



THE EASTERN SHORE WATER TRAILS ASSOCIATION DEVELOPMENT AND SEASIDE WATER TRAIL CAMPING ACCOMMODATION IMPLEMENTATION PLAN

MAY 2014

Accomack-Northampton Planning District Commission

NOAA Grant # NA12NOS4190168

Grant Year 2012, Task 51



A-NPDC



Virginia Coastal Zone
MANAGEMENT PROGRAM



**The Eastern Shore Water Trails Association Development
and Seaside Water Trails Camping Accommodation
Implementation Plan**

May 2014

Prepared For:

Virginia Coastal Zone Management Program
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NOAA Grant No. # NA12NOS4190168

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MANAGEMENT PROGRAM



This project was funded by the Virginia Coastal Zone Management Program at the Department of Environmental Quality through Grant # NA12NOS4190168 of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended.

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INTRODUCTION/PROJECT SUMMARY

The pristine waters of Virginia's Eastern Shore are a unique and relatively undiscovered playground for nature lovers to appreciate and explore. One of the best ways to experience the serene salt marshes and shallow bays is by kayak or canoe. Realizing the ecotourism potential of the Seaside requires a concerted effort by local, state and federal government agencies charged with protecting the delicate ecosystem and enhancing recreational opportunities, and the local residents who want to enjoy and/or develop commercial operations for tourists who want to experience the region.

The Seaside Water Trail, a 100-mile long water trail through the lagoons and creeks on the Seaside of the Eastern Shore of Virginia, was developed as a series of day-use paddling routes that provided access to areas where paddlers could experience the area with minimal impacts and conflicts with existing commercial operations and sensitive coastal habitats. The Virginia Coastal Zone Management Program (VCZM) with funding from NOAA has invested in several planning efforts in recent years to enhance the Trail. These enhancements would transform it into one of the first water trails in the Mid-Atlantic region to establish the infrastructure necessary to permit multi-day trips that extend the length of the Trail. Much like other established and successful water trails with such accommodations, kayakers could paddle during the day, sleep on a platform, then set off to reach another camp site the next day.

To facilitate multi-day use paddling, camping accommodations need to be sited at carefully selected locations along the Trail. Camping accommodations placed at strategically-selected locations along the Trail would enhance ecotourism for the Eastern Shore and provide unique environmental education opportunities for paddling and nature-loving enthusiasts. The economic benefits of creating camping accommodations along the Trail could be in the millions of dollars as has been documented for established trails in Maine, in the Everglades of Florida, and along the Gulf Coast, while also serving as an important educational conservation tool to help people experience and connect to a uniquely unspoiled place.

To reduce marine conflicts, a camping accommodation implementation plan for the Seaside Water Trail is necessary to ensure that paddlers are guided to specially-designated locations. The plan also needs to minimize impacts on surrounding private properties; areas used for aquaculture and recreational and commercial fishing; critical wildlife and marine habitats areas; and habitat restoration projects.

The Eastern Shore Water Trails Association Development and Seaside Water Trail Camping Accommodation Implementation Plan builds on assessments and recommendations outlined in

INTRODUCTION/PROJECT SUMMARY

two previous VCZM-funded studies. The 2008 Virginia Eastern Shorekeeper's *Seaside Water Trail Camping Platform Feasibility Report* assessed the need for additional camping facilities, suitable locations, regulations and restrictions, potential land-use conflicts, and economic impacts. In 2012, the Accomack-Northampton Planning Commission (A-NPDC) partnered with VCZM to create a baseline dataset for recreational uses on the Seaside. A-NPDC identified recreational trends and locations where recreational use occurs on the Seaside.

This *Plan* advances these previous efforts by engaging key stakeholders and Eastern Shore citizens to establish an association and develop a camping accommodation implementation plan. This report summarizes input from the general public and stakeholders who participated in association development meetings; prioritizes the selection of camping accommodation projects; explores the management and maintenance responsibilities that would need to be assumed; and identifies funding options to construct and maintain camping accommodations along the Trail.

