkhead, revetment or paved road.

Floodplains – all lands likely to be inundated by a flood

Open Space – An area intended to provide light and air, and designed, depending on the situation, for environmental, scenic, and

Summary: Important Issues & Concerns	Gwynn's Island	West Mathews	Bayside	Piankatank	Central	Students HS	Seniors
Water							
Keep Working Wharfs/Commercial - Ex: Islander	x						
Does Co. have authority to mandate owners of Island to fix it up	x						
Callis Wharf - revitalization of current commercial waterfront property	x						
Catch and release	x						
Public access to beach/water, need more (GI - a timeline to purchase)	x	x	x	x			x
Sunken boats at public docks/law to enforce	x						
Cruising Ches Bay - quite, barrier islands - establish anchorage	x						
Living on Water (Water Quality) liaison with various agencies	x	x		x	x		
Balance property rights w/regard to public access		x		x			
East River Boat Yard - parking issue with trailers/fishing pier?		x		x			
Find areas to have landings for boats with trailers		x					
Bethel Beach (more public beaches)		x	x				x
Identify strategic land for possible landings		x					
Sea Level Rise - climate issues - shoreline erosion			x	x			
Private property rights issues			x				
Control coastal growth - enforce codes in flood zone			x				
Enforcement of CBPA ordinance			x				
Conserving marshes/wetlands (enforcement)			x	x			x
Support water-related industry			x		x		
Bethel Beach Preserve must be treated as preserve - littering issue			x				
Wetland delineation issues			x				
Land Conservation easements			x				
Living Shoreline			x				
No Wake Zone				x			
Dredging of Creeks				x			
History					x		
Recreation					x	x	

/or recreational purposes. The computation of open space shall not include driveways, parking lots, or other surfaces designed or intended for motorized vehicular traffic.

Open Space, Common – Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intend for the common ownership, enjoyment and use of the residents of the development.

Are there parking requirements or permits for public access locations?

Are there sewage or trash disposal requirements at public access locations?

Are there road access requirements for public access locations?

For new public access, is this a by-right use or is a special permit needed?

Other Reports

Mathews County Statewaters Access Plan:

Provides the county and its citizens with an overall inventory of all county owned public water access sites

MIDDLESEX COUNTY

Comprehensive Plan (2009)

Basic Assumptions

Basic assumptions about the County's future have been made. These assumptions, listed below, are derived from analysis of the factual and historic data, and from discussions and decisions of the Planning Commission during the preparation of this plan. They are not specific

in time frame. They are, however, for the purposes of the plan, considered to be realistic.

- The County's rural nature and its proximity to the Chesapeake Bay and its tributaries will continue to be the major force influencing residential, commercial and water-access-oriented development and population growth.

Boat Landings/Water Access

Lack of public access points to the shorelines that define the shape and character of the County was a weakness identified by county citizens. Water access that does exist is in the form of boat landings in various parts of the County. The Virginia Department of Game and Inland Fisheries manage four public boat ramps within the county. These facilities provide some specialized recreational access to the water resources that border the county. Two of these facilities are along the Rappahannock River; one in Saluda and one near the Mill Creek area of the county. The third facility is located along Parrotts Creek in the Water View area of the county, and the fourth facility is along the Piankatank River off of State Route 630 near Camp Piankatank. Each of the four facilities has a single concrete ramp. The Saluda facility also has a pier.

There are also four additional water access/public landings in the county. Their locations are as follows: SR 621 – Locklies Creek
SR 634 – Whiting Creek
SR 636 – Broad Creek
SR 645 – Meachim Creek (pg. 76)

Promote a Balanced Transportation System

As stated previously, Middlesex County's transportation system is comprised of more than just highways. Air transportation, rails facilities, waterways, bikeways and pedestrian facilities are all elements of the County's transportation network. Although its authority and resources are limited, the County should continue to promote a balanced transportation system. Specifically the County can:

- Encourage the use of transit and rail options for County citizens.
- Request that bike lanes, consistent with the adopted bikeway plan, be incorporated into VDOT road projects. The County's subdivision and zoning ordinances will be amended to require bike and pedestrian facilities.
- Encourage new development along the county's shorelines to provide public access to the waterways.
- Encourage and look for new ways to improve secondary roads including new funding sources. (pg. 100)

Existing Land Use

WATERFRONT RECREATIONAL/MARINAS – Campgrounds, marinas, yacht clubs or other waterfront dependent entities and their accessory uses. These uses depend on their waterfront location and recreational nature as a major asset of their business. (pg. 117)

Community Facilities and Services

Goals: CF-G-1 To plan for, construct, and maintain needed community facilities in a manner that is cost effective, environmentally sound and consistent with the growth objectives contained in this plan.

Action Steps

6. Develop a shoreline access and management plan and explore and pursue all opportunities to provide additional public water access.
7. Support the activities of a Parks and Recreation committee in the organization and implementation of a county-wide recreation program, including access to the water.

8. Provide the necessary facilities to support the Parks and Recreation Program and to increase public access to natural and recreational resources. Access should not be detrimental to that resource.
9. Expand the number of county parks and expand recreation facilities at public schools and County properties and make facilities available to the programs of the Parks and Recreation Department.
12. Establish a program for the evaluation of properties owned by the County which have potential as suitable sites for public use as access points to the waterways, natural areas and scenic and historic assets. Consideration should be given to the liquidation of such properties having no foreseeable potential use to the County.
14. Investigate public-private partnerships to enhance the recreational opportunities within the county. For example, consider partnering with the YMCA to provide recreation programs for county residents. (pg. 129-130)

- LU-O-2 Discourage development patterns which are incompatible with the County's ability to provide adequate and cost effective public services and facilities.
- LU-O-3 Enhance the rural and environmental character of the County through the preservation of agricultural and forestal lands, wetlands, flood hazard areas, and Chesapeake Bay Resource Protection Areas.
- LU-O-4 Develop new zoning districts that preserve open space, promote the clustering of development, allow a range of housing and lot area choices, protect ground and surface water resources, protect wetlands and other sensitive environmental features, and reduce stormwater runoff.

Action Steps:

10. Support efforts of local conservation organizations and the Virginia Outdoors Foundation to acquire and provide stewardship for locally obtained conservation easements.

Environment

Goals:

- EN-G-1 To encourage the protection and stability of the natural and man-made environment of Middlesex County by encouraging growth to occur in accordance with the Comprehensive Plan.
- EN-G-2 To preserve existing shorelines to the maximum extent possible through the use of best management practices.

Objectives:

- EN-O-1 Protect and enhance the County's surface and ground water resources.
- EN-O-3 Protect the natural and rural character of the County by encouraging the retention of forests, agricultural lands, and open-space areas.
- EN-O-4 Protect rivers, marshes, wetlands, and other bodies of water, e.g. the Dragon Run System, from pollution, disturbance, and destruction.

Action Steps:

2. Participate in the overall state program to protect the waters of the Chesapeake Bay through the administration and enforcement of applicable zoning, subdivision, and erosion and sediment control, floodplain, and wetlands land use development ordinance and the periodic review and amendment of said ordinances when required.
6. Support the continued update of shoreline mapping and conditions for Middlesex County by the Middle Peninsula PDC.
9. Participate in the overall state program to protect the waters of the Chesapeake Bay through the administration and enforcement of applicable zoning, subdivision, and erosion and sediment control, floodplain, and wetlands land use development ordinance and the periodic review and amendment of said ordinances when required.

Land Use

Goals:

- Goals: LU-G-1 To achieve a balanced land use system that provides sufficient and compatible land areas for all community land use needs, while protecting sensitive natural environments and important local historic and cultural resources.
- LU-G-2 To encourage the preservation of areas and properties of historic and cultural significance in Middlesex County.
- LU-G-3 To encourage the character, appearance, and image of Middlesex County is perpetuated in new development and redevelopment proposals.

Objectives:

Local Ordinances

- 4A-4. Development in Resource Protection Areas.
- B. A new or expanded water dependent facility shall be permitted provided that the following criteria are met: 1. It does not conflict with the Middlesex County Comprehensive Plan; 2. It complies with the performance criteria set forth in Section 4A-10 of the Zoning Ordinance; 3. Any non-water-dependent component is located outside of the RPA; and 4. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

**TOWN OF URBANNA
Comprehensive Plan (2012)**

Environmental Goals and Objectives

Goal: Enhance the natural setting of the Town; promote a greater awareness of the natural beauty and positive attributes of the area and preserve environmentally sensitive areas.

4. Promote appreciation and use of scenic areas in and around the Town and encourage the development of recreation opportunities along the creek and cove areas.

Water Resources Goals and Objectives Goal:

Protect and manage water resources, the beauty, and desirability as an asset for vacation and retirement housing. Positive contributions to the water based economies should be promoted.

Objectives:

1. Continue development of the Urbanna Town Marina at Upton's Point for the use of Urbanna Creek.
2. Oversee and coordinate with Federal and State officials a means of insuring the safe passage of commercial and pleasure boats in the Urbanna Creek and harbor area.

**Local Ordinances
B-2 Waterfront district -**

REGIONAL POLICIES AND EFFORTS

Middle Peninsula Chesapeake Bay Public Access Authority – Created by the Virginia General Assembly in 2002, and ratified by participating localities on June 13, 2003. A single-purpose political subdivision focused on public access within the Middle Peninsula. It's a Currently all Middle Peninsula localities participate in the Authority. Attached is the MPCBPAA enabling authority and by-laws.

Middle Peninsula Comprehensive Economic Development Strategy (2013) -
Aquaculture and Fishing (page 28)

Coastal communities within the Middle Peninsula historically have had a rich maritime tradition and culture. From harvesting wild shellfish to fin-fishing, the Chesapeake Bay and local rivers provided the region with a once thriving industry. However, in recent years a variety of factors have contributed to a shift away from traditional water based livelihoods. For instance, due to disease, predation and water quality degradation, populations of harvestable shellfish have declined, and increasing regulations have set limitations on blue crab harvests. Also, coastal communities are in transition, with a higher demand for waterfront properties. Increased coastal development has invited wealth and affluence to the region. Consequently, traditional working waterfronts have become threatened. Nevertheless, aquaculture presents a new opportunity to sustain seafood and working waterfronts industries in the region. According to a 2005 report by the Virginia Institute of Marine Science (VIMS) the commercial and recreational fisheries of Virginia provide both monetary and non-monetary economic and recreational contributions. In 2005, sport-fishing and commercial harvesting activities generated a total of \$1.23 billion in output or sales, \$717.4 million in value added contributions or income, and 13,015 full and part-time jobs in Virginia. Of note is that approximately two thirds of these values were attributable to the recreational sector and one third to the commercial seafood sector. Further, NOAA's 2010 Coastal County Snapshots for Gloucester, Mathews and Middlesex show that there are 1,382 maritime jobs that generate \$19 Million dollars in local wages (Appendix G). In addition, it is important to recognize that the values attributed to the commercial seafood sector declined approximately 30% between 1994 and 2004 as a result of decreased species diversity, infrastructure damages from Hurricane Isabel in 2003, increased fuel costs, and imported products, among others. The largest sales for the seafood industry were from sea scallops, blue crabs, and menhaden and approximately 50% of the economic impacts were generated by seafood processing.

Boating and Water Access (page 44) Virginia's Middle Peninsula is bordered by the Rappahannock River, York River and the Chesapeake Bay. Recreational boating opportunities range from paddling through the pristine Dragon Run Swamp; exploring the rich coastal marshes; sailing the open waters of the Rivers, the smaller bays or the Chesapeake Bay; fishing or sport; waterskiing the protected coves; to finding a quiet place to anchor out for the night. Commercial opportunities range from fishing for crabs, oysters, clams, or finfish to running tugs and barges.

Public access to the water continues to be a major issue that is addressed by agencies such as the Virginia Department of Game and Inland Fisheries, the Virginia Marine Resources Commission, the Virginia Sea Grant Program at the Virginia Institute of Marine Science, the Middle Peninsula Chesapeake Bay Public Access Authority, and others.

Boaters in the Middle Peninsula Region of Virginia, locals and tourists alike, support an industry that creates jobs and generates tax revenues for counties. In one county, Middlesex, the total economic impact of resident and non-resident boaters was \$53.9 million in 2007. The boating related business was responsible for generating 588 full time jobs in Middlesex County, generating \$14.8 million in labor income (Murray, Thomas. Assessment of the Economic Impacts of Recreational Boating in Middlesex County, Virginia, 2011). This area was identified as a Marine Trades cluster in the CEDS process. The opportunity to expand and build on this

cluster has the potential to create more of the high wage, local jobs the Middle Peninsula region so desperately needs.

Water Access was identified in this CEDS process as a major benefit and need in the Middle Peninsula. Water access is provided by a combination of private docks, private marinas, public launch ramps, and public piers. Public access is a point of concern that is recognized by the local governments, and great strides have been taken to acquire, preserve, and improve public water access sites in the region. Without water access, the tourism, boating, and fishing related activities in the Middle Peninsula have the potential to shrink exponentially, causing a decline in revenue for marinas, boat shops, boat dealers, local governments, and other related businesses.

The Natural Resources of the Middle Peninsula of Virginia are the ingredients that make the local economy work. Trees, fish, crops, crabs, sand, oysters, gravel, livestock, water, land, wildlife, wetlands, etc., are all components that are utilized every day to create and retain jobs, generate tax revenue, and maintain the quality of life found on the Middle Peninsula of Virginia. The ability to access and utilize these resources now is as important as is the ability to protect and preserve these resources for future generations of entrepreneurs. Challenges for economic growth, such as sea level rise and environmental regulations, exist, making proper planning a necessity.

SWOT Analysis (page 56) – Strengths: The top 5 strengths of the region were identified as: a) access to water, natural resources, and beaches; b) the abundance of natural resources; c) the rural character of the region; d) good roads; and e) regional airports. Conclusion: the Middle Peninsula is a great place to live and raise a family which makes the region a desirable place to live and work.

Project Description (page 63) – King & Queen Public Access project to include expansion of parking at Rt. 603 to 12 + parking spaces to encourage tourism

Vital Projects (page 66) - Tappahannock Main Street – Revitalize the Tappahannock Main Street, including the waterfront, to attract and retain business in the old downtown and courthouse area. An initial plan has been developed. Funding is needed to begin the actual project.

SWOT Analysis (page 83) – Opportunities include Commercial waterfront development

The Middle Peninsula Chesapeake Bay Public Access Authority
CHAPTER 766

An Act to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 66, consisting of sections numbered 15.2-6600 through 15.2-6625, relating to the Middle Peninsula Chesapeake Bay Public Access Authority Act.

[H 619]

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 66, consisting of sections numbered 15.2-6600 through 15.2-6625, as follows:

CHAPTER 66.

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY ACT.

§ 15.2-6600. Title.

This act shall be known and may be cited as the Middle Peninsula Chesapeake Bay Public Access Authority Act.

§ 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.

§ 15.2-6602. Definitions.

As used in this act the following words and terms have the following meanings unless a different meaning clearly appears from the context:

"Act" means the Middle Peninsula Chesapeake Bay Public Access Authority Act.

"Authority" means the Middle Peninsula Chesapeake Bay Public Access Authority created by this act.

"Board of Directors" means the governing body of the Authority.

"Bonds" means any bonds, notes, debentures, or other evidence of financial indebtedness issued by this Authority pursuant to this act.

"Commonwealth" means the Commonwealth of Virginia.

"Participating political subdivision" means any of the counties of the Middle Peninsula Planning District Commission or any other subdivision that may join the Authority pursuant to the act.

"Political subdivision" means a county, municipality or other public body of the Commonwealth.

"Site" means any land holding that can improve public access to waters of the Commonwealth.

§ 15.2-6603. Participating political subdivision.

No pecuniary liability of any kind shall be imposed upon any participating political subdivision because of any act, omission, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on the part of the Authority or any member thereof, or its agents, servants, or employees, except as otherwise provided in this act with respect to contracts and agreements between the Authority and any other political subdivision.

§ 15.2-6604. Appointment of a board of directors.

The powers of the Authority shall be vested in the directors of the Authority. The governing body of each participating political subdivision shall appoint either one or two directors, one of whom shall be a member of the appointing governing body or its chief operating officer. In the event there are two or fewer participating jurisdictions in the Authority, each participating jurisdiction shall appoint two directors.

The governing body of each political subdivision shall be empowered to remove at any time, without cause, any director appointed by it and appoint a successor director to fill the unexpired portion of the removed director's term.

If financial funds are available, each director may be reimbursed by the Authority for the amount of actual expenses incurred by him in the performance of his duties.

§ 15.2-6605. Organization.

A simple majority of the directors in office shall constitute a quorum. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

The Authority shall hold regular meetings at such times and places as may be established by its bylaws duly adopted and published at the organizational meeting of that body.

The board of directors shall annually elect a chairman and a vice-chairman from their membership, a secretary and a treasurer or a secretary-treasurer from their membership or not as they deem appropriate, and such other officers as they may deem appropriate.

The board of directors may make and from time to time amend and repeal bylaws, not inconsistent with this act, governing the manner in which the Authority's business may be transacted and in which the power granted to it may be enjoyed. The board of directors may appoint such committees as they may deem advisable and fix the duties and responsibilities of such committees.

§ 15.2-6606. Powers.

The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this act, including the following, to:

1. Adopt bylaws for the regulation of its affairs and the conduct of its business;
2. Sue and be sued in its own name;
3. Have perpetual succession;
4. Adopt a corporate seal and alter the same at its pleasure;
5. Maintain offices at such places as it may designate;
6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate public access sites that are owned or managed by the authority within the territorial limits of the participating political subdivisions;
7. Construct, install, maintain, and operate facilities for managing access sites;
8. Determine fees, rates, and charges for the use of its facilities;
9. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, the Commonwealth of Virginia, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance or repair of the public access sites or for the payment of principal of any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the Authority shall have the power to render such services, comply with such conditions and execute such agreements, and legal instruments, as may be necessary, convenient or desirable or imposed as a condition to such financial aid;
10. Appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;
11. Contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and investment services contemplated by § 15.2-6612 hereof, accounting services, including the annual independent audit required by § 15.2-6609 hereof, procurement of goods and services, and to act as fiscal agent for the Authority;
12. Establish personnel rules;
13. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;
14. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;

15. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;

16. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities and to enforce such rules and regulations and all other rules, regulations, ordinances, and statues relating to its facilities, all as hereinafter provided;

17. Purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee or agent of the Authority against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such;

18. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and adopt rules and regulations; and

19. Whenever it shall appear to the Authority, or to a simple majority of participating political subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority. If the court shall determine that the need for the Authority as set forth in this act no longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or provided for, it may enter an order dissolving the Authority. Upon dissolution, the court shall order any real or tangible personal property contributed to the Authority by a participating political subdivision, together with any improvements thereon, returned to such participating political subdivisions. The remaining assets of the Authority shall be distributed to the participating political subdivisions in proportion to their respective contributions theretofore made to the Authority. Each participating political subdivision and all holders of the Authority's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition. From the final judgment of the court, an appeal shall lie to the Supreme Court of Virginia.

§ 15.2-6607. Name of authority.

The name of the Authority shall be the Middle Peninsula Chesapeake Bay Public Access Authority. The name of this authority may be changed upon approval of a simple majority of the directors of the Authority.

§ 15.2-6608. Rules, regulations, and minimum standards.

The Authority shall have the power to adopt, amend, and repeal rules, regulations, and minimum standards, for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities.

Unless the Authority shall by unanimous vote of the board of directors determine that an emergency exists, the Authority shall, prior to the adoption of any rule or regulation or alteration, amendment or modification thereof:

1. Make such rule, regulation, alteration, amendment or modification in convenient form available for public inspection in the office of the Authority for at least ten days; and
2. Post in a public place a notice declaring the board of directors' intention to consider adopting such rule, regulation, alteration, amendment or modification and informing the public that the Authority will at a public meeting consider the adoption of such rule or regulation or such alteration, amendment, or modification, on a day and at a time to be specified in the notice, after the expiration of at least ten days from the first day of the posting of the notice thereof. The Authority's rules and regulations shall be available for public inspection in the Authority's principal office.

The Authority's rules and regulations relating to: (i) traffic, including but not limited to motor vehicle speed limits and the location of and charges for public parking; (ii) access to Authority facilities, including but not limited to solicitation, handbilling, and picketing; and (iii) site management and maintenance shall have the force of law, as shall any other rule or regulation of the Authority, which shall contain a determination by the Authority that it is necessary to accord the same force and effect of law in the interest of the public safety. However, with respect to motor vehicle traffic rules and regulations, the Authority shall obtain the approval of the appropriate official of the political subdivision in which such rules or regulations are to be enforced. The violation of any rule or regulation of the Authority relating to motor vehicle traffic shall be tried and punished in the same manner as if it had been committed on the public roads of the participating political subdivision in which such violation occurred. All other violations of the rules and regulations having the force of law shall be punishable as misdemeanors.

§ 15.2-6609. Reports.

The Authority shall keep minutes of its proceedings, which minutes shall be open to public inspection during normal business hours. It shall keep suitable records of all its financial transactions and shall arrange to have the same audited annually by an independent certified public accountant. Copies of each such audit shall be furnished to each participating political subdivision and shall be open to public inspection.

§ 15.2-6610. Procurement.

All contracts that the Authority may let for professional services, nonprofessional services, or materials shall be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

§ 15.2-6611. Deposit and investment of funds.

Except as provided by contract with a participating political subdivision, all moneys received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this act. All moneys

of the Authority shall be deposited as soon as practicable in a separate account or accounts in one or more banks or trust companies organized under the laws of the Commonwealth or national banking associations having their principal offices in the Commonwealth. Such deposits shall be continuously secured in accordance with the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq.).

Funds of the Authority not needed for immediate use or disbursement may, subject to the provisions of any contract between the Authority and the holders of its bonds, be invested in securities that are considered lawful investments for fiduciaries.

§ 15.2-6612. Authority to issue bonds.

The Authority shall have the power to issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of Authority facilities and including the payment or retirement of bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable, both as to principal and interest: (i) from its revenues and receipts generally and (ii) exclusively from the revenues and receipts of certain designated facilities or loans whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contribution from a participating political subdivision, the Commonwealth or any political subdivision, agency or instrumentality thereof, any federal agency or any unit, private corporation, co-partnership, association, or individual, as such participating political subdivision, or other entities, may be authorized to make under general law or by pledge of any income or revenues of the Authority or by mortgage or encumbrance of any property or facilities of the Authority. Unless otherwise provided in the proceeding authorizing the issuance of the bonds, or in the trust indenture securing the same, all bonds shall be payable solely and exclusively from the revenues and receipts of a particular facility or loan. Bonds may be executed and delivered by the Authority at any time and from time to time may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding forty years from the date thereof, may be payable at such place or places whether within or without the Commonwealth, may bear interest at such rate or rates, may be payable at such time or times and at such places, may be evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided and specified by the board of directors in authorizing each particular bond issue.

If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the Authority are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the Authority any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the Authority may be sold at public or private sale in such manner and from time to time as may be determined by the board of directors of the Authority to be most advantageous, and the Authority may pay all costs, premiums, and commissions that its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the Authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same facility or any other facility, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Any bonds of the Authority at any time outstanding may from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any costs, premiums, or commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby, with the consent of the holders of the bonds so to be refunded, and regardless of whether or not the bonds to be refunded were issued in connection with the same facilities or separate facilities, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or on different dates or shall be due serially or otherwise.