The A-NPDC established and coordinated an association, the Virginia Eastern Shore Paddling Association (VESPA) to facilitate the development, maintenance, and promotion of water trail facilities. VESPA's initial focus was to reach a consensus plan to implement camping accommodations along the Seaside Water Trail.

VESPA may be able to take advantage of a new legislative development, the Eastern Shore Water Access Authority Act. The Act allows the Eastern Shore's two counties to declare by resolution a need for a public access authority and to develop an operating agreement for projects that enhance water-based recreational and commercial public access. The A-NPDC also provided language in the Act to include dredging so isolated locations could become useable. A Water Access Authority can own, manage, and operate camping accommodation sites along the Seaside Water Trail. Now that the legislation is law, the A-NPDC intends to assist the counties in evaluating this opportunity

METHODS

ENGAGE THE STAKEHOLDERS

A-NPDC held stakeholder meetings on August 23, 2013, and September 24, 2013 to present information on the types and possible locations for camping accommodation sites, and to elicit insights and input from the general public and local officials. The comprehensive invitee list of more than 40 regional water trail stakeholders and kayaking enthusiasts included representatives from local, state, and federal organizations, commercial, tourism, and multiplier organizations. Non-profits, kayak outfitters, and kayaking enthusiasts from the Eastern Shore also participated in the stakeholders meetings. The stakeholder meeting invitations, invitees, and agendas are included in Appendix A.

The 14 attendees at the first stakeholder meeting focused on coordinating water trail development and planning efforts. The objectives were to select priority sites to consider as pilot implementation plan projects, and to form an association to maintain and sustain the camping accommodation sites. The agenda included an overview of the 2008 *Seaside Water Trail Camping Platform Feasibility Report* on camping platform types, location, ownership, permits, signage, and maintenance responsibilities.

Based on a discussion of the Report's recommendations, stakeholders identified four potential camping accommodation sites for consideration, two in each county: the Old NASA Ferry Dock and Wishart Point in Accomack, and Red Banks Landing and Indiantown Park in Northampton.

Stakeholders resolved to look into how other trails were set up and suggested mechanisms for public outreach. Attendees at the first meeting recommended additional stakeholders and individuals with an interest in establishing the camping accommodations, and/or relevant expertise resolving issues that the association needs to address. Those stakeholders/individuals were specifically invited to the second stakeholder meeting in September.

Different subgroups subsequently met in a series of meetings to discuss structuring the association, to draft bylaws, to scout the four sites, and to strategize outreach.

At the second stakeholder meeting, 11 attendees reviewed results of the scouting missions and the draft of bylaws to register VESPA as a 501 C3 non-profit organization.

METHODS

INFORM THE PUBLIC

A-NPDC needed to obtain approval for the Accomack Old NASA Ferry Dock site from the Accomack County Board of Supervisors (BOS). On February 19, 2014, the A-NPDC Program Manager presented the project to the BOS and requested concept approval to construct a camping platform at the Old NASA Ferry Dock site. Members from the general public and from the press were present. The presentation to the Accomack BOS is included in Appendix E, and press coverage of the event in the DelMarVa Now/Eastern Shore News is provided in Appendix F.

IMPLEMENT THE PLAN

To implement plans for the two sites and determine the steps needed to get permission to construct camping platforms, A-NPDC contacted representatives from both Accomack and Northampton Counties informing them of the newly established association, VESPA, its objectives, and interest in constructing a series of camping accommodation sites in their respective counties.

A-NPDC worked with Northampton's Planning Director and got guidance concerning the Indiantown Park site. The Planning Director stated that "the idea is appropriate". However, a property investigation revealed that Northampton County did not own the waterfront strip of land adjacent to Indiantown Park where the land-based camping platform was proposed.

A-NPDC contacted the Northampton property owners and arranged a meeting. The owner cancelled the meeting and informed A-NPDC that the family would not permit easement or right of way access to the site for a camping accommodation facility.