All bonds shall be signed by the chairman or vice-chairman of the Authority or shall bear his facsimile signature, and the corporate seal of the Authority or a facsimile thereof shall be impressed or imprinted thereon and attested by the signature of the secretary (or the secretary-treasurer) or the assistant secretary (or assistant secretary-treasurer) of the Authority or shall bear his facsimile signature, and any coupons attached thereto shall bear the facsimile signature of said chairman. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before delivery of such bonds, such signature, or such facsimile, shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. When the signatures of both the chairman or the vice-chairman and the secretary (or the secretary-treasurer) or the assistant secretary (or the assistant secretary-treasurer) are facsimiles, the bonds must be authenticated by a corporate trustee or other authenticating agent approved by the Authority.

If the proceeds derived from a particular bond issue, due to error of estimates or otherwise, shall be less than the cost of the Authority facilities for which such bonds were issued, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue shall exceed such cost, the surplus may be deposited to the credit of the sinking fund for such bonds or may be applied to the payment of the cost of any additions, improvements, or enlargements of the Authority facilities for which such bonds shall have been issued.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds that shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions, or things that are specifically required by this act; provided, however, that nothing contained in this act shall be construed as affecting the powers and duties now conferred by law upon the State Corporation Commission.

All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of and shall be and are hereby made negotiable instruments under the Uniform Commercial Code of Virginia (§ 8.1-101 et seq.), subject only to provisions respecting registration of the bonds.

In addition to all other powers granted to the Authority by this act, the Authority is authorized to provide for the issuance, from time to time of notes or other obligations of the Authority for any of its authorized purposes. All of the provisions of this act that relate to bonds or revenue bonds shall apply to such notes or other obligations insofar as such provisions may be appropriate.

§ 15.2-6613. Fees, rents, and charges.

The Authority is hereby authorized to and shall fix, revise, charge, and collect fees, rents, and other charges for the use and services of any facilities or access site. Such fees, rents, and other charges shall be so fixed and adjusted as to provide a fund sufficient with other revenues to pay the cost of maintaining, repairing, and operating the facilities and the principal and any interest on its bonds as the same shall become due and payable, including reserves therefor. Such fees, rents, and charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth or any participating political subdivision. The fees, rents, and other charges received by the Authority, except such part thereof as may be necessary to pay the cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in any resolution authorizing the issuance of such bonds or in any trust indenture or agreement securing the same, shall to the extent necessary be set aside at such regular intervals as may be provided in any such resolution or trust indenture or agreement in a sinking fund or sinking funds pledged to, and charged with, the payment and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of such bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. So long as any of its bonds are outstanding, the fees, rents, and charges so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of any such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture or agreement.

§ 15.2-6614. Credit of Commonwealth and political subdivisions not pledged.

Bonds issued pursuant to the provisions of this act shall not be deemed to constitute a debt of the Commonwealth, or any political subdivision thereof other than the Authority, but such bonds shall be payable solely from the funds provided therefor as herein authorized. All such bonds shall contain on the face thereof a statement to the effect that neither the Commonwealth, nor any political subdivision thereof, nor the Authority, shall be obligated to pay the same or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor and that neither the faith and credit nor the taxing power of the Commonwealth, or any political subdivision thereof, is pledged to the payment of the principal of such bonds or the interest thereon or other costs incident thereto.

All expenses incurred in carrying out the provisions of this act shall be payable solely from the funds of the Authority and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall be available to the Authority.

Bonds issued pursuant to the provisions of this act shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

§ 15.2-6615. Directors and persons executing bonds not liable thereon.

Neither the board of directors nor any person executing the bonds shall be liable personally for the Authority's bonds by reasons of the issuance thereof.

§ 15.2-6616. Security for payment of bonds; default.

The principal of and interest on any bonds issued by the Authority shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a trust indenture covering all or any part of the Authority facilities from which revenues or receipts so pledged may be derived, including any enlargements of any additions to any such projects thereafter made. The resolution under which the bonds are authorized to be issued and any such trust indenture may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents for any portions thereof leased by the Authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement, and trust indenture made for the benefit or security of any of the bonds of the Authority shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any trust indenture executed as security therefor, may be enforced by mandamus, suit, action, or proceeding at law or in equity to compel the Authority and the directors, officers, agents, or employees thereof to perform each and every term, provision and covenant contained in any trust indenture of the Authority, the appointment of a receiver in equity, or by foreclosure of any such trust indenture, or any one or more of said remedies.

§ 15.2-6617. Taxation.

The exercise of the powers granted by this act shall in all respects be presumed to be for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their health, safety, welfare, convenience and prosperity, and as the operation and maintenance of any project that the Authority is authorized to undertake will constitute the performance of an essential governmental function, the Authority shall not be required to pay any taxes or assessments upon any facilities acquired and constructed by it under the provisions of this act and the bonds issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any political subdivision thereof. Persons, firms, partnerships, associations, corporations, and

organizations leasing property of the Authority or doing business on property of the Authority shall be subject to and liable for payment of all applicable taxes of the political subdivision in which such leased property lies or in which business is conducted including, but not limited to, any leasehold tax on real property and taxes on hotel and motel rooms, taxes on the sale of tobacco products, taxes on the sale of meals and beverages, privilege taxes and local general retail sales and use taxes, taxes to be paid on licenses in respect to any business, profession, vocation or calling, and taxes upon consumers of gas, electricity, telephone, and other public utility services.

§ 15.2-6618. Bonds as legal investments.

Bonds issued by the Authority under the provisions of this act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital, in their control or belonging to them. Such bonds are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

§ 15.2-6619. Appropriation by political subdivision.

Any participating political subdivision, or other political subdivision of the Commonwealth, is authorized to provide services, to donate real or personal property and to make appropriations to the Authority for the acquisition, construction, maintenance, and operation of the Authority's facilities. Any such political subdivision is hereby authorized to issue its bonds, including general obligation bonds, in the manner provided in the Public Finance Act (§ 15.2-2600 et seq.) or in any applicable municipal charter for the purpose of providing funds to be appropriated to the Authority, and such political subdivisions may enter into contracts obligating such bond proceeds to the Authority.

The Authority may agree to assume, or reimburse a participating political subdivision for any indebtedness incurred by, such participating political subdivision with respect to facilities conveyed by it to the Authority.

§ 15.2-6620. Contracts with political subdivisions.

The Authority is authorized to enter into contracts with any one or more political subdivisions.

§ 15.2-6621. Agreement with Commonwealth and participating political subdivisions.

The Commonwealth and, by participating in the Authority, each participating political subdivision, pledge to and agree with the holders of any bonds issued by the Authority that neither the Commonwealth nor any participating political subdivision will limit or alter the rights hereunder vested in the Authority to fulfill the terms of any agreements made with said holders or in any way impair the rights and remedies of said holders until such bonds are fully met and discharged. The Authority is authorized to include this pledge and agreement in any contract with the holders of the Authority's bonds.

§ 15.2-6622. Liberal construction.

Neither this act nor anything contained herein is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this act.

§ 15.2-6623. Application of local ordinances, service charges, and taxes upon leaseholds.

Nothing herein contained shall be construed to exempt the Authority's property from any applicable zoning, subdivision, erosion and sediment control, and fire prevention codes or from building regulations of a political subdivision in which such property is located. Nor shall anything herein contained exempt the property of the Authority from any service charge authorized by the General Assembly pursuant to Article X, Section 6 (g) of the Constitution of Virginia, or exempt any lessee of any of the Authority's property from any tax imposed upon his leasehold interest in such property or upon the receipts derived therefrom.

§ 15.2-6624. Existing contracts, leases, franchises, etc., not impaired.

No provisions of this act shall relieve, impair, or affect any right, duty, liability, or obligation arising out of any contract, concession, lease, or franchise now in existence except to the extent that such contract, concession, lease, or franchise may permit. Notwithstanding the foregoing provisions of this section, the Authority may renegotiate, renew, extend the term of, or otherwise modify at any time any contract, concession, lease, or franchise now in existence in such manner and on such terms and conditions as it may deem appropriate, provided that the operator of or under any said contract, concession, lease, or franchise consents to said renegotiation, renewal, extension, or modification.

§ 15.2-6625. Withdrawal of membership.

Any member jurisdiction may withdraw from membership in the Authority by resolution or ordinance of its governing body. However, no member jurisdiction shall be permitted to withdraw from the Authority after any obligation has been incurred except by unanimous vote of all member jurisdictions.

Name. The name and title of this Authority is the Middle Peninsula Chesapeake Bay Public Access Authority.

Office. The principal office of the Middle Peninsula Chesapeake Bay Public Access Authority shall be in Saluda, Virginia.

Seal. The Authority's seal shall be circular in form and shall have inscribed thereon the name of the Authority and the words "Corporate, Virginia 2003."

Appointment and Tenure of Board of Directors. The powers of the Authority shall be vested in the directors thereof in office. The governing body of each participating political subdivision shall appoint the number of directors, who may be members of the appointing governing body, set forth opposite its name below:

County of Essex 1
County of Gloucester 1
County of King and Queen 1
County of King William 1
County of Mathews 1
Town of West Point 1
Town of Tappahannock 1

The initial term for the Director from Essex County shall be one year
The initial term for the Director from Gloucester County shall be one year
The initial term for the Director from King and Queen County shall be two years
The initial term for the Director from King William County shall be three years
The initial term for the Director from Mathews County shall be two years
The initial term for the Director from the Town of West Point shall be four years
The initial term for the Director from the Town of Tappahannock shall be two years

After the initial term, a director will serve a four-year term or until his / her successor is appointed and qualified. The governing body of each political subdivision shall be empowered to remove at any time, without cause, any director appointed by it and appoint a successor director to fill the remaining portion of the removed director's term. The governing body of each member political subdivision may appoint an alternate whose term shall be the same as the director of each political subdivision, provided, however, that the alternate's term shall not expire because of a director's death, disqualification, resignation, or termination of employment with the director's political subdivision. For purposes of these ByLaws, if a director is not present at a meeting of the Authority, the alternate for that member political subdivision present at a meeting shall have all the voting and other rights of a director hereunder and shall be counted for the purposes of determining a quorum at any meeting of the Authority. Wherever reference is made in these By-Laws to "directors," such term shall include an alternate acting in place of a director pursuant to the conditions set forth in the immediately preceding sentence. All notices provided for herein shall be given to alternates as well as directors.

Organization. A majority of the directors in office shall constitute a quorum. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all rights and perform all duties of the Authority. Business shall be conducted according to Robert's Rules of Order.

Meetings. The Board of Directors shall hold regular meetings on the second Friday of even months: February, April, June, August, October, and December (scheduled clarified August 2003 meeting). At the first meeting in any year, the Authority shall elect officers for the ensuing year, and in the event that such a day is legal holiday under the laws of the Commonwealth of Virginia, then the same shall be held the next succeeding secular day not a legal holiday under the laws of said commonwealth, or at such time as may be determined by resolution of the Authority.

Special Meetings. Special meetings of the Authority may be called by any three directors upon at least three working days written notice to each director served personally or left at his/her usual place of business or residence

Special Subcommittee. Any Director may establish a subcommittee comprised of members of his / her choosing to work with Authority staff to advance projects from the Directors locality.

Officers. The Board of Directors shall annually elect a chairman and a vice-chairman from their membership, a secretary and a treasurer or a secretary-treasurer from their membership or not as they deem appropriate, and such other officers as they may deem appropriate.

Executive Director. The Board of Directors may appoint an executive director, who shall not be a director, who shall exercise such powers and duties as may be delegated to him by the Board of Directors, including powers and duties involving the exercise of discretion.

Duties of Officers.

Chairman: The Chairman shall conduct all meetings of the Board of Directors and shall have general and active management of the affairs of the Authority.

Vice-Chairman: The Vice-Chairman shall have all powers and duties of the Chairman in the absence or disability of the Chairman.

Secretary: The Secretary shall act as clerk of all meetings of the Authority; shall record all proceedings of such meetings, sending a copy of each meeting's minutes to each director following the regular meeting; shall record all votes and shall have custody of all books and records of the

Authority, except those kept by the Treasurer, and shall jointly with the Chairman execute all contracts and perform all other duties as may be assigned from time to time.

Treasurer: The Treasurer shall jointly with the Chairman sign all checks upon moneys of the Authority, and keep the financial records of the Authority, provide for the custody of the funds and other property of the Authority, and perform all other duties incident to his / her office.

Other Officers: Such other officers as may from time to time be selected by the Board of Directors shall perform such duties as may be specifically assigned to them by the Authority.

Compensation. Each director may be reimbursed by the Authority for the amount of actual expenses incurred by him in the performance of his / her duties.

Amendments. These By-Laws may be altered, amended, and/or repealed by the majority members of the Board of Directors at any meeting after thirty days' prior written notice of such an intention to each Director by the Secretary.

Appendix I:
MIDDLESEX COUNTY PUBLIC ACCESS SURVEY ANALYSIS

Middlesex County Public Access Survey Analysis

The Middle Peninsula Planning District Commission (MPPDC), Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA), and Middlesex County staff developed a Public Access Survey to better understand public access needs and larger waterfront conflicts that may be occurring along the shoreline of Middlesex County. The survey opened January 3, 2016 and closed March 31, 2016. To advertise this survey articles were sent to the Southside Sentinel, Gazette Journal and the Rappahannock Times for publication which explained the reason for the survey and how citizens could access the surveys. Surveys were available online and hard copies of the survey were available at the Middlesex County Administrator's Office and at local businesses including Hurd's Hardware, M & M Building Supply, Deltaville Market, West Marine, and Patti's Diner. In addition, the survey was available in the Town of Urbanna at the Town Office, the Urbanna Post Office, and the Virginia Street Café. Hard copies of surveys completed and submitted to Middlesex County were entered in the survey monkey system by MPPDC staff.

In all 102 constituents participated in this survey. Of the 102 citizens 84 (82.35%) were concerned about access to the waterways of the Commonwealth from Middlesex County; 41 (40.20%) have been a resident of or property owner in Middlesex County for 10-25 years, while 35 (34.31%) respondents have been a resident for more than 25 years, and 19 (18.63%) respondents have been a resident for 5-10 years. Only 2 (1.96%) survey participants were not a resident of or property owner in Middlesex County. The respondents describe themselves as private or recreational boaters (83.33%), waterfront land owners (59.80%), and private or recreational anglers (41.18%). The primary uses of the waterways or shorelines of Middlesex County include boating (91.18%), fishing (64.71%), swimming (60.78%), waterfront land owner (58.82%), walking/hiking (40.20%), sun-bathing (36.27%), birding (16.67%), public fishing pier (10.78%), hunting (2.94%), as well as picnicking, sightseeing, beach access and photography.

The survey respondents primarily identified themselves as boaters. More specially they are power boaters (41.58%), sailors (32.67%) and kayaking/canoeing (19.80%). Forty-three percent of these boaters access the water from private access sites, while 28% will access water through a lease or through ownership of a boat slip. To launch a boat, 49.49% of boaters will drive less than 5 miles to launch their boat and 31.31% do not drive to launch their boat. With all these boaters 75.26% do not pay to launch their boat; however, those boaters that do pay to launch their boat, they pay \$5-\$20 (the majority pay \$10) per launch and/or \$240-\$2,100 per year. Ninety-two percent of boaters responding to the survey stated that they have not lost access to a boat launch site in Middlesex County in the past 5 years, while 7.29% of respondents stated that they have lost access to a boat launch including Fairfield Landing, Locklies Creek, and the Wake Public Landing

Concerns and Issues of Public Access

The specific water access conditions that respondents were most **concerned** about include lack of beach access (47.06%), lack of boat ramps (38.24%), lack of managed, maintained policed

and operated sites (34.31%), lack of safe swimming areas (25.49%), lack of public fishing piers (18.63%), lack of public or private boat slips for transients (short-term use) (12.75%), lack of charter boat activity (6.86%), and lack of commercial fish houses (5.88%). Other concerns listed by respondents including losing small craft landings, water quality, the County boat tax, increased waterway traffic (i.e. Jackson Creek), and need for dredging (i.e. Jackson Creek, Urbanna Creek, and Broad Creek). The **threats** to access to the waterways of the Commonwealth from Middlesex County identified by respondents include overall lack of public water access sites (50%), lack of financial support from Middlesex County or the MPCBPAA (33.33%), loss of conversion of existing access sites to private ownership (32.35%), lack of funding from the Commonwealth for or provision of access facilities (30.39%), and coastal destruction due to storms and other hazards (22.55%). Other threats identified by respondents include lack of dredging of waterways, lack of coordination between public and private facilities, management of sites and the oversight of visitors, and environmental/water quality.

More specifically respondents ranked the problems relating to the public boat ramps, public beaches/swimming, boat slips, public fishing pier and shore fishing, and commercial seafood houses:

PUBLIC BOAT RAMPS:

1. (Largest problem) Ramp conditions are deteriorating and not being improved.
2. ramp sites lack adequate parking.
3. General need to more ramps in more areas.
4. There is not enough access.
5. Ramps are closing or being replaced for carry-on boat.
6. (Smallest problem) The wait time at ramp is too long or multiple ramps needed.

PUBLIC BEACHES/SWIMMING:

1. (Largest problem) There are not enough public beach access sites.
2. Lack of public facilities (rest rooms, picnic tables, grills, etc.) at beach sites.
3. Lack of property regulation, operation, and management (hours of operation, enforcement, trash pickup, security, etc.) of beach sites.
4. (Smallest problem) Public access sites lack of parking.

BOAT SLIPS:

1. (Largest problem) Cannot be accessed due to shoaling.
2. Have been priced above market value.
3. Are being demolished.
4. (Smallest problem) Are not available.

PUBLIC FISHING PIER AND SHORE FISHING:

1. (Largest problem) Was never available.
2. On-shore fishing locations have turned a private ownership or private owners forbid fishing use.
3. (Smallest problem) Is not available in areas where good fishing grounds exist.

COMMERCIAL SEAFOOD HOUSES:

1. (Largest problem) Property tax is too high for watermen to retain the property.
2. Are being replaced by private development.
3. Not enough catch for watermen to make a living.
4. County regulations inhibit use or development.
5. Commonwealth of Virginia regulations inhibit use or development.
6. (Smallest problem) Not enough workers/labor force available (crab pickers, oyster shuckers, dockhands, etc.).

Creating a Vision for Public Access in Middlesex County

To help shape a vision for the public access sites within Middlesex County, the survey posed a variety of questions for respondents. First, respondents believed that the loss of access for water-dependent commercial activity and recreational activity would have negative consequences for Middlesex County. They also believed that public private partnerships should be established to ensure the preservation of working waterfront infrastructure, such as docks, wharves, marines and boat yard and other facilities.

Respondents ranked their preferred types of public access, as follows:

1. (Most preferred) Public beaches with adequate parking for multiple users
2. Boat ramps with adequate parking for multiple users;
3. Public parks with water views and adequate parking for multiple users;
4. A network of access sites for paddling;
5. Fishing Piers; and
6. (Least preferred) A network of small, special purpose access sites (i.e. hunting blinds, birding and hiking).

Other preferred types of public access identified by respondents included deep water slips, an outdoor amphitheater facility with seating for concerts, and waterfront walking/pleasure bicycling trails. Additionally, respondents provided multiple comments about public access preferences in Middlesex County, including the following:

"I would prefer fewer and larger multiple use facilities that are strategically located to provide needed types of access. This would help minimize county costs for purchases, operation, and would have less negative impact on adjoin land owners. Think how our

county school system has evolved from numerous smaller schools to a more centralized one and why this was necessary.”

“Public access sites need to be identified on open waters.”

“County support for private facilities to minimize cost to the public but encourage local job creation.”

“Middlesex residents and tourists would both benefit from a location that provides public beach access, boat ramp and a pier, but it would need to be maintained. There is a huge lack in maintained public access.”

To further develop the vision of public access in Middlesex County the majority of respondents (74.23%) agreed that Middlesex County should provide public access sites for different user groups that utilize access for different purposes, such as small sites with limited reserved parking spots to control the level of intensity of use such as passive recreational use for paddle boards, bird watchers and kayakers. The majority of respondents agreed (63.92%) that the MPCBPAA and 52.63% respondents agreed that the Commonwealth of Virginia should provide public access sites for different user groups that utilize access for different purposes, such as small sites with limited reserved parking spots to control the level or intensity of use such as passive recreational use or paddle boarders, bird watchers and kayakers. Respondents provided comments from different ends of the spectrum -from encouraging coordination to stating no need for an outside authority to control level or intensity of use. Many of the comments provided by respondents support the idea of that all entities (i.e. Middlesex County, MPCBPAA, and the Commonwealth) should work together. Additionally, respondents believed that Middlesex County is providing access for residents (65 respondents believed this), Transients/Tourists (16 respondents believed this), and Commercial Users (4 respondents believe this).

Respondents identified a variety of working waterfront infrastructure that should be protected, including the Public Dock in Deltaville, Northside of Deltaville, Jackson Creek, Broad Creek, Urbanna, LaGrange Creek, dragon Run and Locklies. They also identified working waterfronts as historic connection including Deltaville, Urbanna, Jackson Creek, Board Creek, Fairfield Landing, Fishing Bay, Locklies Creek, Waterview, Robinson’s Creek, and North End Plantation. Moreover, respondents identified locations where new public boat ramps could be should be located Middlesex County. The following are listed in the order of location preference for new public boat ramps: Piankatank River, Rappahannock River, Jackson Creek, Broad Creek, Dragon Run, and Fishing bay, Locklies Creek and Robinson Creek. Specific location listed include: Stingray Point (Route 3), Deltaville (i.e. Paradise Lane, Jackson Creek, Fishing Bay Area, Fishing Bay Rd), General Pulled Highway (Route 33), Urbanna, Churchview, Jamaica, Camp Piankatank, Locust Hill/Hartfield and Dragon Run. There was even mention of having sites located at the west and east end of the county for floating trips.

Improvements to existing working waterfront infrastructure according to respondents should include:

- Policing the grounds and what people should not be allowed to do
- Parking at facilities at public pier at the end of Timberneck Road, Urbanna Town Marina
- Dredging of access channels (i.e. Urbanna, Jackson, and Board Creeks)
- Interpretative signage at sites
- Habitat management at sites
- Developed public beach development on Rappahannock at White Stone Bridge.
- Rebuild the beach in Urbanna

When respondents were asked about the tools to improve public access in Middlesex County, respondent ranked those included in the survey:

1. (Most preferred) Developing better management and operation models from public access areas.
2. Encouraging private donations (land and funding) for the protection for public access.
3. Working with property owners to save working waterfronts through easements or to other partnerships.
4. Zoning (to protect and manage land and water uses).
5. Public financing dedicated to working waterfronts or public access.
6. Developing laws and regulations for the protection of public access.
7. Fees or other taxation operations (for special projects like dredging, new boat ramps, or land acquisition).
8. (Least preferred) Transfer of development rights (protect key sites from development or conversion).

However, when respondents were specifically asked about public access fees, the majority of respondents were opposed to fees (28.43%), 25.49% believed a pass system for annual or seasonal use, 10.78% agreed with a fee based on parking lot, 9.80% agreed with a one-time use fee, 8.82% agreed with a higher fee for non-local in-state residents, and 7.84% agreed with a higher fee for out-of-state residents. Other tools suggested by respondents through comments included: Legal (police) monitoring, restrooms, trash pickup, monitored closing at night; Strategic public access plan; Dredging access areas; Public access should be pay to use; Eliminate the boat tax; Environmental protection should be a priority; Work with federal and state governments and nature conservancies to create parks and reserves; Do not impose a new tax; and Improve direction signage for visitors to find access sites.