RESULTS

DEVELOPING A WATER TRAIL ASSOCIATION

At the first stakeholder meeting, the group noted that the economic benefits of creating the camping accommodations along the Seaside Water Trail could be in the millions, and it could serve as an important educational conservation tool to help people experience and relate to a uniquely unspoiled place. The group agreed that the mechanism to achieve the objectives and address the key issues would be to form a non-profit 501 C3 organization. The association would own the camping sites and take responsibility to establish structures and facilities, maintain the sites, raise money, create signage, obtain permits and public access, and build awareness. As a 501 C3 organization, the association would appoint a board and set up committees, solicit funds, and set “commercial” or “individual” membership dues and terms.

The group decided to approach and research other organizations, such as the Maine Island Trail Association (MITA), the Appalachian Trail, and the Captain John Smith Trail to use as models and for advice in structuring a Seaside Water Trail Camping Accommodation association. Another objective of the association would be to link up the Seaside Water Trail with the Capt. John Smith Trail that runs along the western, Chesapeake Bay side of the Eastern Shore.

A subgroup met on August 28, 2013 to identify the steps needed to set up an association as a non-profit, 501 C3 organization, and suggested the name for the association: the Virginia Eastern Shore Paddling Association (VESPA). Participants began drafting VESPA’s bylaws to prepare for the next meeting. (See Draft Bylaws, Appendix D).

At the September 24, 2013 stakeholders meeting, the 11 attendees meeting adopted VESPA’s name, and discussed VESPA ‘s responsibilities to specify facilities, maintain the sites, raise money, create signage, obtain permits, gain public access, and build awareness. While awaiting tax exempt status approval, VESPA could operate under an umbrella organization, such as the Citizens for a Better Eastern Shore (CBES), or “incubate” as a committee under the auspices of the A-NPDC.

SELECTING AND PRIORITIZING SITES

On August 23, 2013 stakeholders reviewed recommendations in the Shorekeeper’s 2008 *Feasibility Report* and discussed the pros and cons of various sites along the Eastern Shore’s seaside where camping accommodations could be established. Attendees considered both on-land sites and floating platforms for camping accommodations. Discussion focused on feasible

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sites and establishing reasonable distance between camping sites; getting right of way, easements, permission from government or privately-owned lands; limiting the number of campers in a tour group; making the site attractive for paddlers, but not “revelers”. The group determined the first two priority sites for camping accommodations would be on land, and on county-owned property to hopefully avoid some of the more complex permit issues noted above. One site, in Northampton County, would be either at Indiantown Park or Red Bank; the other, in Accomack County, would be at NASA Dock or Wishart Point Landing.

Small subgroups, consisting of a kayak outfitter, a nature guide, and kayak enthusiasts, scouted the four sites. On September 24, 2014 attendees at the stakeholder meeting reviewed photos and descriptions of the four sites, and came to a consensus to implement the Old NASA Ferry Dock in Accomack, and Indiantown Park in Northampton.



Old NASA Ferry Dock site ramp with derelict structures in background



NASA Dock parking area and launch

RESULTS

IMPLEMENTING THE ACCOMACK COUNTY SITE PLAN: OLD NASA FERRY DOCK

GPS Coordinates: +37.8428 / -75.5256

Directions:

- From US Route 13, East on Route 689, 1.9 miles
- Left on Route 730, 0.7 miles
- Launch ramp is located at the end of the road

The 2008 *Seaside Water Trail Camping Platform Feasibility Report* noted the Old NASA Ferry Dock as a top site to create greatest value for water trail users, while having minimal impact on the surrounding eco-system. Located on an Accomack County owned land tract, the site is historically interesting and large enough to accommodate a primitive 20' x 20' camping platform. Located on Assawoman Creek, it is suitable for beginner kayakers as well as intermediate and advanced kayakers. Kayakers can spot ospreys and raptors, but also need to keep an eye out for motorboat traffic. There is a small boat ramp with straight docks on either side, with ample parking.

The site poses structural safety concerns, however, due to the remaining derelict infrastructure left from its days as a ferry dock used to shuttle supplies to the Wallops Island NASA facility.

To implement VESPA's plan for the former NASA Ferry Dock site, A-NPDC worked closely with the County Administrator, the Planning Director, the Public Works Director, and supervisors from the Board of Supervisors. A-NPDC presented a concept proposal to the Accomack County BOS to advise them of the project's objectives and benefits to the county, and to get their approval for the suggested camping site at the Old NASA Ferry Dock.

In conversations with the Accomack County Administrator and the Public Works Director prior to the presentation to the BOS, A-NPDC learned that some supervisors might have concerns about security at the NASA Dock site.

To address safety concerns, the Program Director contacted the Accomack County Sheriff's Office and the State Police Office regarding incidents reported at the NASA Docks site in the last year. Neither the Sheriff's Office nor the Virginia State Police found any reports of incidents at the site. A-NPDC received assurances that given notice by VESPA, officers could patrol the site on the evenings when campers registered to use the camping platform.

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A-NPDC also contacted the Maine Island Trails Association (MITA), the oldest established water trail in the country, to find out how they addressed safety and security concerns. MITA reported rare, if any safety problems. All of MITA's camping sites are situated on islands, and accessible only by watercraft.

A-NPDC presented the concept proposal to the BOS on February 19, 2014 and requested approval to construct a camping platform at the Old NASA Ferry Dock site on Virginia's Seaside Water Trail. A-NPDC indicated this site would be the first of several camping sites along the Seaside created to accommodate the rapidly growing ecotourism sector of kayaking enthusiasts. The Program Manager cited the objectives for the VCZM-funded project; provided pictures of platform types and the chosen site; elaborated on economic and site development benefits to Accomack County; related how local stakeholders were engaged and committed to the site's environmental stewardship; described how stakeholders prioritized camping sites; and delineated what was needed from Accomack County to proceed. A-NPDC's Program Manager then answered supervisors' questions about liability, site registration, and ways to mitigate safety concerns.

The BOS and County representatives were especially pleased with A-NPDC's offer to enhance the site by seeking funds to remove the dangerous, derelict structures at the Old NASA Ferry Dock. The County's attorney vouched that liability would indeed be decreased, and a report from the County's insurance consultant confirmed the cost to cover the platform based on a value of \$10,000 would add less than \$10 to the County's insurance premium.

In the presentation, the Program Manager highlighted the potential economic benefits that could be derived by establishing camping accommodations along the Water Trail, citing a 2011 Harvard University study's conservative estimate of \$1.75 million per year generated by the well-established MITA. Local benefits that might redound from a well-designed water trail promote the Eastern Shore's heritage and eco-tourism, and dovetail with the Eastern Shore's "You'll Love our Nature" brand.

A-NPDC pointed out that single and multi-day recreational kayaking is the fastest growing paddle sports market. Kayakers often stay at least one night and spend, conservatively, more than \$88/day, and they repeatedly visit areas with varied, high quality paddling opportunities and services. Water trails in other areas proved to catalyze job creation and entrepreneurship.

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The Program Manager also noted that the Seaside Water Trail is linked to 800 miles of existing water trails that extend from Virginia down the Southeast Coast to Florida. An enhanced Seaside Water Trail with camping accommodations would strengthen VESTA's marketing campaign and bolster tourism promotion efforts to attract statewide and out-of-state kayakers.

The BOS unanimously approved the concept of camping accommodations along the Seaside Water Trail. Some supervisors expressed concerns about security at the site, possible interference with watermen's activities, and safety during rocket launches at nearby Wallops Island. The Program Manager told the Board that VESPA would ask law enforcement to patrol the site when campers were present. Other safety measures discussed included adding lighting. Another possibility was to construct a floating platform atop existing NASA Dock pilings. To address concerns of conflicts with NASA launches and the Wallops Flight Facility, the A-NPDC Program Manager reiterated that one of VESPA's functions would be to register campers at the site(s). VESPA could make sure kayak outfitters and campers did not register to camp at the site during a launch.