Respondents also provided other actions that Middlesex County should take to improve public access throughout the County:

1. (Most preferred) Facilitate better management and operation of public access areas;
2. Have information online dedicated to public access issues;
3. Track public and private access (maps and information available for public use);
4. Educate the public on access issues;
5. Fund research on causes for diminishing access;
6. Fund capital investments such as public wharves;

7. Establish legislation for protecting access; and
8. (Least preferred) Fund research on causes for diminishing access.

With regards to public mooring fields, the majority of survey respondents (60.24%) believe that they are appropriate. They also believe that mooring fields should be used on a first come-first serve basis. However, when asked if the public mooring field should be rented for long term use the majority of respondents disagreed by 54.32%.

Current Public Access Sites & Community Thoughts

In addition to gathering general community perspectives on public access and tools/approaches to improve public access, the survey requested information and feedback regarding specific public access locations throughout Middlesex County.

First, according to 62 respondents ranked the sites that were used most by respondents:

1. Route 630 – Stampers’ Bay Landing and ramp
2. Route 3- Greys Point
3. Route 621 – Locklies Land and County Dock;
Route 627 – Garlands Landing / Mill Wharf Road Landing/Wake Beach;
Route 655 – Twiggs Ferry Landing
4. Route 628 - Mill Creek Lower Landing;
Paradise Lane (New County Owned waterfront on Jackson Creek)
5. Route 626 – Upper Mill Creek Landing and ramp;
Route 708 – Fairfield Landing;
Route 634 – Whiting Creek Landing and ramp
6. Route 608 – Mill Stone Landing and ramp;
Route 618 – Oakes Landing and ramp
7. Route 605 – Canoe House Landing Beach
8. Route 631 – North End Landing and ramp
9. Middle Peninsula Chesapeake Bay Public Access Authority Kennsbury Road Tact (Near Healy Creek)

Those sites not listed above were not ranked by respondents, including Watson’s Landing (Off of State Route 617) and Route 661 – Quarter Landing.

Below is a table with the publically owned access sites and responses to three survey questions including the top uses at sites, concerns or limiting factors at sites, and is there a need for bathrooms and/or porta potty:

Route	Top Uses for the site	Concerns or limiting factors to review, research, or addressed	Need for Bathrooms and/or porta potty ranked
Publically Owned Access Sites			
Virginia Department of Transportation			
Route 3 -Greys Point	1. Swimming 2. bank fishing 3. Kayak launch	Trash/litter; fencing or other hardscaping; need dock; traffic concern	Yes. Ranked 2nd (42.86%)
Route 605 -Canoe House Landing Beach	1. Swimming 2. Boat launch 3. Kayak launch	Local nudist pose issue; fishing, boats landing and open fires should be prohibited narrow roads; <i>"Would prefer the small public beach on Canoe house road be defined as a swimming beach only. No fishing, or boats allowed on the beach and no open fires. Remove this beach form maps so that it is used by the local population and not being advertised to folks outside and local area. People come from Northern Virginia and Maryland to fish and camp. It is not designed for that. It is very small (150 feet wide and only about 10-15 deep)."</i>	Yes. Ranked 5th (19.05%)
Route 627 – Garlands Landing/ Mill Wharf Road Landing/Wake Beach	1. Boat Launch 2. Swimming 3. Kayak Launch	Trespassing on adjacent private property; visitor inappropriate behavior and loitering; too busy; access road	Yes. Ranked 1 st (47.62%)
Route 628 – Mill Creek Lower Landing	No responses	Trespassing on adjacent private property	Yes. Ranked 7 th (9.52%)
Route 630 – Stamper’s Bay Landing and ramp	1. Boat Launch 2. Kayak Launch 3. Picnicking	Improve ramp and build a dock; lack of signage; clean up brush around area	Yes. Ranked 3 rd (38.10%)

Route	Top Uses for the site	Concerns or limiting factors to review, research, or addressed	Need for Bathrooms and/or porta potty ranked
Route 655 – Twiggs Ferry Landing	No responses	Improve parking; possible fishing pier location of some street parking could be carved out on the road	Yes. Ranked 7 th (9.52%)
Route 661 – Quarter Landing	1. Trailer boat launch	No responses	Yes. Ranked 7 th (9.52%)
Virginia Department of Game and Inland Fisheries			
Route 608 – Mill Stone Landing and Ramp	1. Boat launch 2. Kayak launch 3. Swimming	No responses	Yes. Ranked 6 th (14.29%)
Route 626 – Upper Mill Creek Landing and ramp	1. Boat Launch 2. Swimming 3. Picnicking	Encroachment by the public	Yes. Ranked 6 th (14.29%)
Route 618 – Oakes Landing and ramp	1. Boat Launch 2. Fishing 3. Kayak Launch	Parking availability; safety of vehicles; access road	Yes. Ranked 6 th (14.29%)
County Owned Sites			
Route 621 – Locklies Landing and County Dock	1. Commercial Seafood 2. Kayak Launch 3. Fishing	Restaurant parking overtakes landing parking; lack of habitat	Yes. Ranked 4 th (23.81%)
Route 631 – North End Landing and ramp	1. Trailer Boat Launch	No responses	Yes. Ranked 8 th (4.76%)
Route 634 – Whiting Creek Landing and ramp	1. Trailer/ Boat Launch	No responses	Yes. Ranked 6 th (14.29%)
Route 708 – Fairfield Landing	1. Kayak/Canoe Launch 2. Birding 3. Picnicking	Lack of signage; remove dead-end sign; no parking	Yes. Ranked 8 th (4.76%)
Watson’s Landing	1. Trailer boat launch	No responses	Yes. Ranked 8 th (4.76%)
Route 1102 – Ruark’s Landing	No responses	No responses	Yes. Ranked 7 th (9.52%)
Paradise Lane	1. Kayaking 2. Trailer Boat Launch 3. Picnicking	Too shallow; Water quality; Residential	Yes. Ranked 3 rd (38.10%)

Route	Top Uses for the site	Concerns or limiting factors to review, research, or addressed	Need for Bathrooms and/or porta potty ranked
Middle Peninsula Chesapeake Bay Public Access Authority			
PAA Kennsbury Road Tract	No responses	No responses	No response

Finally, twenty-nine respondents ranked those public access sites that should be considered for closure, including:

1. Paradise Lane
2. Route 708 – Fairfield Landing
3. Route 627 – Garlands Landing/Mill Wharf Road Landing/ Wake Beach
4. Route 655 – Twigg's Ferry Landing; Middle Peninsula Chesapeake Bay Public Access Authority Kennsbury Road Tract
5. Route 605 – Canoe House Landing Beach; Route 608 – Mill Stone Landing and Ramp; Route 628 – Mill Creek Road Lower Landing; Watson's Landing (off of State Route 617)

The majority of the reasons to close sites focused on Paradise Lane, including:

Paradise Land – LIFO (Last in first out)

Boat traffic in that creek would be of concern. The channel seems to be in need for more dredging maintenance affected by more boat traffic and there are no boat speed restrictions on Jackson Creek.

It is in a residential area on a residential creek and does not have adequate depth.

Too shallow. Totally residential creek with many sailboats in lips. Not suited for powerboats above 5 mph.

This site is located on an estuary teeming with wildlife and falls within dangerously shallow water (under 1 ft in most circumstances). Additionally, it falls at the tail end of a waterway predominantly used by charter, swimmers, kayakers, and families of small children looking for a safe haven to enjoy the water. Inserting a boat landing at the site would physically disrupt all the above attributes that attract so many to the beautiful piece of heaven, and would be a costly endeavor considering the geological properties of the space.

In addition to Paradise Lane there was mention that Wake Beach: *The public beach in this area cannot accommodate the demand- the beach is too small, there is not enough parking and the road cannot safely accommodate the traffic, the beach and parking area are not properly maintained (trash pickup) or patrolled (people are there after dark, speeding up and down the road, drinking, fires on the beach trespassing, etc.)*

Those sites not listed above were not ranked by respondents, including Route 3 – Greys Point, Route 618 – Oakes Landing and ramp, Route 621 – Locklies Landing and County Dock, Route 626 – Upper Mill Creek Landing and ramp, Route 630 Stamper’s Bay Landing and ramp, Route 631 - North End Landing, Route 634 – Whiting Creek Landing and ramp, and Route 661 – Quarter Landing.

The survey also asked about Route 602 and 603 to access the Dragon Run and majority of respondents have not used these sites. According to many of the comments, respondents did not know that these access sites existing.

The survey identified working waterfront sites and asked what type of improvements are needed. Below are a list of the working waterfront sites and improvements identified by survey respondents:

Site Name	Needed Improvements
Route 636 – Broad Creek Landing/County Dock in Timberneck	<ul style="list-style-type: none"> • Parking • Make location public/private • Small boat access for docking
Route 1101 – Jackson Creek Landing/ Lovers Lane State Dock	<ul style="list-style-type: none"> • Ban commercial boats • Add railings • Promote citizens keeping boats tied up there • Road needs to be paved • Dredge Jackson Creek • Parking • Small dock access for docking • Floating dock • Signage • General maintenance of structure

For specific responses regarding public access sites in Middlesex County please see Appendix A.

Summary

While the survey consisted of 51 questions, 11 questions were required in which all 102 respondents responded to and 40 questions were not required in which an average of 35 respondents responded to. Therefore it can be assumed that the majority of respondents either did not know the answers to the questions or respondents merely choose not respond. However when looking at the final comments of the survey, multiple comments stated that they were unfamiliar with the access sites and were unable to respond to many of the questions.

To help summarize, common themes were found to run throughout responses, including:

- Need of channel dredging (especially in Jackson Creek)
- Need of parking at many public access sites
- Need for outreach material about the public access
- No fees wanted to launch at access sites
- Need for new public policy regarding public access
- Oversight of people at sites is needed, particularly at public beaches
- Having proper facilities at public access locations (ie. porta potties; trash cans) is needed.

Additionally, throughout the survey respondents stated multiple times that the conditions at Paradise Lane, including the shallow water depth, the waterway traffic, and being in a residential area, were not suitable for a new access site. Paradise Lane was also ranked first to be the access site that Middlesex County should consider closing.

In conclusion, this survey has provided a wealth of information about public access in Middlesex County. From identifying threats, to current issues, to shaping a vision for public access in the County for the future, Middlesex County has opinions to weigh and perspectives from the public to consider.

Appendix A: Survey Respondents regarding public access sites

ROUTE 621 - LOCKLIES LANDING AND COUNTY DOCK

41. Of the County owned sites listed below, how do you use these sites and what problems have you experienced at these sites?

Ranked 4th out of the six county owned sites listed.

Comments:

- No longer accessible - no trailer parking. Merrior hostile to launching. County dock should continue. Several places near ramp could be purchased for trailer parking. Consider donation or low purchase price over time.
- RECREATION, NO ACCESS, NOT MAINTAINED.
- I do not use them.
- Did not know about some of these sites - Could you please buy land at Stingray Point - the beach is lovely there –
- didn't know about 2/3 rds of these sites

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Not selected by respondents.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (I.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Offloading	2/21/2016 8:56 AM
2	Commercial fishing parties, kayak/canoe/access	2/17/2016 10:05 PM
3	ALL	2/15/2016 11:17 AM
4	Trailer boat launch	2/11/2016 9:02 PM
5	Offload seafood, fishing	1/13/2016 8:31 PM
6	I understand this is a decent location, but I seldom use it.	1/11/2016 11:53 AM
7	Boat and kayak launching	1/4/2016 5:09 PM
8	Trailor boat launch, fishing	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Restaurant parking overtakes small lot and road, too many boats docked, unattended children, trees have all been cut down/lack of habitat	2/17/2016 10:05 PM
2	Local restaurant has made it too congested	1/9/2016 12:15 PM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 4th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- I have never used any of these landing sites

- None needed
- Wake Beach could have restrooms.
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 631 - NORTH END LANDING AND RAMP

41. Of the County owned sites listed below, how do you use these sites and what problems have you experienced at these sites?

Ranked 5th out of six sites listed

Comments:

- RECREATION,NO ACCESS, NOT MAINTAINED
- I do not use them.
- Did not know about some of these sites - Could you please buy land at Stingray Point - the beach is lovely there –
- didn't know about 2/3 rds of these sites

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Not selected by respondents.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Landing	2/21/2016 8:56 AM
2	ALL	2/15/2016 11:17 AM
3	I was unaware there was public access down North End Road	1/11/2016 11:53 AM
4	Trailor boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Where is it?	1/13/2016 8:31 PM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 8th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- I have never used any of these landing sites
- None needed
- Wake Beach could have restrooms.
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 634 - WHITING CREEK LANDING AND RAMP

41. Of the County owned sites listed below, how do you use these sites and what problems have you experienced at these sites?

Ranked 3rd out of six listed sites

Comments:

- RECREATION,NO ACCESS, NOT MAINTAINED
- I do not use them.
- Did not know about some of these sites - Could you please buy land at Stingray Point - the beach is lovely there –
- didn't know about 2/3 rds of these sites

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Not selected by respondents.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Landing and ramp	2/21/2016 8:56 AM
2	ALL	2/15/2016 11:17 AM
3	I'm unfamiliar with this landing	1/11/2016 11:53 AM
4	Boat launching	1/4/2016 5:09 PM
5	Trailor boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

NO RESPONSES

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 6th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 708 - FAIRFIELD LANDING

41. Of the County owned sites listed below, how do you use these sites and what problems have you experienced at these sites?

Ranked 1st out of six sites listed

Comments:

- parking full
- parking is an issue. not access to ramp
- kayaking – no problems

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Ranked 2nd out of 17 listed sites

Comments:

- All should be considered for closing because they may not fit into any reasonable "master" plan for the county that defines type, number and location of public access sites. They could be sold to purchase sites identified in the master plan.
- Very long access to deep water over wide wetlands. Should not be used for boat access.
- none should be closed for any reason only 6 developed now
- I'm not familiar with all these public access areas and am unable to make an informed comment about closing any of them.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Birding, kayak, canoeing, historical site	2/26/2016 3:26 PM
2	Landing	2/21/2016 8:56 AM
3	ALL DO NOT MAKE ANY DEALS WITH MR. FLEETALL	2/15/2016 11:17 AM
4	Historic site that needs a sign telling why it's important to Middlesex's history. Good location for kayak, canoe launching, hiking, picnicking	2/3/2016 3:04 PM
5	I've found nothing wrong and I hope it stays that way	1/31/2016 1:41 PM
6	Remove the Deadend sign! Kayaking, birdwatching	1/27/2016 11:11 PM
7	Small boat, canoe, kayak, birding	1/13/2016 8:31 PM
8	Massive stretch of narrow waterfront land. If the beach could be improved by putting in rocks in the river, could be very useful. However, if it could be sold to the landowner it is beside for a very county-fair price, and the money put towards acquiring other waterfront land, that could be acceptable	1/11/2016 11:53 AM
9	There is no parking here, so its only good for the locals, or to drop off canoes/kayaks	1/10/2016 2:13 PM
10	No parking	1/9/2016 12:15 PM
11	Picnicking, kayaking	1/4/2016 5:09 PM
12	Trailer boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Dead end road sign limits use	2/26/2016 3:26 PM
2	Lack of historical site signage, lack of general signage for access	2/3/2016 3:04 PM
3	Love it. It is beautiful there.	1/31/2016 1:41 PM
4	Remove the deadend sign; install historical marker	1/27/2016 11:11 PM
5	None, there is no parking or beach an dto shallow to launch boat	1/26/2016 10:26 AM
6	No room for landing	1/17/2016 5:46 PM
7	Direction signs, cleanup road side at end	1/13/2016 8:31 PM

8	There is no parking here, so it's only good for the locals, or to drop off canoes/kayaks	1/10/2016 2:13 PM
9	No parking- shallow water	1/9/2016 12:15 PM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 8th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

WATSON'S LANDING (OFF OF STATE ROUTE 617)

41. Of the County owned sites listed below, how do you use these sites and what problems have you experienced at these sites?

Not selected by respondents.

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Ranked 5th out of 17 listed sites

Comments:

- All should be considered for closing because they may not fit into any reasonable "master" plan for the county that defines type, number and location of public access sites. They could be sold to purchase sites identified in the master plan.
- Very long access to deep water over wide wetlands. Should not be used for boat access.
- none should be closed for any reason only 6 developed now
- I'm not familiar with all these public access areas and am unable to make an informed comment about closing any of them.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Landing	2/21/2016 8:56 AM
2	All	2/15/2016 11:17 AM
3	2	1/17/2016 5:46 PM
4	I am unfamiliar with this landing	1/11/2016 11:53 AM
5	Trailor boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

NO RESPONSES

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 8th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

"PARADISE LANE" (NEW COUNTY OWNED WATERFRONT ON JACKSON CREEK)

41. Of the County owned sites listed below, how do you use these sites and what problems have you experienced at these sites?

Ranked 2nd out of the six county owned sites listed.

Comments:

- New power boaters are not honoring the "No Wake" zones, are dumping brown water in the Creek, throwing garbage in the creek, etc. Shut this ramp down now.
- Paradise Lane is not a suitable location for a public boat landing.
- Cannot use because there is no water depth there
- Not enough water in Jackson Creek for power boat access
- There is very minimal water depth at this location
- I know this location but have never used it. Boat traffic in that creek would be of concern. The channel seems to be in need of more dredging maintenance, affected by more boat traffic and there are no boat speed restrictions on Jackson Creek.
- I've run aground there many times as there is limited depth.
- Water too shallow
- Paradise Lane is NOT an official site to use or launch water vessels. There is not deep water at this location.

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Ranked 1st out of 17 listed sites

Comments:

- New power boaters are not honoring the "No Wake" zones, are dumping brown water in the Creek, throwing garbage in the creek, etc. Shut this ramp down now. Noise levels are high and disturbing to residents. Crowding on weekends.
- Paradise Lane is not an appropriate site for public usage
- It is in a residential neighborhood located on a residential creek with no water depth
- Far too shallow for boat access
- Too much traffic in the creek and not adequate depth.
- This is a residential neighborhood on a residential creek that has minimal depth. There are established homeowners as well as wildlife on this creek that would be greatly disturbed with the implementation of a public water access point.
- Boat traffic on Jackson Creek. No deep water.
- Very little water depth
- Boat traffic in that creek would be of concern. The channel seems to be in need of more dredging maintenance, affected by more boat traffic and there are no boat speed restrictions on Jackson Creek.
- This site is located on an estuary teeming with wildlife and falls within dangerously shallow water (under 1 ft in most circumstances). Additionally, it falls at the tail end of a waterway predominantly used by charters, swimmers, kayakers, and families of small children looking for a safe haven to enjoy the water. Inserting a boat landing at this site would physically disrupt all of the above attributes that attract so many to this beautiful piece of heaven, and would be a costly endeavor considering the geological properties of the space. LIFO (Last in first out)
- Too shallow. Totally residential creek with many sailboats in slips. Not suited for powerboats above 5 mph.
- residential & too shallow
- It is in a residential area on a residential creek, and does not have adequate depth
- It is in a residential area on a residential creek with water too shallow for use.

- WILL RUIN THE QUIET OWNERSHIP OF HOUSES FOR PEOPLE IN THIS AREA. THE LOCALS WILL NOT USE IT. IT WILL BE FOR THE OUT OF TOWNERS AND THAT WILL NOT CONTRIBUTE TO THE TOWN. they WILL SPEND LOTS OF MONEY ON BEER AT 7-11. IS THAT REALLY WHAT WE WANT?

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	PUBLIC PARK FOR KAYAK USE ONLY	4/4/2016 11:21 AM
2	Trailer boat launch	3/30/2016 11:42 AM
3	All except commercial seafood and perhaps trailer boat launching	3/24/2016 10:13 PM
4	Trailer boat launch	3/2/2016 6:04 PM
5	Kayak & canoe launch, trailer boat launch	2/24/2016 5:31 PM
6	Kayak launch only	2/21/2016 12:40 PM
7	Kayak launch	2/21/2016 8:56 AM
8	Paddling only	2/20/2016 10:44 PM
9	All	2/15/2016 11:17 AM
10	Kayak launch	2/13/2016 12:59 PM
11	No trailer boat launching. Other functions OK.	2/8/2016 10:19 PM
12	3	1/17/2016 5:46 PM
13	Boat ramp	1/16/2016 2:25 PM
14	Picnick, birding, canoe, kayak, grilling	1/13/2016 8:31 PM
15	Great acquisition by the county. A public ramp on Jackson Creek, if the water depth is good enough, would be fantastic here. Plenty of space for parking. A kayak launch would be great too, and picnic areas.	1/11/2016 11:53 AM
16	Kayak launch, picnicking	1/10/2016 2:13 PM
17	All forms of use	1/9/2016 12:15 PM
18	Trailer boat launch, swimming, fishing	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Wastewater into Jackson Creek.	3/15/2016 6:14 PM
2	Discharge of water plant wastewater into Jackson's Creek	3/7/2016 10:03 AM
3	Residential & too shallow	3/3/2016 12:37 PM
4	Limited access, no facilities, parking, shallow water	2/26/2016 3:46 PM
5	Please see above for more information	2/25/2016 1:29 PM
6	There is not enough water here for boat launch	2/21/2016 12:40 PM
7	The possibility for water filtration system to be discharging waste into the creek	2/21/2016 9:43 AM
8	New location – environmental concerns	2/21/2016 8:56 AM
9	Far too shallow for boat access	2/21/2016 6:51 AM
10	Not enough water for power boats	2/20/2016 10:44 PM
11	Water plant discharging wastewater into Jackson Creek	2/19/2016 10:35 PM
12	Too close to private homes; too far to open water	2/9/2016 10:04 AM
13	No trailer boat launching. Other functions OK.	2/8/2016 10:19 PM
14	Should be well managed and maintained	1/16/2016 2:25 PM
15	Can one currently launch kayaks here? The last I saw it, it was just purchased.	1/10/2016 2:13 PM
16	Could have all features	1/9/2016 12:15 PM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 3rd out of 17 listed sites

Comments:

- You need to address the upper part of the county and allow those people to have a facility they can go to without having to travel 20 minutes out. They are the "forgotten" group.
- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them
- A porta potty would make sense at Norris Bridge. More advanced facilities at Mill Creek, Wake Beach, and Paradise lane would be good because those are locations where people congregate and stay.
- paradise lane if developed
- Because of location
- None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- Unless gated and staffed, none of them should have bathroom facilities
- Most all
- None that don't have it.
- Deltaville needs public access - bathrooms and water to drink! This would enhance public access to waterways and tourism.
- part of master plan

ROUTE 3 - GREYS POINT LANDING / NORRIS BRIDGE BEACH

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Ranked 4th of 10 listed sites

Comments:

- Parking
- Limited parking, litter
- No problem
- Lack of restroom facilities and trash receptacles. Mud holes at Grey's Point

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Not selected by respondents

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	trailer boat launch	3/30/2016 11:42 AM
2	all	3/24/2016 10:13 PM
3	Kayak Launch and gishing	2/26/2016 3:26 PM
4	Picnicking, bank fishing, and kayak launch	2/25/2016 11:15 AM
5	launch, picnicking	2/21/2016 8:56 AM
6	Beach access	2/17/2016 10:05 PM
7	ALL	2/15/2016 11:17 AM
8	swimming, sunning kayak launch,	2/13/2016 12:59 PM
9	Bank fishing	2/11/2016 9:02 PM
10	Swimming, picnicking	1/27/2016 11:11 PM
11	Swimming and beach access	1/26/2016 10:26 AM
12	1	1/17/2016 5:46 PM
13	Swimming, picnicking	1/15/2016 11:42 AM
14	Fishing, birding, kayak	1/13/2016 8:31 PM
15	Bank fishing, picnicking, kayak or canoe launch	1/11/2016 4:05 PM
16	Small but good little beach with easy access. I see people fishing often and occasionally go there. Uncomfortable close to the highway to let my dog run free	1/11/2016 11:53 AM
17	Swimming-bank fishing- picnicking	1/9/2016 12:15 PM
18	Boat launching (trailer boats) bank fishing	1/4/2016 5:09 PM
19	Fishing, trailer boat launch, swimming	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Trash & litter.	2/25/2016 11:15 AM
2	Fencing or other hardscaping along the highway, and grading the "parking" area would be beneficial.	1/11/2016 11:53 AM
3	Need dock	1/9/2016 12:15 PM
4	Traffic concern	1/4/2016 5:09 PM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 2rd out of 17 listed sites

Comments:

- Public awareness and public traffic which monitors behaviors a "little" better. No small site "200 or less feet" out in full view, the hot sun and surrounded by private land should have toilet facilities in full view.
- Any recreational area for beach going needs facilities
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staff, one of them should have bathroom facilities
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- None needed
- A porta potty would make sense at Norris Bridge. More advanced facilities at Mill Creek, Wake Beach, and Paradise lane would be good because those are locations where people congregate and stay.
- I don't really know where most of these sites are located. Need a map to show them
- All should have porta-potties
- You need to address the upper part of the county and allow those people to have a facility they can go to without having to travel 20 minutes out. They are the "forgotten" group.