A-NPDC held several follow-up discussions with three of the supervisors to discuss how best to address the safety concerns raised. A-NPDC subsequently met on March 12, 2014 with the Accomack BOS Chair, the Supervisor in whose jurisdiction the site is located, the Public Works Director, a representative from the Virginia Tourism Commission, kayak outfitters, and two founding members of VESPA from the general public. The group weighed the pros and cons of the Old NASA Ferry Dock site and other Accomack County sites.

The outcome of A-NPDC's meeting with the supervisors, VESPA, the Tourism Commission, and the county representative was to pursue the alternative Accomack County site, Wishart Point, instead of the Old NASA Ferry Dock. Wishart Point is on a tract of land given to the County by Wishart Boat Harbor, Inc. The site has a parking area and a basic boat ramp. Depth at the site no longer allows motor boats and commercial fishing. Key factors favoring Wishart Point were its proximity to Chincoteague and the town's amenities; its location on Bogues Bay, a protected bay just six miles from the Old NASA Ferry Dock; and, importantly, its visibility near a new subdivision on Wishart Point, to enhance security. The site needs a new dock, as stipulated to the County by the Corporation and as seen in photos in Appendix C. The Accomack BOS would seek concurrence from the Wishart Boat Harbor Corporation members before agreeing to implement a plan for a camping platform.

RESULTS

IMPLEMENTING THE NORTHAMPTON COUNTY SITE PLAN: INDIANTOWN PARK

GPS Coordinates: +37.3495N / - 75.90164W

Directions:

- From US Route 13, east on Route 631, 2.5 miles

Indiantown Park is located approximately 13 miles from Cabin Cove on Mockhorn Island, and 14 miles from Virginia Landing on the southern end of Upshur's Neck. VESPA scouts noted an access point from Indiantown Creek, a tributary that winds along the north side of a potential campsite, to an isolated high ground spot that could support a ground site for up to three tents.

A-NPDC met with the Economic Development Director of Northampton County to inform him of VESPA's interest in setting up a land-based camping platform site at Indiantown Park, and to determine the steps needed in order to proceed. The Director liked the project idea, noting that camping facilities for kayakers were an appropriate use of Northampton County's property. Later, the Director revealed that Indiantown Park is leased in perpetuity from the Department of Interior (DOI), and Northampton would need DOI's permission to add a primitive dock and camping platform. In addition, the DOI's approval would be contingent on approval from the Virginia Marine Resources Commission (VMRC).

When the Program Manager provided the Economic Planning Director with details about the Indiantown Park site, the Director informed A-NPDC that the Indiantown Park site was on a privately-owned strip of land. To gain access to the site, A-NPDC/VESPA would need to contact the owner to ask for permission to construct a land-based camping platform on their property. Even with permission from the private owner, A-NPDC would still need to acquire Northampton County's appropriate zoning permission designation for the site, based on projected use.

A-NPDC contacted the owner and set up a meeting to describe the project in detail and request permission to construct the camping platform. The owner cancelled on the day of the meeting, and informed A-NPDC that the family was not willing to enter into discussions, and would not consider granting permission to build camping accommodations for kayakers on their property.

DISCUSSION

DESCRIPTION OF CAMPING ACCOMMODATION FACILITIES

Platform Types Considered: Based on suggestions in the 2008 *Feasibility Report*, VESPA considered different architectural types of platforms in their review of camping accommodation facilities for the Seaside Water Trail. The land-based platform is flat, approximately 400 square feet, with no roof or wall structure. (See photo, below)



Example of flat camping platform at Janes Island State Park in Maryland.

There are two types of floating platforms, one with a shallow, sloped-roof supported by vertical posts and no wall structure, and an enclosed structure that mimics a traditional waterman’s cabin/hunting retreat often seen on the Eastern Shore’s marshes. The sloped-roof platform was deemed to be the most desirable form in the *Feasibility Report*. The enclosed platforms pose potential problems with non-target users, increased maintenance, and opposition from coastal land owners whose view might be obstructed.