ROUTE 605 – Canoe House Landing Beach

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Ranked 5th out of 17 listed sites

Comments:

- All should be considered for closing because they may not fit into any reasonable "master" plan for the county that defines type, number and location of public access sites. They could be sold to purchase sites identified in the master plan.
- Very long access to deep water over wide wetlands. Should not be used for boat access.
- none should be closed for any reason only 6 developed now
- I'm not familiar with all these public access areas and am unable to make an informed comment about closing any of them.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Swimming	2/21/2016 8:56 AM
2	All	2/15/2016 11:17 AM
3	Swimming, paddling	1/11/2016 1:09 PM
4	I am unfamiliar with this beach	1/11/2016 11:53 AM
5	Swimming, kayak launching, picnicking	1/4/2016 5:09 PM
6	Swimming, fishing, trailer boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Local nudist poses a problem	3/28/2016 9:52 AM
2	Fishing (too small to swim and fish) should be prohibited, as well as boat landing and open fires.	1/11/2016 1:09 PM
3	Narrow roads	1/4/2016 5:09 PM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 5rd out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 608 - MILL STONE LANDING AND RAMP

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Ranked 9th of 10 listed sites

Comments:

- Parking
- Walking

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Ranked 5th out of 17 listed sites

Comments:

- All should be considered for closing because they may not fit into any reasonable "master" plan for the county that defines type, number and location of public access sites. They could be sold to purchase sites identified in the master plan.
- Very long access to deep water over wide wetlands. Should not be used for boat access.
- none should be closed for any reason only 6 developed now
- I'm not familiar with all these public access areas and am unable to make an informed comment about closing any of them.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Trailer boat launch & kayak launch	2/25/2016 11:15 AM
2	Landing and ramp	2/21/2016 8:56 AM
3	ALL	2/15/2016 11:17 AM
4	I am unfamiliar with this landing	1/11/2016 11:53 AM
5	Swimming, boating	1/4/2016 5:09 PM
6	Trailer boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed –

NO RESPONSES

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 6rd out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 618 - OAKES LANDING AND RAMP

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Ranked 7th out of 10 listed sites

Comments:

- Viewing – no problem
- Lack of restroom facilities and trash receptacles. Lack of parking is a huge problem at Oaks Landing

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Not selected by respondents

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Landing and ramp	2/21/2016 8:56 AM
2	Fishing	2/17/2016 10:05 PM
3	ALL	2/15/2016 11:17 AM
4	Fishing, kayak, canoe	1/13/2016 8:31 PM
5	Good launch site but very limited parking. Probably a decent fishing site.	1/11/2016 11:53 AM
6	Boat launching	1/4/2016 5:09 PM
7	Trailer boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Lack of adequate parking	2/25/2016 11:15 AM
2	Safety of vehicle	2/13/2016 12:59 PM
3	Access road	1/13/2016 8:31 PM
4	Parking availability	1/4/2016 5:09 PM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 6th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- None needed
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them
- none should be closed for any reason only 6 developed now
- I'm not familiar with all these public access areas and am unable to make an informed comment about closing any of them.
- None

ROUTE 626 - UPPER MILL CREEK LANDING AND RAMP

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Ranked 8th out of 10 listed sites

Comments:

- chaotic parking and beachgoers
- We are located on the water between Rt. 626 and 627 and have experienced constant problems at these sites for the last 21 years
- RECREATION, THESE AREAS HAVE BEEN NEGLECTED BY COUNTY SUPERVISORS

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Not selected by respondents

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Landing and ramp	2/21/2016 8:56 AM
2	Boat launch	2/17/2016 10:05 PM
3	ALL	2/15/2016 11:17 AM
4	Probably the best overall site in the county. Good ramp, fair parking, decent beach access	1/11/2016 11:53 AM
5	Swimming, picnicking	1/4/2016 5:09 PM
6	Trailer boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Encroachment by the public	3/16/2016 8:25 AM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 6th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- I have never used any of these landing sites
- None needed
- Wake Beach could have restrooms.
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 627 - GARLANDS LANDING / MILL WHARF ROAD LANDING/ WAKE BEACH

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Ranked 2nd out of 10 listed sites

Comments:

- No problems
- RECREATION,THESE AREAS HAVE BEEN NEGLECTED BY COUNTY SUPERVISORS
- Limited parking. Litter.
- NUMBER ONE Mill Wharf Road Landing is not, and never has been monitored. We are a private property owner very close to the site. Urination and defecation, in full view of the public on adjoining private landowners properties. Sexually explicit behaviors in public view day or night. Loud noise day or night. Trash thrown or left at the site or on private landowners properties. Public lack of respect for private landowners property by utilizing their beach, obtaining and using private landowners outdoor "furniture." Public denying that private landowners have the right to tell them they cannot use their beach. Local police called and tell private landowners there is nothing they can do.
- Need portapottie and trashcans
- Parking
- Swimming, walking
- Despite signage informing the public that this boat landing is not to be used for swimming and sunbathing, there are numerous infractions of these rules. The public routinely trespasses onto adjacent private property at the boat landing and the Wake beach. There is great demand for public access to beachfront property and very little access, therefore the public tends to ignore no trespassing signs on private property. We believe larger beach areas accessible to the public are needed. Additionally, we strongly believe that property owners who are required to pay large real estate tax bills for owning waterfront property should not have to tolerate constant trespassing by the public. Improved enforcement is necessary.
- We are located on the water between Rt. 626 and 627 and have experienced constant problems at these sites for the last 21 years

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Ranked 3rd out of 17 listed sites

Comments:

- The public beach in this area cannot accommodate the demand - the beach is too small, there is not enough parking and the road cannot safely accommodate the traffic. The beach and parking area are not properly maintained (trash pickup) or patrolled (people are there after dark, speeding up and down the road, drinking, fires on the beach, trespassing, etc.)
- I am not familiar enough with other landings but Garland's is a nice beach but very small. Parking is very limited.
- All should be considered for closing because they may not fit into any reasonable "master" plan for the county that defines type, number and location of public access sites. They could be sold to purchase sites identified in the master plan.
- none should be closed for any reason only 6 developed now
- I'm not familiar with all these public access areas and am unable to make an informed comment about closing any of them.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Swimming	3/24/2016 10:13 PM
2	Landing	2/21/2016 8:56 AM
3	Beach access	2/17/2016 10:05 PM
4	ALL	2/15/2016 11:17 AM
5	Very busy in Season	1/31/2016 1:41 PM
6	Swimming, kayaking	1/27/2016 11:11 PM
7	Swimming, birding, kayak canoe	1/13/2016 8:31 PM
8	Fishing, kayaking, swimming	1/13/2016 3:30 PM
9	Smallish but probably the best public beach in the county I know of. However, pales in comparison to Mathews beaches. Expansion of this beach would be excellent	1/11/2016 11:53 AM
10	Swimming, kayaking boat launching	1/4/2016 5:09 PM
11	Trailor boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Trespassing on adjacent private property	4/1/2016 12:08 AM
2	Too small	3/24/2016 10:13 PM
3	Behavior of public, including encroachment on private property, noise, alcohol consumption, sexual explicit activity, public defecation, speeding traffic, destruction of property, etc. No routine policing, trash pickup or buffer between adjoining properties. Policing must be done by adjoining landowners	3/16/2016 8:25 AM
4	Inadequate parking and patrolling	2/11/2016 9:02 PM
5	Love it but it is a little bit too busy in season for Kayak	1/31/2016 1:41 PM
6	Access road	1/13/2016 8:31 PM
7	During daytime, up 'till sunset, it is pleasant to hear the kids playing. After sunset teens tend to come at all hours of early morning making noise and parting. 2:30 AM does not make me happy when I have to work the following morning. During the day, people come over on my property to urinate, defecate, go out on my pier, throw equipment in the water, destroy lighting on the dock, climb on top of my boathouse and jump off. It takes deputies about 30 minutes to respond. Perhaps I should start calling the supervisors so they can see how irritating this is. I would be glad to discuss further.	1/13/2016 3:30 PM
8	Has become a loitering hangout – needs policing	1/9/2016 12:15 PM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 1st out of 17 listed sites

Comments:

- we have found paper where people have use the woods UGH. Also please consider dog poop bag stands, and always a trash can.
- The public enjoys this beach and needs improved facilities. More trash receptacles and bathroom facilities.
- It is the busiest spot that I have used.
- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- Any recreational area for beach going needs facilities
- None needed
- Wake Beach could have restrooms.

- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- Unless gated and staffed, none of them should have bathroom facilities
- Most all
- A porta potty would make sense at Norris Bridge. More advanced facilities at Mill Creek, Wake Beach, and Paradise lane would be good because those are locations where people congregate and stay.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 628 - MILL CREEK ROAD LOWER LANDING

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Ranked 3rd out of 10 listed sites

Comments:

- RECREATION, THESE AREAS HAVE BEEN NEGLECTED BY COUNTY SUPERVISORS
- Parking
- To view water
- Walking
- Despite signage informing the public that this boat landing is not to be used for swimming and sunbathing, there are numerous infractions of these rules. The public routinely trespasses onto adjacent private property at the boat landing and the Wake beach. There is great demand for public access to beachfront property and very little access, therefore the public tends to ignore no trespassing signs on private property. We believe larger beach areas accessible to the public are needed. Additionally, we strongly believe that property owners who are required to pay large real estate tax bills for owning waterfront property should not have to tolerate constant trespassing by the public. Improved enforcement is necessary.

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Ranked 5th out of 17 listed sites

Comments:

- none should be closed for any reason only 6 developed now
- I'm not familiar with all these public access areas and am unable to make an informed comment about closing any of them.
- All should be considered for closing because they may not fit into any reasonable "master" plan for the county that defines type, number and location of public access sites. They could be sold to purchase sites identified in the master plan.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Landing	2/21/2016 8:56 AM
2	ALL	2/15/2016 11:17 AM
3	All	1/13/2016 8:31 PM
4	Very small public beach attracted to very nice private beach. If private beach could be acquired, this could be a dynamite site	1/11/2016 11:53 AM
5	Same as above [<i>Smallish but probably the best public beach in the county I know of. However, pales in comparison to Mathews beaches. Expansion of this beach would be excellent.</i>]	1/4/2016 5:09 PM
6	Trailer boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Trespassing on adjacent private property	4/1/2016 12:08 AM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 7th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 630 - STAMPER'S BAY LANDING AND RAMP

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Ranked 1st out of 10 listed sites

Comments:

- I've used this landing/ramp to launch a kayak. I experienced an uncomfortable drop-off and ended up falling into the water. The biggest problem with all these sites is lack of Signage announcing where they are located and how to get to them.
- Route 630 - used for launching kayaks
- No real parking area.
- No problem
- parking

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Landing and ramp	2/21/2016 8:56 AM
2	ALL	2/15/2016 11:17 AM
3	Trailer boat launch, kayak, canoe, beach and picnicking	2/3/2016 3:04 PM
4	Trailer boat launch	1/26/2016 10:26 AM
5	Fishing, picnicking, kayak & canoe launch	1/11/2016 4:05 PM
6	Only public ramp on the Piankatank that I know of. Very unimproved – no dock, though parking on the road isn't bad. Putting a dock on this landing and improving the ramp itself should be a high priority as it is the best access for the Piankatank in the county	1/11/2016 11:53 AM
7	Launching boat-off loading fishing	1/9/2016 12:15 PM
8	Boat launching, picnicking, kayak launching	1/4/2016 5:09 PM
9	Trailer boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Lack of good signage for access, also needs maintenance for safe launching	2/3/2016 3:04 PM
2	Parking could be enhanced with cleaning up brush around the area	1/26/2016 10:26 AM
3	In planning stage	1/13/2016 8:31 PM
4	Improve the ramp and build a dock	1/11/2016 11:53 AM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 3rd out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- None needed

- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 655 - TWIGGS FERRY LANDING

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Ranked 5th out of 10 listed sites

Comments:

- Parking

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Ranked 4th out of 17 listed sites

Comments:

- none should be closed for any reason only 6 developed now
- I'm not familiar with all these public access areas and am unable to make an informed comment about closing any of them.
- All should be considered for closing because they may not fit into any reasonable "master" plan for the county that defines type, number and location of public access sites. They could be sold to purchase sites identified in the master plan.

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Trailer boat launch	3/30/2016 11:42 AM
2	Kayak launch	2/24/2016 5:31 PM
3	Landing	2/21/2016 8:56 AM
4	All	2/15/2016 11:17 AM
5	Kayak launch	2/11/2016 9:02 PM
6	Trailer boat launch	1/26/2016 10:26 AM
7	No parking, pretty useless as a boat ramp, but often used as a fishing point. Probably best left as-is- possibly a fishing pier location but parking is limited	1/11/2016 11:53 AM
8	Trailer boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

#	Response	Date
1	Improve parking	1/26/2016 10:26 AM
2	Bad condition	1/22/2016 9:36 AM
3	Possible fishing pier location of some street parking could be carved out on the road	1/11/2016 11:53 AM

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 7th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This

will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.

- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

ROUTE 661 - QUARTER LANDING

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Not selected by respondents

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Not selected by respondents

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Landing	2/21/2016 8:56 AM
2	All	2/15/2016 11:17 AM
3	I am unfamiliar with this landing	1/11/2016 11:53 AM
4	Trailor boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

NO RESPONSES

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 7th out of 17 listed sites

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
 - part of master plan
 - None that don't have it.
 - Most all
 - Unless gated and staffed, none of them should have bathroom facilities
 - None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
 - I don't really know where most of these sites are located. Need a map to show them.

ROUTE 1102 - RUARK'S LANDING

42. Of the Virginia Department of Transportation (VDOT) and or Department of Game and Inland Fisheries (DGIF) controlled sites listed below how do you use these sites and what problems have you experienced at these sites?

Ranked 6th out of 10 listed sites

Comments:

- Parking
- RECREATION, THESE AREAS HAVE BEEN NEGLECTED BY COUNTY SUPERVISORS

44. Of the sites overseen by VDOT, DGIF, and or owned by the County listed below, please describe the top two or three uses you believe could be accommodated at each site? (i.e. bank fishing and kayak launch or trailer boat launch and picnicking or birding, swimming, off loading of seafood, etc.)

#	Response	Date
1	Landing	2/21/2016 8:56 AM
2	ALL	2/15/2016 11:17 AM
3	Everything down there is marked as private –there's county land here?	1/11/2016 11:53 AM
4	Trailor boat launch	1/4/2016 11:05 AM

45. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, please describe any concerns you have or limiting factors that should be reviewed, researched or addressed

NO RESPONSES

46. Of the sites overseen by VDOT, DGIF and/or owned by the County listed below, and assuming adequate parking exists, what sites should have bathrooms and/or porta potty available and why?

Ranked 7th out of 17

Comments:

- People need to use the restroom at times that are inconvenient. I have had health issues and sometimes it is imperative to have a restroom, others have these issues as well and you can't leave the ramp to find a rest room.
- part of master plan
- None that don't have it.
- Most all
- Unless gated and staffed, none of them should have bathroom facilities
- None needed
- Sanitary facilities should be available at every single public access site. Porta-potties can be emptied/replenished on a regular cycle to determine which access sites are used the most. This will help determine if permanent sanitary facilities should be installed. Fish cleaning stations may need to be installed as well.
- All should have porta-potties
- I don't really know where most of these sites are located. Need a map to show them.

MIDDLE PENINSULA CHESAPEAKE BAY
PUBLIC ACCESS AUTHORITY KENNSBURY ROAD TRACT (NEAR HEALY CREEK)

43. Regardless of public ownership, of the sites listed below, what sites should be considered for closure and why?

Ranked 4th out of 17 listed sites

Comments:

- Very long access to deep water over wide wetlands. Should not be used for boat access.
- All should be considered for closing because they may not fit into any reasonable "master" plan for the county that defines type, number and location of public access sites. They could be sold to purchase sites identified in the master plan.
- none should be closed for any reason only 6 developed now
- I'm not familiar with all these public access areas and am unable to make an informed comment about closing any of them.

Appendix J:
MIDDLESEX COUNTY FULL SITE ASSESSMENT #1



MIDDLESEX COUNTY

PUBLIC ACCESS SITE ASSESSMENT REPORT

DARRIN LEE

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I. INTRODUCTION

Middlesex County is a coastal community located between the Rappahannock River, Piankatank River and the Chesapeake Bay. Middlesex County has approximately 135 miles of shoreline. The two major crossing points into Middlesex County are the Twiggs Ferry Bridge that connects to Mathews County and the Robert O. Norris Bridge to Lancaster County. Middlesex County has one incorporated town, the town of Urbanna. Saluda is an unincorporated community in Middlesex that serves as the county seat. The other unincorporated communities are Deltaville, Topping and Hartfield. The total population in Middlesex County is 10,959.

The three major highways in the county are Route 3(Greys Point Road), Route 33(General Puller Highway) and Route 17(Tidewater Trail).

The 16 sites selected for this assessment cover approximately 0.95 miles of shoreline. This is only 0.7 percent of the total shoreline in Middlesex County. However, this report is an initial starting point that will eventually help guide decisions to make significant impacts for the public.

The coastline has transitioned over the last 100 years with the end of the steamboat era in the 20th century. Privatization of the coast left many without access to the water for recreational and commercial activities.

PURPOSE

This report is produced for Middlesex County and will contribute to the larger efforts of the Middle Peninsula Planning District Commission and The Middle Peninsula Chesapeake Bay Public Access Authority. Two students from the regional planning program at Virginia Commonwealth University were tasked with completing the individual site assessments.

Having access to the creeks and rivers is such an integral part of this community, efforts to increase outdoor recreational opportunities on the coast are important in establishing a high quality of life and economic base. The Middle Peninsula Chesapeake Bay Public Access Authority was formed in 2002 to address the critical challenges associated with limited public access in the region.

The Middlesex Public Access Survey was administered by the Middle Peninsula Planning District Commission and conducted from January to March 2016. The survey was made available online and in hard copy format. The results of the survey made it possible to narrow down the number of access sites. This report includes the assessment of sixteen water access sites within Middlesex County.

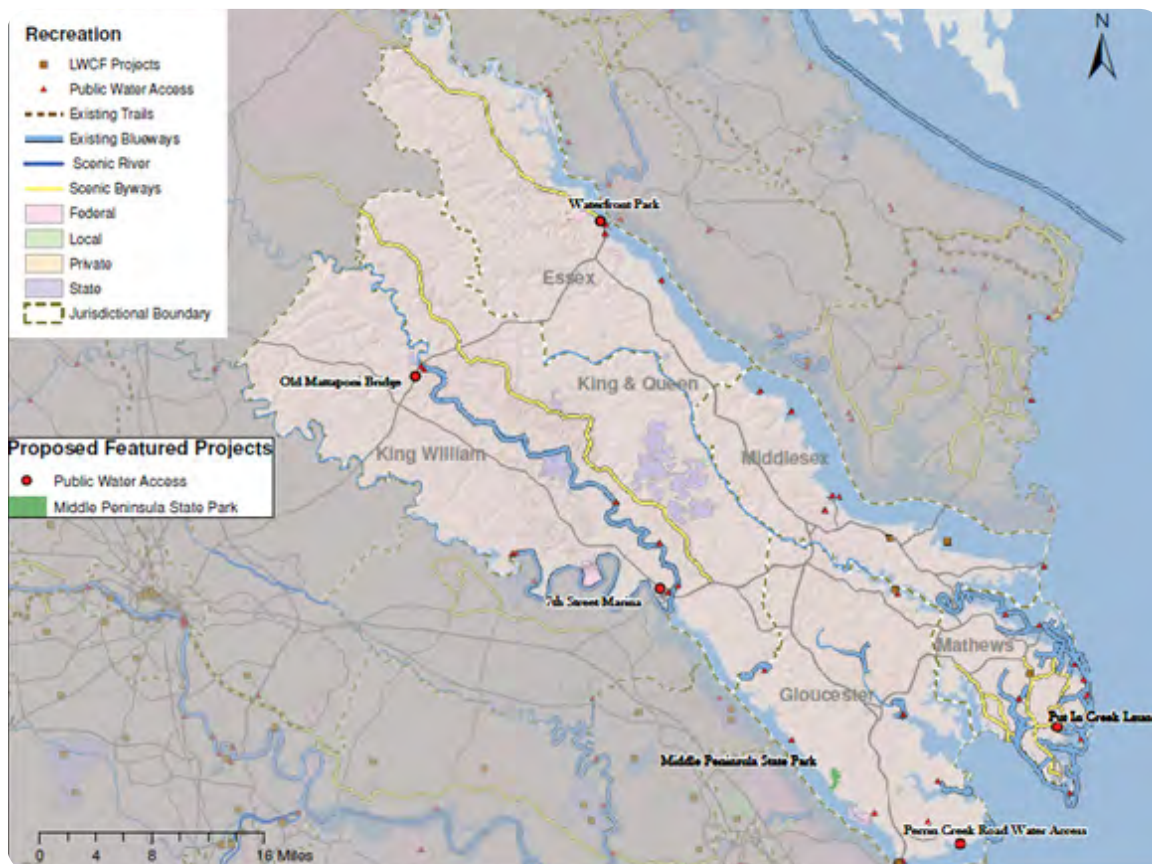
Site visits were completed between March 3rd and March 24th of 2016. The parameter of the report is intended to cover site improvements, new potential uses and discontinuation of low performing sites. Current conditions were recorded according to the Public Access Site Assessment for Middlesex County form located at the end of this document.

The evaluation also involved analyzing the spatial layout of site features at each location, vehicular accessibility, the proximity to residential structures and identifying signage and delineation from private property. The report also documented the observations of site activity during each visit, ranging from the use of boat ramps, beachfront and fishing piers to defensive behaviors and attitudes toward public access.

The planning aspects of this report view the sites in a more collective sense by incorporating surrounding resources and assets into the site recommendations. These objectives will encourage some regional cooperation. Planning both inside and outside of an isolated terrain will help to realize the collective value and produce equitable solutions. There is also an emphasis on physical connectivity through land to water paths via bicycle, pedestrian and water trails. The sites are categorized into two large groups with one being connected to the Rappahannock River side and the other the Piankatank River. The final recommendations will follow guiding principles that are based largely on the themes listed below.

Specific to planning public access sites in the Middle Peninsula decision makers should consider the following themes. Recently there has been a level of consensus in public attitude towards the types of uses and infrastructure to implement at access sites. This goes beyond the general definition of public access and gives definition and detail to planning objectives.

There is an extensive list of uses but they can be organized into three main categories, non-motorized boat access, beach access and fishing access. According to the 2013 Virginia Outdoor Plan activities such as jogging are less desired compared to other activities such as sunbathing, swimming at the beach and access to public swimming pools. The plan also indicates that there is a demand for crabbing and public fresh and saltwater fishing areas. Providing infrastructure for non-motorized boats is another recurring theme in the need for canoe and kayak access. This makes it a priority to be creative in adapting existing sites to accommodate for activities such as car-top boat launching. Spaces for outdoor education, preservation of historic resources and walking and water trails are also very popular in recreational planning. Map 1.1 from the Virginia Outdoor Plan shows recreational features including public water access sites, Land and Water Conservation Fund projects, trails, scenic rivers and existing blueways that border Mathews and Middlesex counties.



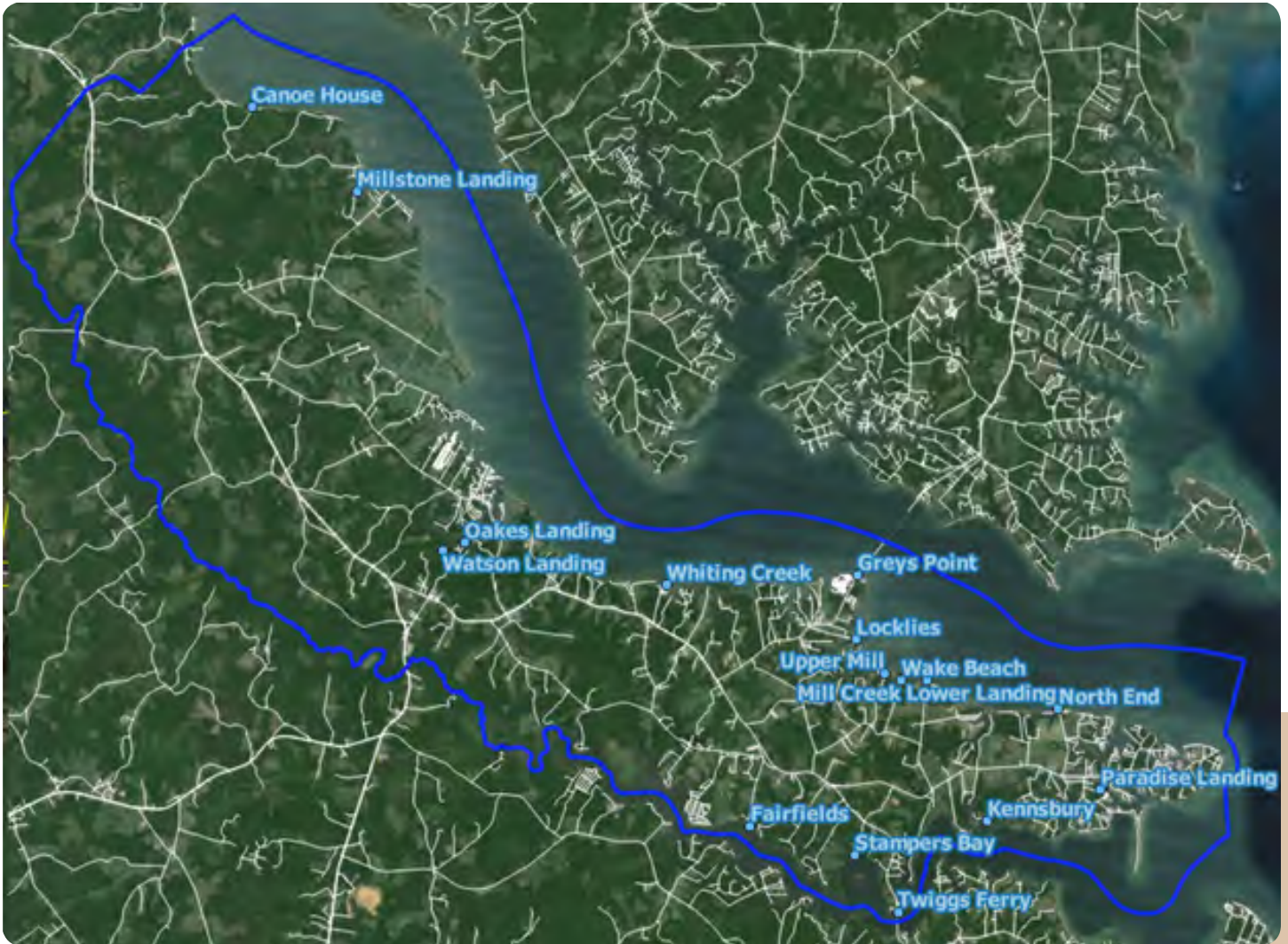
Map 1.1 Middle Peninsula featured projects

RANKING CRITERIA

Each site has unique qualities and is not homogeneous but a standard was applied to prioritize the sites so that decision makers can more easily concentrate on implementing policies and allocating resources strategically. In the future it may be beneficial to establish a uniform identity with marketing and branding of public sites in Middlesex County. These ranking scores are based on amenities, infrastructure and proximity to residential or commercial entities. Each site earns a value of 1 for the features that it has, some features have higher values based on demand. The signage feature also has a value of 1 and is determined by signs indicating rules and regulations. The delineation feature is scored by the presence of fences, barriers, ropes or any structured placed at the boundary line. The proximity score is calculated based on the quantity of structures that are coded as red, yellow and green. Structures that are within 0 to 220 feet are assigned a red value, indicating a high potential for conflict. Residential or commercial structures that are within 221 to 370 feet are assigned a yellow value, meaning there is a medium potential for conflict. Any structure that is more 371 feet away is given a value of green which indicates a low potential for conflict. These colors are then assigned a value of -2 for red, -1 for yellow and 0 for green. The chart can be repopulated after final recommendations are made. Please refer to the score chart on page 26 in the summary section for details.

All structures referred to in the site evaluation section are residential with one exception of a commercial business at the Locklies Landing site. The purpose of the 'structures within close visible range' category is to identify potential conflicts between neighboring uses rather than only the specific type of entity. This is based on the theory of proximity, which recognizes that close range distances between individual uses, whether commercial or residential will increase the likelihood of conflict.

II. SITE EVALUATION



Map 1.2 Middlesex Public Access Assessment Sites

GREYS POINT LANDING

Items and Amenities

Beach front – shoreline = 450 feet,
54 feet at widest point,
outdoor waste receptacles (2)

Parcel

Commonwealth of VA, 1.207 acres

Town/Community

Greys Point



Body of Water

Rappahannock River

Type of water body

Estuarine and Marine Deepwater

Water depth

1 foot

Structures in close visible range

12

Condemned Shellfish Area

No

Signage and Delineation

55 miles per hour traveling southbound, littering is illegal, Middlesex County Gateway sign, Middlesex Chargers

Parking

The parking area at this site is graveled and is very informal, there are no parking blocks or designated spaces for parking. Recreational users often park along the outer perimeter of the circular area. At the maximum capacity this parking lot can accommodate close to 20 cars.

Access

The entrance of the Grey's Point site is located close to the southern end of the Robert O. Norris Bridge. It serves as a connector of the Northern Neck and Middle Peninsula. There is an average daily traffic count of 8,584, according to the Virginia Department of Transportation's Advanced Bridge Report. The speed limit approaching the bridge is 45 miles per hour and 55 miles per hour exiting the bridge. This presents a safety risk for those entering the site, especially from southbound traffic. A few possible solutions may be to lower the speed limit crossing the bridge or increasing the speed limit at a farther distance of approximately 1200 feet. This adjustment will also extend to the Grey's Point Campground entrance. The orientation of the entry point is more easily accessible traveling north on Grey's Point road but requires a sharp turn if approaching the site traveling south on Grey's Point road. Once passing through the entry point there is a circular graveled area that vehicles use to maneuver around the site. Its rough dimensions are 100 feet from east to west and 100 feet from north to south.



Items and Amenities

Privy, Fencing, Beach front= 150 feet, 30 feet at widest point

Parcel

3 3 , 0.442 acres

Town/Community

Jamaica

Body of Water

Rappahannock River

Surrounding Bodies of Water

Estuarine and Marine Deepwater,
Freshwater Forested/Shrub Wetland

Water depth

1 foot

Structures in close visible range

4

Condemned Shellfish Area

No

Signage and Delineation

Signage indicating public site, rules and regulations posted, hours of operation, no trespassing. The site is very well delineated with end of public beach signs posted on each side and a fence wrapping around section of the site. Suggested speed limit beyond public access entry point is 10 miles per hour into private community, stop sign, do not enter.

Parking

The parking area is a dirt surface and has no designated spaces. At maximum capacity approximately 11 vehicles can be accommodated if parked along the fence in the grassy area. The speed limit in this area is slower because of the long and wide curves. The speed limit is reduced to 10 miles per hour when approaching the private community.

Access

6 min/3.5 miles from 605(Canoe House Road)

Canoe House Beach is accessible via a one-lane secondary graveled road. The road is in good condition and well maintained with no potholes. It is a shadowed area lined with tall pine trees and has steep and windy curves. The entry point has an elongated turnaround area to the left of the main access road where vehicles can maneuver. Overall the accessibility of the site is functional and has space for a limited number of recreational users. Beyond the entry point is a private community as the road transitions from gravel to a dirt surface.

Items and Amenities

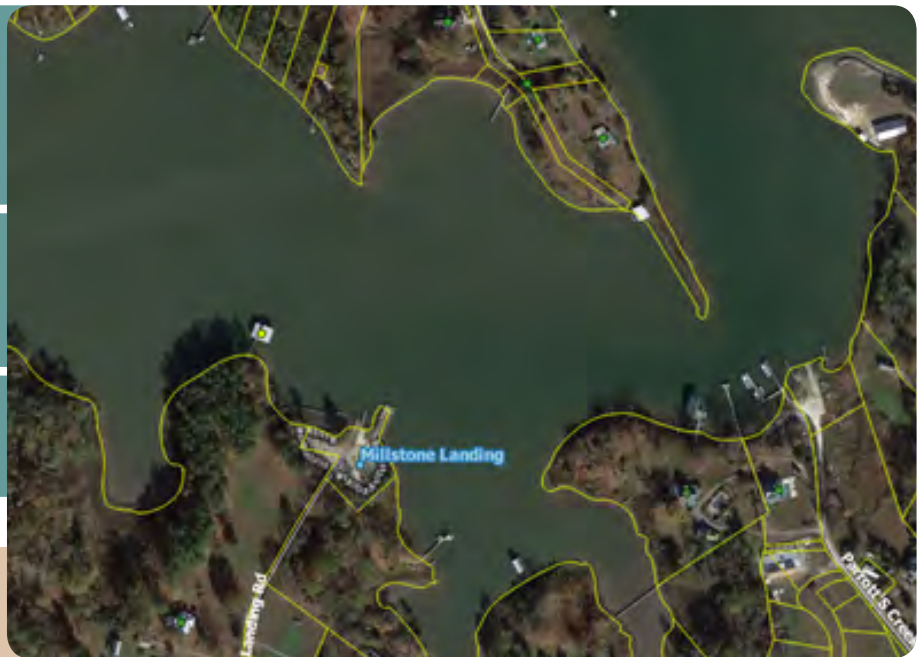
Boat Ramp, Boat Dock, Fishing Pier (2), Privy, Fencing, Handicap Parking Block, Montague Island

Parcel

Commonwealth of VA,
9 1, 0.827 acres

Town/Community

Church View, Water View



Body of Water

Parrotts Creek, Rappahannock River

Type of water body

Estuarine and Marine Deepwater,
Estuarine and Marine Wetland

Structures in close visible range

0

Water depth

4 feet

Condemned Shellfish Area

Yes,027-090

Signage and Delineation

Signage indicating public dock, handicap parking, regulations for specific water vehicles posted. The types of permitted uses are posted, alcohol is prohibited, waste collection centers posted for Jamaica or Saluda. Signage posted distinguishing priority between commercial fisherman and recreational fisherman. There are no markers for delineation expect for the wooden fence at the entrance of the site and wired/wooden fencing at southern border of site. The access road leading to Mill Stone Landing is a paved one lane secondary road that passes through a low density residential area. Prior to the main access road there is a mix of forested land and agricultural fields. There are mild curves but no extremely steep hills approaching the site.

Parking

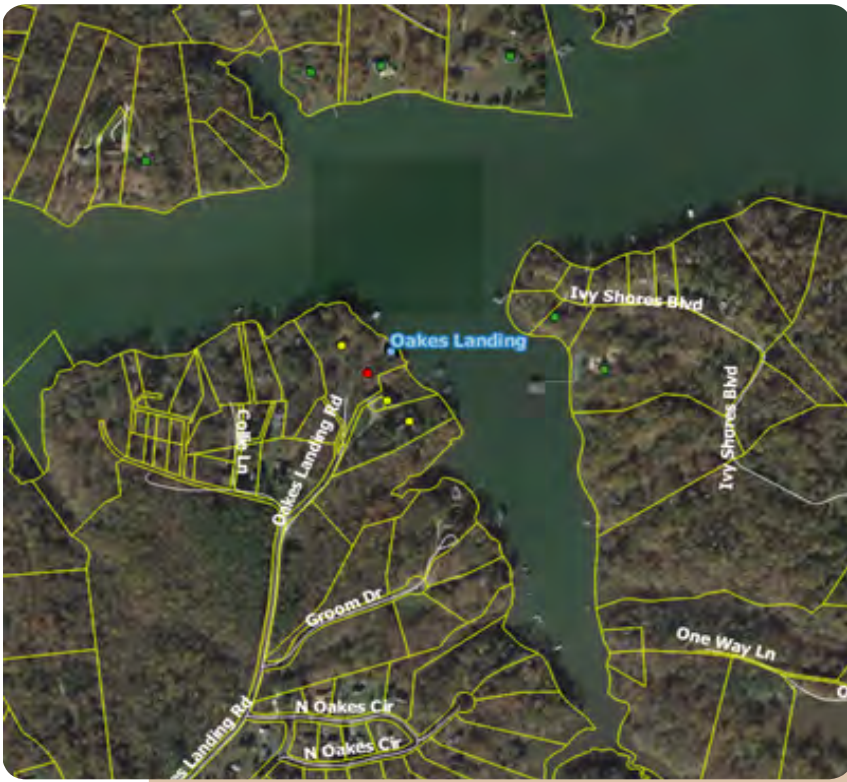
There is no designated parking areas at this site with the exception of one handicap space in between the two fishing piers. There are two sections at this site that accommodate parking for vehicles, including trucks with boat trailers. The maximum capacity for undesignated parking spaces at this site is approximately 36. Vehicles park towards the outer periphery of the two sections, leaving the interior available for other vehicles to enter and exit.

Access

Route 17/640

9 min/5.1 via Route 640(Water View Road), Route 608 (Millstone Landing Road)

The access road leading to Mill Stone Landing is a paved one lane secondary road that passes through a low density residential area. Prior to the main access road there is a mix of forested land and agricultural fields. There are mild curves but no extremely steep hills approaching the site. After passing the entry point the surface is gravel and is separated into two separate sections to the east and west. Both sections avail enough space for vehicles to turn and exit the site easily. The spatial layout also allows trucks to enter the site, turn and reverse to the boat ramp.



Items and Amenities

Fishing Pier, Boat Ramp, Fencing

Parcel

VDOT, 26A 1 2, 3.724 acres

Town/Community

Saluda

Structures in close visible range

4

Condemned Shellfish Area

Yes, 029-042

Body of Water

Urbanna Creek, Rappahannock River

Type of water body

Estuarine and Marine Deepwater, Freshwater Pond, Estuarine and Marine Wetland, Freshwater Emergent Wetland

Water depth

13 feet

Signage and Delineation

No parking, fishing and boating only, other uses including camping, swimming not permitted. Alcohol prohibited. No blocking driveway. Boundaries are marked by small wooden posts, no trespassing sign with a chain and fencing at immediate residence.

Suggested speed limit leaving site is 35 miles per hour

Parking

Parking is not permitted but the paved space can accommodate about 10 vehicles along the outer edges.

Access

Route 33/618

4 min/1.42 miles from 618 (Oakes Landing Road)

The paved one land secondary road leading to the Oakes Landing site is heavily forested and has very windy and sharp curves. It also has a very steep slope and a low level of visibility. Because of the extremely steep slope it may be beneficial to install a speed bump or some type of calming device to reduce speed approaching the entry point of the site to avoid pedestrians. Upon entering the site there is an unoccupied residence that is fenced off. There is a paved open area where vehicles can turn and position to access the boat ramp. The site is designed for users to fish from the pier and/or place their boats into the water but not park permanently. Recreational users must walk to the site, leaving vehicles uphill so that others can use the boat ramp. If the status of the unoccupied residence ever changes it will create some mobility issues with entering and exiting the site during seasonal fluctuations. The driveway to the house is where vehicles turn.

LOCKLIES CREEK LANDING

Items and Amenities

Boat Ramp, Portable Restrooms, Boat Pump Out, Boat Dock, Parrot Island

Parcel

County of Middlesex, 30E 1 8A, 0.590 acres

Town/Community

Locklies



Body of Water

Locklies Creek, Rappahannock River

Type of water body

Estuarine and Marine Deepwater

Water depth

4 feet

Structures in close visible range

11

Seasonally Condemned Shellfish Area

Yes, 031-102

Signage and Delineation

Hours of operation 5am to 9pm, swimming is permitted at own risk, boat pump out sign, no parking at boat dock, end of state maintenance. There is fencing and rope that indicate private and public boundaries.

Parking

There are designated spaces to park around the site, but there are some restrictions. The area is a combination of a paved and mixed gravel surface. There are approximately 7 parking spaces that are positioned directly in front of the boat ramp to accommodate trucks with boat trailers. For patrons who choose to dine and boat there are more parking spaces (about 12) that are closer to the front entrance of the restaurant.

Access

Route 3/621
2 min/0.8 miles from 621(Locklies Creek Road)

There are two access roads leading to the site from route 3(Greys Point Road). The first access road is Locklies Creek Road (route 621), an unmarked two lane paved road. It is mostly open agricultural land and has a few mild curves upon approaching the entry point. This access road is only three fourths of a mile, mostly residential with increased density approaching the site. There is a small business area with restaurants, a motel and a public use airport, located at the intersection of the access road and route 3(major highway). The second access road is Masons Cove Lane, a one lane unpaved dirt road that is wooded to its southern boundary and open agricultural field to its northern boundary. There are no curves leading up to the site but there are many potholes; this road is not well maintained and almost impassable. Beyond the entry point there is a waterfront restaurant that has an oval-shaped loop around the business and also has space for vehicles to easily access the boat ramp. The spatial layout is highly functional and allows vehicles to enter and exit the site efficiently.



Items and Amenities

Fishing Pier, Boat Ramp, Beach Access, Shoreline Stabilization, Handicap Parking Block, Pond, Parrot Island

Parcel

Commonwealth of VA,
38 211, 2.576 acres

Town/Community

Wake

Body of Water

Rappahannock River

Type of water body

Estuarine and Marine Deepwater, Freshwater Pond, Estuarine and Marine Wetland, Freshwater Emergent Wetland

Structures in close visible range

4

Condemned Shellfish Area

No

Water depth

1 foot

Signage and Delineation

No trespassing, fishing only, alcohol and camping not permitted, suggested speed limit leaving site is 35 miles per hour. Boundaries are delineated by rope and wooden posts.

Parking

There is not a designated parking area for this site but it can accommodate approximately 8 vehicles.

The two lane access road leading to the Stamper's Bay Landing site is unmarked and in good condition with no potholes or obstructions. The landscape is relatively flat, mostly forested and windy. The turning space at the entrance is a large oval-like loop measuring 60 feet by 150 feet. The spatial arrangement of features at this site call for an open lane to eliminate blockage of structures (ramp or pier) that may be installed in the near future.

Access

Route 33/624

6 min/3.0 miles from Route 33 to 624(Regent Road), 626/625(Wake Road), 626(Carlton Road)

Route 3/622

12 min/5.5 miles from Route 622(Dirt Bridge Road), 623/624(Regent Road), 625(Barricks Mill Road), 625(Wake Road), 626(Carlton Road)

The access road is an unmarked two lane paved road that has one windy bend close to the mid-point of the route. The area is low density residential neighborhood along a rural landscape, mixed with forests and open fields. At the entry point to the site the paved surface transitions to mixed gravel. Upon entering the site there is a reduced speed limit of 30 miles per hour given the slope and windy curve at entrance point. There is sufficient space to turn around and reverse a vehicle into position to access the boat ramp.

Items and Amenities

Beach Access, Designated Parking Blocks, Wooden Stairs, Outdoor Waste Receptacles , Parrot Island

Parcel

Commonwealth of VA, 38 181, 0.909 acres

Town/Community

Bushy



Body of Water

Rappahannock River

Type of water body

Estuarine and Marine Deepwater, Estuarine and Marine Wetland

Water depth

1 foot

Structures in close visible range

3

Condemned Shellfish Area

No

Signage and Delineation

No trespassing, parking time limit (no parking from 9pm to 5am)

Delineation of boundaries is made by wooded and small chained fence indicating no trespassing on private property.

Parking

There are 20 designated parking spaces at the site with concrete parking blocks facing the residence on the hill. The site is designed for vehicles to park at the destination and walk about 80 feet to access the beachfront. All vehicles fit within the strip and also have sufficient space to back out and exit the site.

Access

Route 33/624

7 min/3.3 miles from Route 33 to 624(Regent Road),626/625(Wake Road), 627(Mill Wharf Road),

Route 33/626

6 min/2.9 miles from Route 628(Mill Creek Road), 625(Wake Road), 627(Mill Wharf Road)

The linear two lane access road to the site is paved and unmarked. There is a mixture of forest and open field approaching the entry point. After passing the low density residential area there is a gradual slope approaching the entrance. Once at the site the paved road changes to gravel at a sharp left turn. Vehicles do not have space to loop while entering or exiting but the site is functional because of the layout with the long 150 foot strip facing uphill towards the closest residence.



Items and Amenities

Beach Access, Pond, Parrot Island

Parcel

Commonwealth of VA, 39
1, 0.685 acres

Town/Community

Wake

Body of Water

Duck Pond, Rappahannock River

Type of water body

Estuarine and Marine Deepwater,
Estuarine and Marine Wetland,
Freshwater Forested/Shrub Wetland

Structures in close visible range

2

Condemned Shellfish Area

No

Water depth

1 feett

Guiding Principle (Connectivity)

The recreational value of a site is maximized when physically or perceptively connected to surrounding assets.

Signage and Delineation

No parking between 10pm and 5am, no trespassing, adopt a highway. No markers for delineation.

Parking

There is no designated parking area for the site but it can accommodate up to 10 spaces around the circular dirt surface. Vehicles park along the outer edges allowing for incoming vehicles to enter and exit the small loop.

Access

Route 33

4 min/2.3 miles from Route 33 to 628(Mill Creek Road)

The marked two lane access road is to the site mostly straight with a minimal amount of mild curves. The topography along the road is a combination of forestland and open agricultural fields. It has a gradual slope approaching the site and a small turn around dirt surface that is 50 feet in width and 70 feet in length.

STAMPER'S BAY LANDING

Items and Amenities

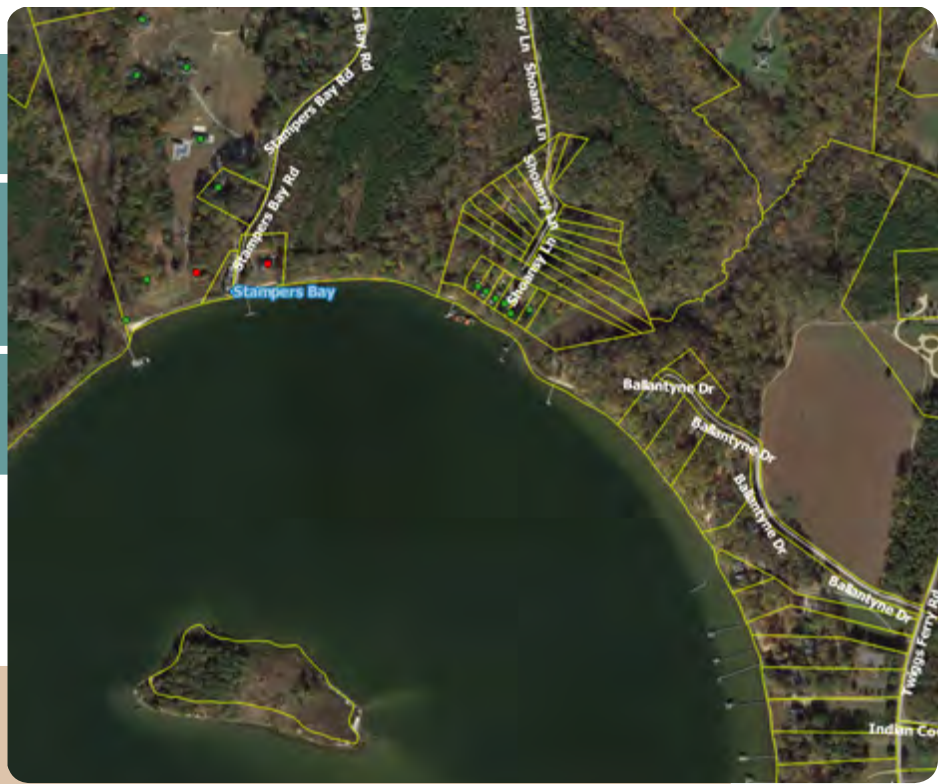
Berkeley Island

Parcel

Commonwealth of VA,
43 17, 0.546 acres

Town/Community

Stampers



Body of Water

Stampers Bay, Piankatank River

Type of water body

Estuarine and Marine Deepwater,
Estuarine and Marine Wetland,
Freshwater Forested/Shrub Wetland

Water depth

3 feet

Structures in close visible range

2

Condemned Shellfish Area

No

Guiding Principle (Recreational Demand)

Asset allocation is based on meeting the most critical recreational demands.

Signage and Delineation

Sign indicates the site is state owned property. No markers indicating separation between public and private boundaries.

Parking

There is not a designated parking area for this site but it can accommodate approximately 8 vehicles.

Access

Route 3/630
2 min/0.7 miles from 630(Stampers Bay Road)

The two lane access road leading to the Stamper's Bay Landing site is unmarked and in good condition with no potholes or obstructions. The landscape is relatively flat, mostly forested and windy. The turning space at the entrance is a large oval-like loop measuring 60 feet by 150 feet. The spatial arrangement of features at this site call for an open lane to eliminate blockage of structures (ramp or pier) that may be installed in the near future.

367



Items and Amenities

Beach Access, Freshwater Pond (Fishing)

Parcel

40 7 12A, 0.654 acres

Town/Community

Grinels

Structures in close visible range

8

Condemned Shellfish Area

No

Body of Water

Rappahannock River

Type of water body

Estuarine and Marine Deepwater,
Estuarine and Marine Wetland,
Freshwater Pond

Water depth

1 foot

Signage and Delineation

North End Shore private community sign and end of state maintenance. Metal fence secures the walkway entrance.

Parking

There is currently no space available for parking at the site. In the future, there could be 10-12 spaces added along the small grassy path.

Access

Route 33/North End
2 Min/1.37 miles from Route 33

The access road is at the intersection of North End Road and General Puller Highway, which consists of a small business area including a restaurant and bait and tackle shop. The road starts as a marked two lane road and transitions into an unmarked two lane road. There is a gradual slope approaching the site entrance. North End is currently an exclusive private community and no space has been developed for vehicles entering and exiting the site. The grassy walkway lane is sectioned off with a metal fence.

WHITING CREEK LANDING

Items and Amenities

Fishing Pier, Boat Ramp, Outdoor Waste Receptacles, Beach Access, Shoreline Stabilization

Parcel

Commonwealth of VA,
28 137, 1.011 acres

Town/Community

Locust Hill



Body of Water

Whiting Creek

Type of water body

Estuarine and Marine Deepwater,
Estuarine and Marine Wetland,
Freshwater Forested/Shrub Wetland

Water depth

12 feet

Structures in close visible range

8

Condemned Shellfish Area

Yes,030-051

Signage and Delineation

Signage indicated site is state owned, signage for private dock, end of maintenance and littering is illegal. The boundaries of the site are marked by fencing, chained no trespassing signs.

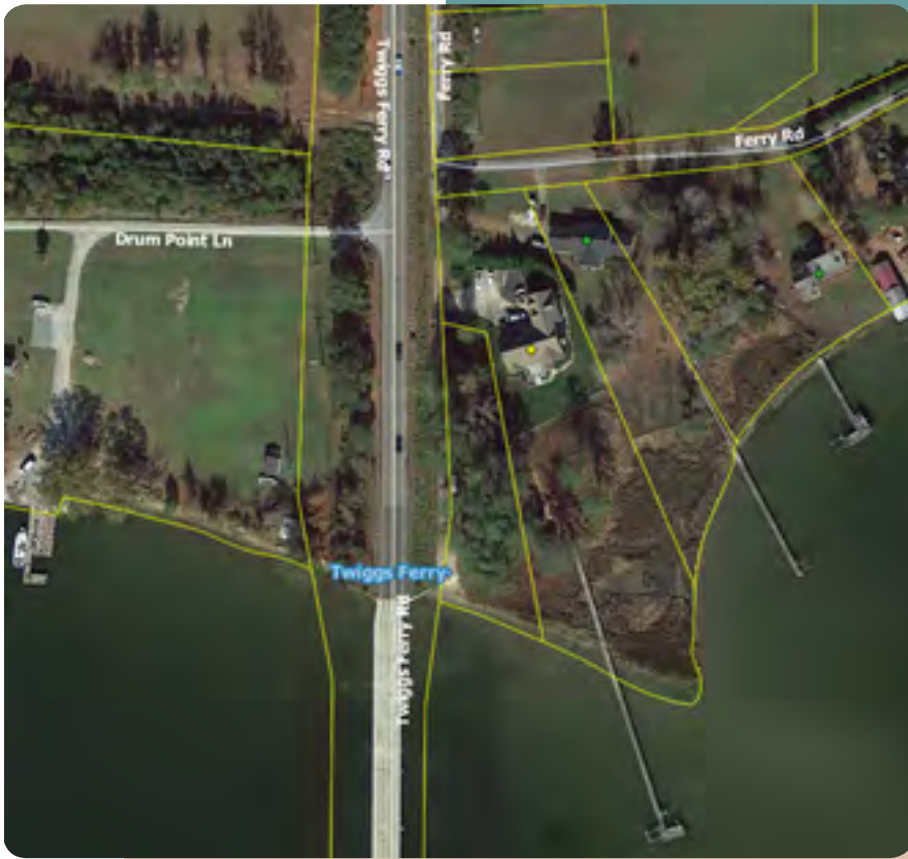
Parking

The parking area is a smooth paved surface but there are no designated parking spaces. This site can accommodate about 6 vehicles while still allowing circulation around the loop.

Access

Route 33/634
2 min/0.9 mile from 634(Marsh Pungo Road)

The linear two lane access road to the site is unmarked, mostly forested at the beginning and has small open areas approaching the curved turnoff route to the site. This road has a gradual slope along the compact residential area that overlooks the site. There is an oval-shaped open area that vehicles can loop around the site. The dimensions of this area are 50 by 100 feet, which allows sufficient space for vehicles to maneuver and access the boat ramp.



Items and Amenities

Fencing

Parcel

43 18 8, 0.512 acres

Town/Community

Wilton Point

Structures in close visible range

1

Condemned Shellfish Area

No

Body of Water

Wilton Creek, Piankatank River

Type of water body

Estuarine and Marine Deepwater,
Estuarine and Marine Wetland

Water depth

1 foot

Signage and Delineation

No parking between 9pm to 4am. There is a metal post and thin wired fence on opposite side of bridge slope indicating a boundary.

Parking

There are currently no spaces available for parking and there is also a limited amount of space to create parking.

Access

Route 3/Ferry

1 min/0.2 miles from Ferry Road

The one lane access road to the Twigg's Ferry site is paved but unmarked. There may be logistical challenges for recreational users who desire to use this site for multiple uses. The site doesn't allow for more than one vehicle to use the access road. If a boat ramp was installed, vehicles that enter the site must reverse and back into the site at Churchill or Ferry Road. There is one residential unit that has a driveway but there are property conflicts and trespassing issues associated with that scenario.

Items and Amenities

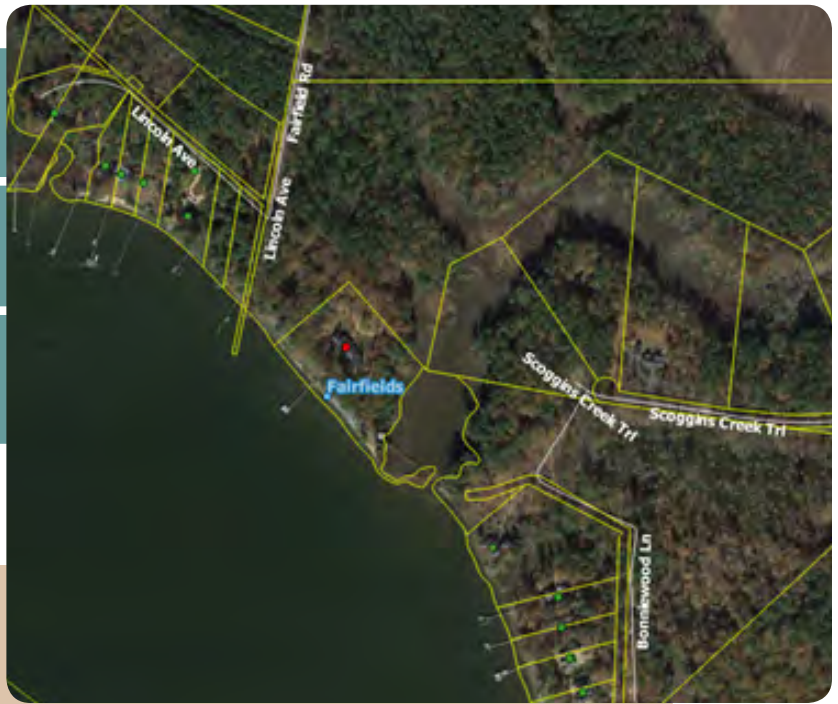
None

Parcel

42.6, 4.166 acres

Town/Community

Fairfield Landing



Body of Water

Piankatank River

Type of water body

Estuarine and Marine Deepwater,
Estuarine and Marine Wetland

Water depth

1 foot

Structures in close visible range

1

Condemned Shellfish Area

No

Planning Concept

NIMBYSM-Is a reference to an acronym, "Not In My Back Yard". This phrase is associated with residents that recognize legitimate needs but raise opposition to perceived and real nuisances (noise,air,water quality,property damage, obstructed vistas,threat to safety,increased traffic, density,property values,etc.) that are in close proximity to their property.

Signage and Delineation

Sign indicating end of state maintenance and adopt a highway. No signs indicated the delineation of property. There is one chained wooden fence leading to damaged bridge.

Parking

There is no area designated for parking and very limited space to adapt the site to accommodate recreational users' parking needs. Currently, vehicles would have no other option but to park in the right of way which raises legal issues.

Access

7 min/2.4 miles from 707(Grafton Church Road), 708(Fairfield Road)

The access road starts at the intersection of General Puller Highway and Grafton Church Road, extends past forest and open field and borders a small residential area on the waterfront. The road to the Fairfield Landing site is in good condition and very well maintained. The two lane paved road is linear and provides easy access to the site. However, there are logistical challenges with exiting the site safely. There is no area larger enough for vehicles to loop around the site. There is also a steep drop off at the edge of the road to the water without any railings or barriers.



Items and Amenities

Viewing Deck, Trail

Parcel

Middle Peninsula Land Trust (The),
39 73, 6.236 acres

Town/Community

Hardyville

Body of Water

Healy Creek, Piankatank River

Structures in close visible range

0

Type of water body

Estuarine and Marine Deepwater,
Estuarine and Marine Wetland

Condemned Shellfish Area

No

Water depth

2 feet

Guiding Principle (Scenic Views)

Scenic views of rivers, creeks and other bodies of water help recreational users to connect with the natural environment.

Signage and Delineation

No signage posted, wooden posts marking boundary lines.

Parking

The site is not currently designed to accommodate parking spaces. There is no area for designated parking but there is potential to create parking spaces for a small amount of recreational users.

Access

Route 33/633

5 min/2.00 miles from 633(Providence Road),632(Paces Neck Road), Kennsbury Road, entry

The one lane gravel road leading to the Kennsbury site winds through a low density neighborhood with residential structures sparsely distributed. The area is mixed with open agricultural fields and forests. It is also relatively flat and does not have any extremely steep slopes. The pathway to the site is not currently developed and is not clearly visible but has wooden post marking the boundaries of the entrance.

WATSON'S LANDING

Items and Amenities

Trail

Parcel

County of Middlesex,
26 90B, 0.690 acres

Town/Community

Saluda



Body of Water

Urbanna Creek,
Rappahannock River

Type of water body

Estuarine and Marine Deepwater,
Estuarine and Marine Wetland,
Freshwater Forested/Shrub Wetland

Water depth

no data available

Structures in close visible range

0

Condemned Shellfish Area

No

Signage and Delineation

Sign on gate, Posted WLHC

Parking

There is currently no designated parking area for recreational users. The creation of parking would depend on a proposed intended use.

Access

Route 17/617
2 min/1.23 miles from 617(Watsons Landing)

The Watson's Landing site is not currently accessible by vehicle and requires parking at the gated private entrance and walking 1.75 miles to access the water. The access road that starts before this undeveloped path is also windy and is in a very low density residential neighborhood.



Items and Amenities

Fishing Pier

Parcel

Board of Supervisors of Middlesex County, 40 214, 7.757 acres

Town/Community

Amburg

Body of Water

Jackson Creek, Piankatank River

Structures in close visible range

4

Condemned Shellfish Area

Yes, 033-084

Type of water body

Estuarine and Marine Deepwater, Estuarine and Marine Wetland, Freshwater, Freshwater Forested/ Shrub Wetland

Water depth

2 feet

Guiding Principle (Signage)

Signage is an effective way to communicate and teach the public about water and ecological resources, policies and significant historical events.

Signage and Delineation

Private property signage is posted on the electric pole and brick columns (no hunting, fishing, trapping, trespassing) No delineation markers are present on the site.

Parking

There is not an area designated for parking on the site but given the amount of open space and the circular loop, this site can accommodate up to 25 vehicles without impeding circulation.

Access

Route 33/1102

2 min/0.5 miles from 1102(Fishing Bay Road), Paradise Lane

The site is close to Deltaville and is only a few turns from the business strip. However, the immediate access road is a one lane gravel road that is windy with potholes. There are not many residences on this lane and there is not any fast moving traffic. At the entry point of the site there is a concrete loop that could be adapted to accommodate vehicular circulation. There is also enough informal open space for vehicular mobility.

III. RESIDENTS AND SITE USERS

THEORY OF PROXEMICS

Publically oriented spaces

The boat ramp and fishing pier is in clear visible distance from nearest houses but not close enough for verbal communication or personal interaction (At this distance physical profiles can be identified but not clear facial recognition). This allows for the public use of access points with a private residential section to coexist with properly delineated boundaries indicated by signage, fencing and other structures.

Eyes on the Beach

High visibility from neighboring houses help to police and monitor illegal activity and improper use of public access sites. This concept works best when structures are far enough away to see but not directly interact with users. This element creates a unique balance in providing and maintaining public access sites.

Planning Concept

Natural Surveillance, often referred to as “Eyes on the Street” was popularized by the urban activist Jane Jacobs in her 1961 book *The Death and Life of Great American Cities*.

Vegetative Buffers

There is a lower level of human interaction at sites with close distances and low visibility because of tree cover, tall bushes or other privacy plants. These types of features help to delineate the boundaries between private residential and public use while maintaining a safety precaution because site activity can still be monitored upon entering and exiting the driveway. While it may be ideal not to have conflicts between private and public uses, complete isolation is not a highly desired outcome.

Guiding Principle (Proximity)

In ranking public access sites, those with low density and fairly close proximity outside of verbal range yield the highest priority.

The second highest rank is for public access sites that are close to low density residential areas with vegetative buffers. The third rank includes remote destinations with no residential interference or conflict. The lowest ranking scenarios involve high density areas with high visibility and no vegetative buffers.

Pocketed Isolation

These sites are located near residential areas on forest edges, along road endings, at the bottom of low hill surfaces and embankments and attract a large concentration of negative activity. These type of activities are associated with local adolescence who use these spaces as hangout areas. It has also been reported that these isolated areas are havens for drug activity and alcohol consumption. For property owners this is viewed as a nuisance and contributes to the NIMBYISM concept.

For sites that are very close to residential properties, landowners expend energy and effort in keeping the community clean by disposing of the litter that has been left by site users. These types of scenarios also demand attention and resources from law enforcement because of the high volume of complaint calls and having to constantly monitor these sites. Low maintenance and limited conflict are significant qualities that should be considered for the location of public access sites and the allocation of new resources. Many of these isolated areas require safety infrastructure for site users that may include railings and walkways, making it essential for the county to invest in projects that yield the greatest benefit.

Proximity Threshold

There are public sites that function as shared spaces with private residents because of very close proximity. This presents logistical challenges given that entering and exiting the site interferes with residential driveways. In addition heavy multi-use sites with very close proxemics heighten the level of potential conflicts in comparison to lightly used access sites. There are interactions between commercial and recreational fishermen, as well as boat ramp and fishing pier users.

Neighborhood associations

Residential neighborhoods that are clustered together have rules and regulations that make it easier and necessary to distinguish boundaries and maintain public access sites. The large majority of public access sites are located in residential areas. Therefore associations may be instrumental in establishing leash laws or fencing requirements to minimize incidents between the general public and their private property.

Public, private and limited public

There are also many defensive behaviors that are displayed at public sites that neighbor private residential and recreational areas that are within visible range (221-370 feet) but not close enough to for verbal communication. Types of neighboring uses are important to identify because even if distances and proximities are similar the business, organization are different from a strictly residential structure. Types of behaviors include standing and watching in a territorial sense without waving or signaling any other type of friendly non-verbal gesture. Other behaviors include contacting law enforcement for trespassing violations or other illegal activity of which can be both legitimate and illegitimate given the particular case. These types of scenarios occur even in instances where sites have been well-established for years meeting all necessary requirements with proper signage and parking standards. This type of behavior communicates that a site isn't truly public although it is advertised as such and legally grounded.

Semi-public

Some private commercial entities border public uses and can coexist without conflict. Partnering with private entities is a major advantage because there are usually regulations prohibiting fishing or entry into the water from establishments like restaurants. Waterfront restaurants may offer water view as part of the dining experience but with a public ramp in the adjacent property more access is provided. Another element of public access is the informal use of privately designated land. There are scenarios where a residence may be unoccupied seasonally or for longer periods of time. Other times private residents give others permission to use their piers or ramps for access.

SUMMARY

There were 16 sites that are part of this preliminary assessment. This section was designed to highlight the most essential elements to allow decision makers to identify the highest priority sites. The information provided will help to develop a plan for strategic resource allocation and future investment in public access sites across Middlesex County.

This document will also serve as a foundational platform for drafting and adopting policy guidelines that are consistent with objectives set forth from site recommendations. There are a number of policy issues involving the nature and intersection of public and private recreational uses on the waterways, commercial fishing, public safety, site maintenance and tax policy. Each site assessment is based on meeting local recreational demand.

The summary statement gives a brief overview of each site. This includes the site's current conditions and existing infrastructure. It also attributes values to the sites based on public access features to formulate a concise description. Recommended improvements are listed to introduce potential opportunities for quality public access. The symbols specifically suggest the installation of new infrastructure or additional changes to the physical landscape. The number of items per site varies but the section is organized in a way to effectively explore multiple options. Once 3 to 4 sites are carefully selected the planning process can continue with the development of recommendations, establishment of a timeline and the action of implementation.

SYMBOL KEY

* The symbol key is associated with each site assessment as a reference. The full symbol key can be found at the end of the document on page 46.



SUMMARY

	Greys Point	Canoe House	Mill Stone	Oakes Landing	Locklies Landing	Upper Mill Creek	Wake Beach	Mill Creek Lower	Stampers	North End	Whiting Creek	Twiggs Ferry	Fairfield	Kennsburry	Watsons Landing	Paradise
Fishing Pier			1	1		1					1		1		1	1
Boat Ramp			1	1	1	1					1					1
Parking	1		2	1	1		1			1		1	1	1	1	1
Beach=2	2	2				2	2	2		2	2					
Shoreline Stabilization	1		1					1			1					
Picnic Table							1									
Outdoor Waste Receptacle=0.5	1	0.5	0.5			0.5	1	0.5	0.5		0.5	0.5				0.5
Privy/Portable Restroom Trailer	1	1	1	1	1	1								1		
Boat Racks									1						1	
Handicap Parking/Access			1			1										
Boat Dock			1		1											
Fish Pond=2						2		2		2			2			
Canoe/Kayak Launch=2			2	2	2				2		2	2		2	2	2
Observation Tower																
Bridge View	1					1		1		1		1				
Viewing Deck														1		
Swimming					2											
Scenic View														1		
Trailhead																
Primitive Camping															1	
Kiosk/Interpretive Signage																
Ditch Crossing								1								
Nesting Structures														1		
Bench																
Windsurfing						1										
Multi-use Trail = 2														2	2	
Foot Bridge													1		1	
Boardwalk/Walkway						1	1	1						1		1
Steps	1						2						1			
Shuttle Service				1												
Water Trail/Blueway=2												1				1
Island			1			1	1		1							
Proximity(Red) = -2	-36	-6	0	-2	-36	-2	0	-2	-4	-16	-2	0	-2	0	0	0
Proximity(Yellow) = -1	-4	-1	0	-3	-15	-3	-3	-2	0	-2	-6	-1	0	0	0	-4
Proximity(Green) = 0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
Total Score	-32	-3.5	11.5	2	-43	7.5	6	4.5	0.5	-1.2	-0.5	4.5	7	10	9	3.5

Current Uses and Features

Potential Improvement Features

GREYS POINT LANDING



Summary Statement

Greys Point Landing has an extensive sandy shoreline with scenic views of the Rappahannock River and Robert O. Norris Bridge. This public site provides beach access and a sense of identity being a gateway into Middlesex County. Greys Point Camp overlooks the site and acts as natural surveillance but is consequently a high potential risk for conflict. Although the site has eyes on the beach there are isolated blind spots that exist from the eastern side of the site and also from oncoming traffic. This site also has trash receptacles but debris is still scattered around the woods edge, most likely from the wind and littering from passing vehicles.



Improvements

The beach and general access area is very spacious and can accommodate many recreational users. The greatest challenges are addressing access safety with high speed traffic from the bridge and keeping the site better maintained. There is a gradual slope at the entry point that could benefit from the installation of small steps leading down to the beach area. The Greys Point site is well established and has served the community well over the years.

CANOE HOUSE LANDING BEACH



Summary Statement

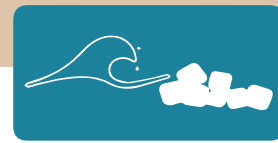
This site provides beach access to recreational users. There is a sufficient amount of signage delineating the boundaries of the site. The beach is within close proximity to a neighboring residential neighborhood which provides natural surveillance but can also be a source of conflict. The site currently has a privy but would also benefit from including outdoor waste receptacles.



Improvements

Canoe House public beach is a great asset for Middlesex County because it provides recreational opportunities to the residents in the northern region of the county. It is important that every area has beach access that is equally distributed across the geography of Middlesex.

MILL STONE LANDING



Summary Statement

This site is one of the best examples of a public access site. It is spacious and has a variety of uses. It provides a boat ramp, boat dock, fishing pier and privy. There is no risk for NIMBYism conflict with neighboring residents.

MILL STONE LANDING



Improvements

Additional upgrades should include the installation of a canoe/kayak launch and outdoor waste receptacles. Another unique quality is the opportunity to link together some of the history of the county at nearby sites. Montague Island is at the mouth of the creek on the Rappahannock River. This was a former home of the Montague's, a prominent family in the county from which comes the former governor of Virginia, Andrew Jackson Montague. There are no structures currently standing but historical markers could document and display the cultural and historical significance of this site. While this is not an inhabited island like Tangier Island there is still great value in connecting users to history and tourism.

This is a much safer way to access the site and maximize the amount of uses and users by utilizing space. Recreational users would park at the courthouse and be taken to the site to either fish, canoe or kayak. A canoe/kayak launch could be installed on the other side of pier, opposite of the boat ramp. The users would use the boat rental facility while those accessing the boat ramp would be able to pick designated times to go to the site based on the shuttle service so that there is no conflict. There may also be some opportunity to connect visitors, tourists and locals to the history of the area by connecting routes along Urbanna Creek at Oakes Landing and Watsons Landing to the Town of Urbanna. At these nodes different activities or markers surrounding historical themes throughout Middlesex County can be posted. Saluda is the home of the Middlesex County Museum and has historical markers such as Irene Morgan, further down Urbanna Creek there is steamboat landing history.

OAKES LANDING



Summary Statement

Oakes Landing is one of the most heavily used public access sites in Middlesex County. It is located in Saluda on Urbanna Creek which branches out into the Rappahannock River. The site is also very close to the port town of Urbanna. The main features provided for users are the boat ramp and fishing pier.

The access road to the site is very steep and has visibility issues. Once at the site parking is not permitted, site users must walk down to the site and only use vehicles to access the boat ramp. There is also a recently sold residence that is in very close proximity to the site and presents issues with parking and mobility. The challenges with parking and access can be addressed with supporting resources.

OAKES LANDING



Improvements

The minor improvements to the site include providing outdoor waste receptacles and a privy. The most significant improvement that would have the greatest impact would be the purchasing of the property at 1382 Oakes Landing Road. The residential structure could be re-purposed and adapted to be a county owned facility for boat rentals. The fencing around the structure could also be reduced to accommodate for a privy or 3 - 4 parking spaces for employees. An alternative solution to provide access to maximum number of users would be to partner with local entities such as Bay Transit to start a shuttle service that takes users from the courthouse area down to the landing and back on a time interval. This way the boat ramp could still be accessed by larger vehicles while those wanting to access to the pier could take the shuttle.

This is a much safer way to access the site and maximize the amount of uses and users by utilizing space. Recreational users would park at the courthouse and be taken to the site to either fish, canoe or kayak. A canoe/kayak launch could be installed on the other side of pier, opposite of the boat ramp. The users would use the boat rental facility while those accessing the boat ramp would be able to pick designated times to go to the site based on the shuttle service so that there is no conflict. There may also be some opportunity to connect visitors, tourists and locals to the history of the area by connecting routes along Urbanna Creek at Oakes Landing and Watsons Landing to the Town of Urbanna. At these nodes different activities or markers surrounding historical themes throughout Middlesex County can be posted. Saluda is the home of the Middlesex County Museum and has historical markers such as Irene Morgan, further down Urbanna Creek there is steamboat landing history.

LOCKLIES LANDING



Summary Statement

Locklies Landing has a number of amenities with the boat ramp, boat dock and boat pump out. It is located at the mouth of a creek and also the site of a popular local seafood restaurant. The ramp is in very close proximity to the restaurant and other residences. This site is one of the few that has a designated graveled parking area and the only site that has portable restroom trailer. There still remains a need to provide more public indoor and outdoor swimming opportunities; given that Locklies Landing is one of sixteen that has any signage indicating that swimming is permitted.



Improvements

There is also still a demand for non-motorized boating at public access sites. Lockilies Landing is situated on calmer water at the mouth of the creek. A canoe/kayak launch would provide an additional use at the site and could be located close to the boat ramp.

UPPER MILL CREEK LANDING



Summary Statement

Upper Mill Landing is a well planned site with multiple recreational uses. Its extensive list of amenities include a boat ramp, fishing pier, fishing pond, scenic views, beach access, windsurfing, shoreline stabilization and handicap parking. It is also strategically positioned and open to natural surveillance while maintaining a distance that reduces the risk of conflicts. It is ideal to find a balance of proximity between neighboring residential and commercial uses. Upper Mill meets many of the recreational demands with the number and quality of uses that it provides for the community.



Improvements

Given its maximized usage, a few improvements that could be beneficial include increasing connectivity with other surrounding sites and providing other amenities such as a privy and outdoor waste receptacles. Creating a boardwalk or walkway to other nearby sites (Wake Beach, Lower Mill Creek) would be a significant investment and serve to increase and provide more recreational uses. This would involve land acquisition for a small strip along 0.77 miles of the coastline to extend from Upper Mill Creek to Wake Beach. Parrots Island is also another asset that is close to the site. Upper Mill serves as a model for planning public access sites. It is well equipped and surrounding by many great assets.

WAKE BEACH



Summary Statement

Wake Beach is very functional and its spatial layout utilizes available space. This site provides beach access for residents in the central area of Middlesex County. It is one of few sites that have a designated parking area. It also provides scenic views of the Rappahannock River, natural surveillance and outdoor waste receptacles.



Improvements

Additional features to consider for this site include physical, cultural and ecological connectivity. Parrots Island is located Northwest of Wake Beach. A walkway connecting Wake Beach to Upper Mill Creek would enhance the site. Depending on the tidal levels, recreational users are able to walk along the shoreline between these different sites. Physically connecting the sites with appropriate infrastructure is consistent with how users currently use the site. Picnic tables or other types of seating could be installed in the middle section between the steps and shoreline.

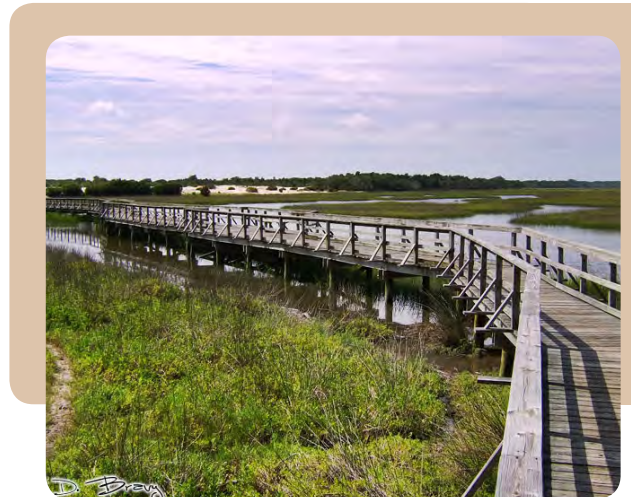
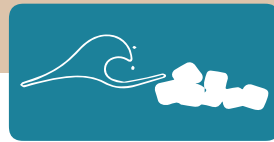


Photo 1.17 Cumberland Island Boardwalk

MILL CREEK LOWER LANDING



Summary Statement

Beach access is the primary use of this site. There is a small strip of the shoreline that is designated as public. Surrounding the public site is a nearly enclosed pond that has high ecological value. Crabs are scattered around between the pond and the shoreline. The site does have natural surveillance with a residence in very close proximity.



Improvements

The availability of shoreline changes seasonally with the tidal levels. There is an emphasis to connect parts of this site internally and externally. The small area where there is an opening around the pond could be a place for a ditch crossing. In a larger effort to connect sites with signage and physical walkways, it is important to note that Lower Mill Creek, Wake Beach and Upper Mill Creek are along the same shoreline facing the Rappahannock River. It may be beneficial to view these three sites harmoniously while also connecting them to surrounding assets like Parrot Island. There is also a significant amount of litter at Lower Mill Creek, it would benefit from adding an outdoor waste receptacle.

STAMPER'S BAY LANDING



Summary Statement

Stampers Bay is state owned property situated along the Piankatank River. The site has no current infrastructure other than a paved access road but does have future plans to be improved. The bay forms a semi-circle around one small island. This site has been identified by the Chesapeake Bay Public Access Authority and Department of Game and Inland Fisheries for possible improvements to include a boat ramp, parking, dock and shoreline stabilization. (Middlesex County, 2015)



Improvements

Additional features to consider for this site include physical, cultural and ecological connectivity. Parrots Island is located Northwest of Wake Beach. A walkway connecting Wake Beach to Upper Mill Creek would enhance the site. Depending on the tidal levels, recreational users are able to walk along the shoreline between these different sites. Physically connecting the sites with appropriate infrastructure is consistent with how users currently use the site. Picnic tables or other types of seating could be installed in the middle section between the steps and shoreline.

NORTH END LANDING



Summary Statement

This site is a sandy shoreline that would provide beach access to residents in the eastern region of the county. A public access site to provide recreational uses may also have small economic benefits for water based businesses in the Deltaville area. There is a bait and tackle shop at the intersection of North End and General Puller Highway. The North End site is private and would need to be acquired by the county. There is currently no infrastructure at this site. There are private fishing piers and boat docks on neighboring residential properties.



Improvements

Parking and access to the site would have to be integrated along the west section of the narrow entry walkway. The wooded buffered area would have to be cleared for 3-5 designated unpaved parking spaces. The adjacent private community is very dense and raises the risk of conflict because of the close proximity. In addition to acquiring the land for beach access there is a small pond that is located 200 feet southeast of the entry point.

WHITING CREEK LANDING



Summary Statement

The Whiting Creek Landing site is very clearly delineated and has the essential public access infrastructure in its boat ramp, fishing pier and small beach area. The pier and ramp border another private pier that is owned by the Heron Landing Homeowners Association. The adjacent residential area is very dense and provides the natural surveillance that is needed for safety and security. This state owned property is very well maintained and includes one outdoor waste receptacle. There is no specific area designated for parking but there is sufficient informal space in the paved turning space for recreational users.



Improvements

This site has many amenities and provides public access for the community. Recommendations for minor changes include replacing the Virginia Public Landing sign because it has faded and may not be as noticeable or readable. It is a great benefit to have a sufficient number of uses but it should also be a goal to have high quality uses. The beach area needs to be cleaned and needs an extra layer of sand. The site is located on the outer edge of the creek and has calm waters. The installation of a canoe/kayak launch would be an additional asset for users.

TWIGGS FERRY LANDING



Summary Statement

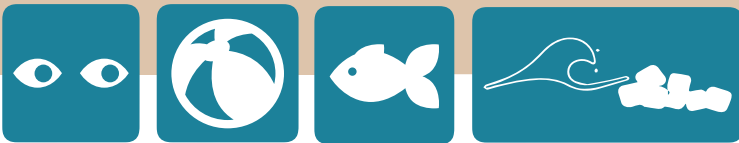
Twiggs Ferry is located at the Twiggs Bridge and is a gateway point into Middlesex County from Mathews County. Bridges serve as cultural and historical identifiers and are part of the mental images that locals associate with places. There are currently no features at the site except the paved road down to the water.



Improvements

There are some logistical challenges with parking and access at the site. Suggested changes to accommodate multiple users include providing 2-3 unpaved designated parking spaces for users. This is so vehicles do not have to exit in private driveways or into fast moving bridge traffic on Twiggs Ferry road. This would require clearing a minimal amount of space on the opposite side of the slope at the bridge. The lane would then be narrowed by vegetative buffers to make the road accessible to a singular vehicle. Once one vehicle gains access, the parking spaces would accommodate them.

FAIRFIELD LANDING



Summary Statement

There are a few safety concerns with the Fairfield site. There are logistical challenges with parking and exiting the site. The graveled access road is very well maintained but has no turning space towards the end. Some of the wooded area to the eastern extent of the site would have to be cleared to make space for a turning area but limited space for parking would still be an issue. In order to park at this site, vehicles must park along the right of way which presents legal issues. The extreme slope facing the river is very steep and has no railing or barriers. There are also some structural issues with the concrete bridge. It is currently fenced off so that no one can access it but it is severely damaged at the front section. It is fragmented and would have to be replaced. The fencing has also collapsed into the waterway.



Improvements

If the county chooses not to act on that option there are other improvements that could be implemented. The construction of steps or a pier leading down to the water would be the highest priority item. There would also need to be some clearing of the wooded area to create a designated paved parking area. According to the most recent map, parcel number 42 6 shows the front and end section of the bridge in the same parcel with the pond-like body of water in between. In this case, the bridge would need to be repaired to connect the two points of the parcel at the eastern extent.

KENNSBURY TRACT



Summary Statement

This mostly wooded site overlooks the Piankatank River. The only site feature is a small viewing deck that serves as a meeting space. No parking area has been designated and the site is accessed easiest by foot. The site doesn't have any residential neighbors at the immediate activity space. The only residence is at the entrance of the site.

KENNSBURY TRACT



Improvements

Improvements to the site may include the installation of a trailhead or a land to water walkway. This area could serve as a place to observe wildlife with signage and nesting structures scattered from the trailhead to the shoreline and viewing deck. An observation tower is another feature that would add recreational value. It would be located or connected to the existing viewing deck and also provide scenic views of the waterway.

Parking could be provided close to the entry point but outside of visibility from the neighboring residence with a wooded vegetation buffer. For this site only 3-5 unpaved spaces should be designated with wooden parking blocks. Recreational users could then park and walk the trail or walkway down to the viewing deck and observation tower while reading signage that describes plant and wildlife around the site. The walkway could also be extended to the southern extent of the site to the small pond. This may require land acquisition given that the majority of the pond is in the adjacent parcel, only a portion of it is in parcel 39 73.



Photo 1.18 Alabama Nature Center Boardwalk



Photo 1.21 Canada Goose on Hen House

WATSON'S LANDING



Summary Statement

Watson's Landing is a county owned property located on Urbanna Creek. Currently walking the pathway is the only way to access the site. Land acquisition or an easement will be necessary to improve this site. There is no existing infrastructure currently at the site. However, Watson's Landing has great potential to be a well-designed multi-use site. There is a specific emphasis to integrate land to water with the construction of trails and water access infrastructure. The installation of a trailhead and a few parking spaces at the beginning of the entrance would be the initial starting point. Wooden logs could be used to map the extents of the curvilinear path winding down to the shoreline. Along the trail, recreational users would be able setup primitive camping areas by permit only. Directional signage would also be posted on trees leading to the end point. If recreational users are permitted to have dogs, waste filters would also be appropriate to set up along the trail to keep the path clear for other cyclist or pedestrians.

Once at the shoreline the main features to be installed are the fishing pier, canoe/kayak launch, bicycle rack and boat rack. The county should also seek opportunities to collaborate with the Town of Urbanna in creating programs and activities and designating Watson's landing as a connection point. If the county established a boat rental program, recreational users would be able to rent canoes or kayaks by being provided a key or combination at the rental facility. Once at the site the user could ride their bike to the end of the trail, secure it at the bicycle rack and then unlock the canoe on the boat rack to start the route to other connecting points along Urbanna Creek.



Photo 1.20 Chesapeake Trail on Corrotoman River

PARADISE LANDING



Summary Statement

Paradise Landing is located along Jackson creek in the Deltaville area. The site currently has a small fishing pier and is located on a former residential property. Paradise has the largest amount of acreage in this assessment but does not have many features. There is a concrete loop that peers over a steep slope to the water.



Improvements

Recommended features for the enhancement of this site include an outdoor kiosk or signage. This site could be a connecting point on a water trail or blueway along the Piankatank River. This would require some inter-regional cooperation with Mathews County in integrating a common theme and incorporating it into the signage along the waterway. As part of this concept a boat ramp or canoe launch could be included given the large acreage along the creek. There is a highly dense residential area along the marshy shoreline but none in the immediate vicinity of the area of activity. Parking blocks could be installed on the outer periphery of the concrete loop. Wooden walkways or railings could be installed from the top of the hill down to the fishing pier.



Photo 1.19 North Forest Canoe Trail

SYMBOL KEY



Outdoor Waste Receptacles



Boat Ramp



Parking/Access



Fishing Pier



Trail



Canoe/Kayak Access



Scenic View



Privy/Portable



Primitive Camping



Shuttle Service



Picnic Table



Boardwalk/Walkway



Swimming



Handicap Parking



Steps



Foot Bridge



Boat Dock



Ditch Crossing



Bridge



Island



Canoe



Beach Access



Fishing Pond



Windsurfing



Natural Surveillance



Cul de sac



Viewing Deck



Nesting Structure



Boat Rack



Shoreline Stabilization



Bicycle Rack

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Front Cover Page

99 Designs

Maps

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Map 1.2 Middlesex Public Access Assessments Sites: [Darrin Lee](#)

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Map 1.4 Canoe House Landing Aerial: [Darrin Lee](#)

Map 1.5 Mill Stone Landing Aerial: [Darrin Lee](#)

Map 1.6 Oakes Landing Aerial: [Darrin Lee](#)

Map 1.7 Locklies Landing Aerial: [Darrin Lee](#)

Map 1.8 Upper Mill Creek Landing Aerial: [Darrin Lee](#)

Map 1.9 Wake Beach Aerial: [Darrin Lee](#)

Map 1.10 Mill Creek Lower Landing Aerial: [Darrin Lee](#)

Map 1.11 Stamper's Bay Landing Aerial: [Darrin Lee](#)

Map 1.12 North End Landing Aerial: [Darrin Lee](#)

Map 1.13 Whiting Creek Landing Aerial: [Darrin Lee](#)

Map 1.14 Twiggs Ferry Landing Aerial: [Darrin Lee](#)

Map 1.15 Fairfield Landing Aerial: [Darrin Lee](#)

Map 1.16 Kennsbury Tract Aerial: [Darrin Lee](#)

Map 1.17 Watson's Landing Aerial: [Darrin Lee](#)

Map 1.18 Paradise Landing Aerial: [Darrin Lee](#)

*Parcel layer acquired from Middlesex County online GIS shapefile.

Tables and Charts

Chart 1.1 Public Access Score Chart: [Darrin Lee](#)

Photos

Photo 1.1 Greys Point Landing Site Photo: [Darrin Lee](#)

Photo 1.2 Canoe House Landing Site Photo: [Darrin Lee](#)

Photo 1.3 Mill Stone Landing Site Photo: [Darrin Lee](#)

Photo 1.4 Oakes Landing Site Photo: [Darrin Lee](#)

Photo 1.5 Locklies Landing Site Photo: [Darrin Lee](#)

Photo 1.6 Upper Mill Creek Landing Site Photo: [Darrin Lee](#)

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Photo 1.17 Cumberland Island Boardwalk: [Ariel Bravy](#)

Photo 1.18 Alabama Nature Center Boardwalk: [Nature Bridges](#)

Photo 1.19 Northern Forest Canoe Trail: [Shelly Angers](#)

Photo 1.20 Chesapeake Trail on Corrotoman River: [Darrin Lee](#)

Photo 1.21 Canada Goose on Hen House: [Todd Burras](#)

Icons: [Vectorportal](#), [NounProject](#)

Appendix K:
MIDDLESEX COUNTY ASSESSMENT #2 – EXECUTIVE SUMMARY

Executive Summaries

Canoe House Landing Beach

3511 Canoe House Road
Jamaica, VA 23079

Executive Summary:

This Site consists of a small beach area on the Rappahannock River with parking, and an outhouse. The site serves the community by providing recreational beach access and canoe or Kayak access. There is no boat landing on site and no space for one to be constructed. The access road is narrow and has sharp turns making it unsuited for boat trailer traffic. The construction of a fishing pier would compromise the safety of the existing beach area. The property is small and is serving in a capacity appropriate for the site. The site is 5-8 minutes from Highway 17 via Route 605.

Fairfield Landing

1259 Fairfield Road
Hartfield, VA 23071

Executive Summary:

This site consists of a narrow public right of way adjacent to Route 707 at its terminus on the Piankatank River. The site serves the community by providing fishing access and canoe/kayak access. There are no amenities on the site and parking is limited to roadside. There is no room on the site for expansion or development.

Garlands Landing / Mill Wharf Rd Landing / Wake Beach

1069 Mill Warf Road
Wake, VA 23176

Executive Summary:

This site consists of a sandy beach area at the terminus of Route 627. The site has no pier or boat ramp but could be used for canoe/kayak access. There are few amenities on site besides parking and established and maintained paths to the beach area. The site is located in a low density rural residential area. Expansion of the site is unlikely as that would require adjacent properties to lose beach front however the sites current space is largely undeveloped.

Greys Point Landing

3697 Greys Point Road
Topping, VA 23169

Executive Summary:

This site consists of a portion of a VDOT right of way established by State Highway Project No. 3459-01 adjacent to the Norris Bridge connecting Topping to White Stone. The site serves the community as recreational access to the Rappahannock River. The site could be improved with better beach access, fishing access, and site improvements such as landscaping, breakwaters, boat ramp and marked parking spaces. There is very little green space on the property to improve in order to create

natural park space. Much of the necessary infrastructure exists on the property so the improvements needed are mostly maintenance and aesthetic related.

Locklies Landing & County Dock

799 Locklies Creek Road

Topping, VA 23169

Executive Summary:

This site consists of a public dock and small gravel parking lot used primarily by charter fishing boats. The site is located near the terminus of Route 621 adjacent to the Merroir Tasting Room. The boat landing at the site is on the adjacent private property owned by a commercial fishing operation. The site serves the community as an access to charter fishing boats and fishing from shore. There is little room for expansion as the adjacent properties are developed with residential and waterfront commercial uses.

Mill Creek Lower Landing

2289 Mill Creek Road

Wake, VA 23176

Executive Summary:

This site consists of a sandy beach area and rock hardened bulkhead at the terminus of Route 628. The site serves the community as beach access and would accommodate canoe/kayak access. The site has a small gravel turn around and parking area with an established trail to the beach. The site is small with no room for expansion due to wetlands to the east and south and a beachfront home to the west. The site has no amenities other than a few parking spaces.

Mill Stone Landing & Ramp

637 Millstone Landing Road

Water View, VA 23180

Executive Summary:

This Site consists of a well-established boat landing and fishing pier operated and maintained by the Department of Game and Inland Fisheries. It serves the community as access for boats, small watercraft and as a park space. There is ample parking on site for high volume access to the Rappahannock River via Parrotts Creek. The site is developed but some amenities like park furniture could be added to enhance the shoreline day use of the site.

North End Landing & Ramp

1339 North End Road

Deltaville, VA 23043

Executive Summary:

This site consists of an undeveloped parcel at the intersection of North End Road and Sandy Beach Road. The parcel is flanked by an access right of way to the east that has been gated. As an undeveloped parcel there are no amenities on site and no signage to acknowledge public ownership. The property is long and narrow making it a difficult for the site to accommodate a boat ramp. The site has potential as a public beach access and could include amenities such as a picnic shelter, park furniture and restroom facilities. The small parcel and developed adjacent land would limit the development or expansion potential.

Oakes Landing & Ramp

1386 Oakes Landing Road
Saluda, VA 23149

Executive Summary:

This Site consists of a boat ramp with a pier and a small gravel parking lot with limited availability for trailer parking at the end of Route 618. The access site serves the community by creating recreational watercraft access and fishing access from shore. The ramp on site is hardened with concrete so it is capable of accommodating larger boats however the parking lot is small and can't accommodate trucks with trailers. The parking situation is further limited by the fact that an adjacent property's driveway is accessed from the parking area. The site is surrounded by large dirt embankments making expansion without excavation difficult however nearby properties could be an option for parking expansion.

Paradise Landing

318 Paradise Lane
Deltaville, VA 23043

Executive Summary:

This site consists of a demolished home and adjacent agricultural field. The site has great development potential as it currently vacant with existing road access infrastructure. The site is configured in such a way that park facilities could be developed on the southern part of the property that is an agricultural field and wood line buffer along the edge of the property, The norther part of the property that was previously the homestead has infrastructure in place to accommodate a boat and water craft access. There is a pier on the property and the former driveway could accommodate parking. This site has the space and access to serve the community as a park and watercraft landing.

Public Access Authority Kennsbury Road Tract

270 Kennsbury Road
Hardyville, VA 23070

Executive Summary:

This site consists of an 8.86 acre undeveloped parcel along Kennsbury Road. The site has no amenities and is currently not serving the community in any capacity. This site has a great deal of development potential. The lot is largely wooded with a marshy shoreline. There is plenty of space on the property for day use amenities as well as a large enough shoreline to accommodate watercraft access and a fishing pier.

Stamper's Bay Landing & Ramp

1798 Stampers Bay Road
Hartfield, VA 23071

Executive Summary:

This site consists of a paved parking lot and a gravel boat ramp at the terminus of Route 630. The access serves the community as a watercraft access with no pier on site. The boat ramp is wide and capable of accommodating large boats however the access has shallow water. There are no amenities on site besides a trash can leaving potential to improve the site. Expansion of the site may be difficult due to residential homes and a church owned retreat center.

Twiggs Ferry Landing

302 Twiggs Ferry Road

Hartfield, VA 23071

Executive Summary:

This site consists of a historic ferry landing that is now part of a VDOT right of way adjacent to highway 3 at the Twiggs Ferry Bridge. The site is a gravel right of way leading to a gravel boat ramp on the historic ferry landing. There are no amenities and no parking on site. The site has a low development and expansion potential as it is confined to parcel between a highway right of way adjacent to a bridge abutment and a wetland.

Upper Mill Creek Landing & Ramp

1108 Carlton Road

Wake, VA 23176

Executive Summary:

This site consists of a large parking area with a hardened boat ramp, a wooden beach wall, a sandy beach area, and two piers for fishing and landing boats at the terminus of Route 626. The access site serves the community by providing many amenities such as fishing pier, boat ramp, ample parking, sandy swimming area and handicap parking. The site can accommodate watercraft access with trailer parking as well as day use guests. The potential for expansion on the site is limited by surrounding residential development however there is surround vacant land that could be subdivided and purchased. The lack of restroom facilities is an issue for community members that wish to use the site as a day use park.

Watson's Landing

Saluda, VA 23149

Executive Summary:

This site consists of a vacant wooded property with no clear access right of way to the property. The dirt road has been gated by the adjacent property owners. The adjacent land is primarily used for hunting and recreation. The road to the property is overgrown and unmaintained. The property is undeveloped but has potential for development. The site has no clear access and the establishment of an access road would lead to push back from adjacent land owners. The site does have potential as a water access site for a canoe/kayak and a primitive camp site. A water access site would allow the property to serve the community without the need to establish a support infrastructure.

Whiting Creek Landing & Ramp

898 Marsh Pungo Road

Locust Hill, VA 23092

Executive Summary:

This small boat landing site consists of a concrete boat ramp, pier and small parking lot at the terminus of Route 634. The site serves the community as a fishing pier and watercraft access site but has limited parking for day use. The development and expansion potential of the site is low as it is surrounded by developed residential lots, with new construction on the adjacent lot to the south. The parking area also shares access with Heron Landing homeowner's association water access.

Appendix L:

KEEP AMERICA'S WORKING WATERFRONTS WORKING ACT OF 2016 LEGISLATION

114TH CONGRESS
2D SESSION

H. R. 5277

To amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2016

Ms. PINGREE (for herself, Mr. WITTMAN, and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, 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 “Keep America’s Water-
5 fronts Working Act”.

6 **SEC. 2. WORKING WATERFRONTS GRANT PROGRAM.**

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

1 **“SEC. 320. WORKING WATERFRONTS GRANT PROGRAM.**

2 “(a) FINDINGS AND PURPOSE.—The Congress finds
3 the following:

4 “(1) FINDINGS.—

5 “(A) Water-dependent commercial activi-
6 ties are the economic and cultural heart of
7 many coastal communities. These activities in-
8 clude commercial fishing, recreational fishing
9 businesses, tourism, aquaculture, boatbuilding,
10 transportation, and many other water-depend-
11 ent businesses.

12 “(B) Water-dependent commercial activi-
13 ties depend on coastal access in the form of—

14 “(i) docks, wharfs, boat lifts, wet and
15 dry marinas, and boat ramps;

16 “(ii) boat hauling, repair, and con-
17 struction facilities;

18 “(iii) commercial fishing facilities; and

19 “(iv) other support structures on,
20 over, or adjacent to navigable bodies of
21 water.

22 “(C) The coastal zone of the United States
23 is experiencing rising property values and taxes,
24 and related development pressure, as more peo-
25 ple move to the coastal zone and as coastal

1 areas experience a demographic shift favoring
2 wealthier individuals.

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

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

11 “(2) PURPOSE.—The purpose of this section is
12 to preserve and protect coastal access for persons
13 engaged in water-dependent commercial activities,
14 including commercial fishing, recreational fishing
15 businesses, aquaculture, boatbuilding, or other
16 water-dependent coastal-related businesses.

17 “(b) WORKING WATERFRONT TASK FORCE.—

18 “(1) ESTABLISHMENT AND FUNCTIONS.—The
19 Secretary of the Interior shall establish a task force
20 to identify and address critical needs with respect to
21 working waterfronts.

22 “(2) MEMBERSHIP.—The members of the task
23 force shall be appointed by the Secretary of the Inte-
24 rior, and shall include—

1 “(A) experts in the unique economic, so-
2 cial, cultural, ecological, geographic, and re-
3 source concerns of working waterfronts; and

4 “(B) representatives from the National
5 Oceanic and Atmospheric Administration’s
6 Coastal Services Center, the United States Fish
7 and Wildlife Service, the Department of Agri-
8 culture, the Environmental Protection Agency,
9 the United States Geological Survey, the Navy,
10 the National Marine Fisheries Service, and such
11 other Federal agencies as the Secretary con-
12 siders appropriate.

13 “(3) FUNCTIONS.—The task force shall—

14 “(A) identify and prioritize critical needs
15 with respect to working waterfronts in States
16 that have a management program approved by
17 the Secretary of Commerce pursuant to section
18 306, in the areas of—

19 “(i) economic and cultural importance
20 of working waterfronts to communities;

21 “(ii) changing environments and
22 threats working waterfronts face from en-
23 vironment changes, trade barriers, and
24 marketplace variables; and

1 “(iii) identifying working waterfronts
2 and highlighting them within communities;

3 “(B) outline options to address such crit-
4 ical needs;

5 “(C) identify Federal agencies that are re-
6 sponsible under existing law for addressing such
7 critical needs; and

8 “(D) recommend Federal agencies best
9 suited to address any critical needs for which
10 no agency is responsible under existing law.

11 “(4) INFORMATION TO BE CONSIDERED.—In
12 identifying and prioritizing policy gaps pursuant to
13 paragraph (3), the task force shall consider the find-
14 ings and recommendations contained in section VI of
15 the report entitled ‘The Sustainable Working Water-
16 fronts Toolkit: Final Report’, dated March 2013.

17 “(5) REPORT.—Not later than 18 months after
18 the date of the enactment of this section, the task
19 force shall submit a report to Congress on its find-
20 ings.

21 “(6) IMPLEMENTATION.—The head of each
22 Federal agency identified in the report pursuant to
23 paragraph (3)(C) shall take such action as is nec-
24 essary to implement the recommendations contained

1 in the report by not later than 1 year after the date
2 of the issuance of the report.

3 “(c) WORKING WATERFRONT GRANT PROGRAM.—

4 “(1) The Secretary shall establish a Working
5 Waterfront Grant Program, in cooperation with ap-
6 propriate State, regional, and other units of govern-
7 ment, under which the Secretary may make a grant
8 to any coastal state for the purpose of implementing
9 a working waterfront plan approved by the Secretary
10 under subsection (d).

11 “(2) Subject to the availability of appropria-
12 tions, the Secretary shall award matching grants
13 under the program to coastal states with approved
14 working waterfront plans through a regionally equi-
15 table, competitive funding process in accordance
16 with the following:

17 “(A) The Governor, or the lead agency
18 designated by the Governor for coordinating the
19 implementation of this section, where appro-
20 priate in consultation with the appropriate local
21 government, shall determine that the applica-
22 tion is consistent with the State’s or territory’s
23 approved coastal zone plan, program, and poli-
24 cies prior to submittal to the Secretary.

1 “(B) In developing guidelines under this
2 section, the Secretary shall consult with coastal
3 states, other Federal agencies, and other inter-
4 ested stakeholders with expertise in working
5 waterfront planning.

6 “(C) Coastal states may allocate grants to
7 local governments, agencies, or nongovernment
8 organizations eligible for assistance under this
9 section.

10 “(3) In awarding a grant to a coastal state, the
11 Secretary shall consider—

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

14 “(B) the demonstrated working waterfront
15 needs of the coastal state as outlined by a
16 working waterfront plan approved for the coast-
17 al state under subsection (d), and the value of
18 the proposed project for the implementation of
19 such Plan;

20 “(C) the ability to successfully leverage
21 funds among participating entities, including
22 Federal programs, regional organizations, State
23 and other government units, landowners, cor-
24 porations, or private organizations;

1 “(D) the potential for rapid turnover in
2 the ownership of working waterfront in the
3 coastal state, and where applicable the need for
4 coastal states to respond quickly when prop-
5 erties in existing or potential working water-
6 front areas or public access areas as identified
7 in the working waterfront plan submitted by
8 the coastal state come under threat or become
9 available;

10 “(E) the impact of the working waterfront
11 plan approved for the coastal state under sub-
12 section (d) on the coastal ecosystem and the
13 users of the coastal ecosystem; and

14 “(F) the extent of the historic connection
15 between working waterfronts and the local com-
16 munities within the coastal state.

17 “(4) The Secretary shall approve or reject an
18 application for such a grant within 60 days after re-
19 ceiving an application for the grant.

20 “(d) WORKING WATERFRONT PLANS.—

21 “(1) To be eligible for a grant under subsection
22 (c), a coastal state must submit and have approved
23 by the Secretary a comprehensive working water-
24 front plan in accordance with this subsection or be
25 in the process of developing such a plan and have an

1 established working waterfront program at the State
2 or local level.

3 “(2) Such plan—

4 “(A) must provide for preservation and ex-
5 pansion of access to coastal waters to persons
6 engaged in commercial fishing, recreational
7 fishing businesses, aquaculture, boatbuilding, or
8 other water-dependent, coastal-related business;

9 “(B) shall include—

10 “(i) an assessment of the economic,
11 social, cultural, and historic value of work-
12 ing waterfront to the coastal state;

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

17 “(iii) identification of geographic
18 areas where working waterfronts are cur-
19 rently under threat of conversion to uses
20 incompatible with commercial fishing, rec-
21 reational fishing businesses, aquaculture,
22 boatbuilding, or other water-dependent,
23 coastal-related business, and the level of
24 that threat;

1 “(iv) identification of geographic areas
2 with a historic connection to working wa-
3 terfronts where working waterfronts are
4 not currently available, and, where appro-
5 priate, an assessment of the environmental
6 impacts of any expansion or new develop-
7 ment of working waterfronts on the coastal
8 ecosystem;

9 “(v) identification of other working
10 waterfront needs including improvements
11 to existing working waterfronts and work-
12 ing waterfront areas;

13 “(vi) a strategic and prioritized plan
14 for the preservation, expansion, and im-
15 provement of working waterfronts in the
16 coastal state;

17 “(vii) for areas identified under
18 clauses (iii), (iv), (v), and (vi), identifica-
19 tion of current availability and potential
20 for expansion of public access to coastal
21 waters;

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

1 “(ix) a contingency plan for properties
2 that revert to the coastal state pursuant to
3 determinations made by the coastal state
4 under subsection (h)(4)(C);

5 “(C) may be part of the management pro-
6 gram approved under section 306;

7 “(D) shall utilize to the maximum extent
8 practicable existing information contained in
9 relevant surveys, plans, or other strategies to
10 fulfill the information requirements under this
11 paragraph; and

12 “(E) shall incorporate the policies and reg-
13 ulations adopted by communities under local
14 working waterfront plans or strategies in exist-
15 ence prior to the date of enactment of this sec-
16 tion.

17 “(3) A working waterfront plan—

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

21 “(B) must be updated and re-approved by
22 the Secretary before the end of such period; and

23 “(C) shall be complimentary to and incor-
24 porate the policies and objectives of regional or
25 local working waterfront plans as in effect be-

1 fore the date of enactment of this section or as
2 subsequently revised.

3 “(4) The Secretary may—

4 “(A) award planning grants to coastal
5 states for the purpose of developing or revising
6 comprehensive working waterfront plans; and

7 “(B) award grants consistent with the pur-
8 poses of this section to States undertaking the
9 working waterfront planning process under this
10 section, for the purpose of preserving and pro-
11 tecting working waterfronts during such pro-
12 cess.

13 “(5) Any coastal state applying for a working
14 waterfront grant under this title shall—

15 “(A) develop a working waterfront plan,
16 using a process that involves the public and
17 those with an interest in the coastal zone;

18 “(B) coordinate development and imple-
19 mentation of such a plan with other coastal
20 management programs, regulations, and activi-
21 ties of the coastal state; and

22 “(C) if the coastal state allows qualified
23 holders (other than the coastal state) to enter
24 into working waterfront covenants, provide as
25 part of the working waterfront plan under this

1 subsection a mechanism or procedure to ensure
2 that the qualified holders are complying their
3 duties to enforce the working waterfront cov-
4 enant.

5 “(e) USES, TERMS, AND CONDITIONS.—

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

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

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

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

16 “(f) PUBLIC ACCESS REQUIREMENT.—A working
17 waterfront project funded by grants made under this sec-
18 tion must provide for expansion or improvement of reason-
19 able and appropriate public access to coastal waters at or
20 in the vicinity of a working waterfront, except for commer-
21 cial fishing or other industrial access points where the
22 coastal state determines that public access would be un-
23 safe.

24 “(g) LIMITATIONS.—

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

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

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

16 “(h) ALLOCATION OF GRANTS TO LOCAL GOVERN-
17 MENTS AND OTHER ENTITIES.—

18 “(1) The Secretary shall encourage coastal
19 states to broadly allocate amounts received as grants
20 under this section among working waterfronts iden-
21 tified in working waterfront plans approved under
22 subsection (d).

23 “(2) Subject to the approval of the Secretary,
24 a coastal state may, as part of an approved working
25 waterfront plan, designate as a qualified holder any

1 unit of State or local government or nongovernment
2 organization, if the coastal state is ultimately re-
3 sponsible for ensuring that the property will be man-
4 aged in a manner that is consistent with the pur-
5 poses for which the land entered into the program.

6 “(3) A coastal state or a qualified holder des-
7 igned by a coastal state may allocate to a unit of
8 local government, nongovernmental organization,
9 fishing cooperative, or other entity, a portion of any
10 grant made under this section for the purpose of
11 carrying out this section, except that such an alloca-
12 tion shall not relieve the coastal state of the respon-
13 sibility for ensuring that any funds so allocated are
14 applied in furtherance of the coastal state’s approved
15 working waterfront plan.

16 “(4) A qualified holder may hold title to or in-
17 terest in property acquired under this section, except
18 that—

19 “(A) all persons holding title to or interest
20 in working waterfront affected by a grant under
21 this section, including a qualified holder, private
22 citizen, private business, nonprofit organization,
23 fishing cooperative, or other entity, shall enter
24 into a working waterfront covenant;

1 “(B) such covenant shall be held by the
2 coastal state or a qualified holder designated
3 under paragraph (2);

4 “(C) if the coastal state determines, on the
5 record after an opportunity for a hearing, that
6 the working waterfront covenant has been vio-
7 lated—

8 “(i) all right, title, and interest in and
9 to the working waterfront covered by such
10 covenant shall, except as provided in sub-
11 paragraph (D), revert to the coastal state;
12 and

13 “(ii) the coastal state shall have the
14 right of immediate entry onto the working
15 waterfront;

16 “(D) if a coastal state makes a determina-
17 tion under subparagraph (C), the coastal state
18 may convey or authorize the qualified holder to
19 convey the working waterfront or interest in
20 working waterfront to another qualified holder;
21 and

22 “(E) nothing in this subsection waives any
23 legal requirement under any Federal or State
24 law.

25 “(i) MATCHING CONTRIBUTIONS.—

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

8 “(2) The Secretary may waive the application
9 of paragraph (1) for any qualified holder that is an
10 underserved community, a community that has an
11 inability to draw on other sources of funding because
12 of the small population or low income of the commu-
13 nity, or for other reasons the Secretary considers ap-
14 propriate.

15 “(3) A local community designated as a quali-
16 fied holder under subsection (h) may utilize funds or
17 other in-kind contributions donated by a nongovern-
18 mental partner to satisfy the matching funds re-
19 quirement under this subsection.

20 “(4) As a condition of receipt of a grant under
21 this section, the Secretary shall require that a coast-
22 al state provide to the Secretary such assurances as
23 the Secretary determines are sufficient to dem-
24 onstrate that the share of the cost of each eligible

1 project that is not funded by the grant awarded
2 under this section has been secured.

3 “(5) If financial assistance under this section
4 represents only a portion of the total cost of a
5 project, funding from other Federal sources may be
6 applied to the cost of the project. Each portion shall
7 be subject to match requirements under the applica-
8 ble provision of law.

9 “(6) The Secretary shall treat as non-Federal
10 match the value of a working waterfront or interest
11 in a working waterfront, including conservation and
12 other easements, that is held in perpetuity by a
13 qualified holder, if the working waterfront or inter-
14 est is identified in the application for the grant and
15 acquired by the qualified holder within 3 years of
16 the grant award date, or within 3 years after the
17 submission of the application and before the end of
18 the grant award period. Such value shall be deter-
19 mined by an appraisal performed at such time before
20 the award of the grant as the Secretary considers
21 appropriate.

22 “(7) The Secretary shall treat as non-Federal
23 match the costs associated with acquisition of a
24 working waterfront or an interest in a working wa-
25 terfront, and the costs of restoration, enhancement,

1 or other improvement to a working waterfront, if the
2 activities are identified in the project application and
3 the costs are incurred within the period of the grant
4 award, or, for working waterfront described in para-
5 graph (6), within the same time limits described in
6 that paragraph. These costs may include either cash
7 or in-kind contributions.

8 “(j) LIMIT ON ADMINISTRATIVE COSTS.—No more
9 than 5 percent of the funds made available to the Sec-
10 retary under this section may be used by the Secretary
11 for planning or administration of the program under this
12 section.

13 “(k) OTHER TECHNICAL AND FINANCIAL ASSIST-
14 ANCE.—

15 “(1) Up to 5 percent of the funds appropriated
16 under this section may be used by the Secretary for
17 purposes of providing technical assistance as de-
18 scribed in this subsection.

19 “(2) The Secretary shall—

20 “(A) provide technical assistance to coastal
21 states and local governments in identifying and
22 obtaining other sources of available Federal
23 technical and financial assistance for the devel-
24 opment and revision of a working waterfront

1 plan and the implementation of an approved
2 working waterfront plan;

3 “(B) provide technical assistance to States
4 and local governments for the development, im-
5 plementation, and revision of comprehensive
6 working waterfront plans, which may include,
7 subject to the availability of appropriations,
8 planning grants and assistance, pilot projects,
9 feasibility studies, and other projects necessary
10 to further the purposes of this section;

11 “(C) assist States in developing other tools
12 to protect working waterfronts; and

13 “(D) collect and disseminate to States
14 guidance for best storm water management
15 practices in regards to working waterfronts.

16 “(I) REPORTS.—

17 “(1) The Secretary shall—

18 “(A) develop performance measures to
19 evaluate and report on the effectiveness of the
20 program under this section in accomplishing the
21 purpose of this section; and

22 “(B) submit to Congress a biennial report
23 that includes such evaluations, an account of all
24 expenditures, and descriptions of all projects

1 carried out using grants awarded under this
2 section.

3 “(2) The Secretary may submit the biennial re-
4 port under paragraph (1)(B) by including it in the
5 biennial report required under section 316.

6 “(m) DEFINITIONS.—In this section:

7 “(1) The term ‘qualified holder’ means a coast-
8 al state or a unit of local or coastal state govern-
9 ment or a non-State organization designated by a
10 coastal state under subsection (h).

11 “(2) The term ‘Secretary’ means the Secretary,
12 acting through the National Oceanic and Atmos-
13 pheric Administration.

14 “(3) The term ‘working waterfront’ means real
15 property (including support structures over water
16 and other facilities) that provides access to coastal
17 waters to persons engaged in commercial fishing,
18 recreational fishing businesses, boatbuilding, aqua-
19 culture, or other water-dependent, coastal-related
20 business and is used for, or that supports, commer-
21 cial fishing, recreational fishing businesses, boat-
22 building, aquaculture, or other water-dependent,
23 coastal-related business.

24 “(4) The term ‘working waterfront covenant’
25 means an agreement in recordable form between the

1 owner of working waterfront and one or more quali-
2 fied holders, that provides such assurances as the
3 Secretary may require that—

4 “(A) the title to or interest in the working
5 waterfront will be held by a grant recipient or
6 qualified holder in perpetuity, except as pro-
7 vided in subparagraph (C);

8 “(B) the working waterfront will be man-
9 aged in a manner that is consistent with the
10 purposes for which the property is acquired
11 pursuant to this section, and the property will
12 not be converted to any use that is inconsistent
13 with the purpose of this section;

14 “(C) if the title to or interest in the work-
15 ing waterfront is sold or otherwise exchanged—

16 “(i) all working waterfront owners
17 and qualified holders involved in such sale
18 or exchange shall accede to such agree-
19 ment; and

20 “(ii) funds equal to the fair market
21 value of the working waterfront or interest
22 in working waterfront shall be paid to the
23 Secretary by parties to the sale or ex-
24 change, and such funds shall, at the dis-
25 cretion of the Secretary, be paid to the

1 coastal state in which the working water-
2 front is located for use in the implementa-
3 tion of the working waterfront plan of the
4 State approved by the Secretary under this
5 section; and

6 “(D) such covenant is subject to enforce-
7 ment and oversight by the coastal state or by
8 another person as determined appropriate by
9 the Secretary.”.

○