The 2008 *Feasibility Report* recommended, and VESPA proposed a land-based platform on non-vegetated land for the old NASA Ferry Dock to take advantage of less complicated construction requirements and costs, and minimize the need and time to acquire complex marine permits. When safety concerns about the site arose, A-NPDC/VESPA did suggest a “hybrid” option for the site: placing the platform about 60 feet from land atop the sawed-off pilings of the Old NASA Ferry Dock structure.

One option prompted A-NPDC to consult the National Sea Grant Law Center for advice: the possibility of converting old or unused hunting blinds to camping platforms. The platforms could be either land-based or floating, or constructed on pilings situated on state-owned bottomland. The Sea Grant Law Center advised A-NPDC about the permitting and licensing procedures that would be required, and the *a priori* rights owners would have to reinstall a

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hunting blind, or to “wharf out” to build a dock. The advisory also noted that no one is allowed to license a blind within 500 yards of an established blind. Constructing a camping platform on existing pilings would be governed by the state’s more generally applicable submerged lands permitting rules. If a proposed camping platform was located in front of an owners’ property, the owner would need to be contacted and permission gained prior to submitting a VMRC permit request. (See Appendix G)

Ramps: The land based sites require a ramp or primitive board ramp for paddlers to bring up their kayaks and equipment for an overnight stay. Both the Old NASA Ferry Dock and Wishart Point have boat ramps, although the Wishart Point site would require a new ramp or gravel walkway for paddlers to use. The Indiantown Park site would have needed a small dock, and a boardwalk in the marsh, similar to one at the backcountry site at Janes Island State Park (see below), to help paddlers walk to the camp site.



Primitive boardwalk at Janes Island State Park, Maryland

Access for disabled persons: The A-NPDC Program Manager attended a conference in September, 2013 to learn about ways to provide access to persons with disabilities at the sites and shared that information with VESPA. VESPA states in their bylaws its intent to provide access to camping facilities wherever possible for persons with disabilities.

Signage: VESPA is aware of the need to provide signs at the sites. Educational signs to reduce impacts on aquaculture, bird populations, and the fragile ecosystem, are an inherent function of VESPA. VESPA would also provide information about historical and conservation aspects of sites on the Trail, as well as seasonal closings. The 2008 *Feasibility Report* recommended posting a sign to warn campers not to climb on the dangerous derelict structures that remain at the Old NASA Ferry Dock.

DISCUSSION

Consistent with VESPA's "Leave no Trace" (LNT) ethic, signs stating rules regarding appropriate waste management would be posted at all the sites (and in the camping permit applications). VESPA would adhere to the LNT Best Management Practices for wilderness waste management.

OWNERSHIP ISSUES

VESPA attempted to minimize potential conflicts with private owners by selecting camping accommodation sites that were located on county-owned property. Both counties supported the project because it furthers their efforts to provide increased public access and educational enhancements at their parks and property. The Indiantown Park implementation plan was thwarted when A-NPDC learned that the proposed camp site was on a privately-owned strip of land, and the owners did not want camping accommodations on their property.

VESPA may be able to take advantage of a new legislative development, the Eastern Shore Water Access Authority Act. The act, introduced and passed during the 2014 General Assembly, allows the Counties of Accomack and Northampton to declare by resolution a need for a public access authority. If an operating agreement is developed, the counties may form the Eastern Shore Water Access Authority.

The Authority can identify land, owned by the Commonwealth or by private holdings, that can be secured for use by the general public as a public access site; research all identified sites; determine appropriate public use levels of identified access sites; develop appropriate mechanisms to transfer title of Commonwealth or private holdings to the Authority; develop appropriate acquisition and site management plans for public access use; determine which holdings should be sold to advance the Authority's mission; receive funding and permits for dredging projects and facilities construction projects that enhance recreational and commercial public access, and perform other duties.

VESPA could work with the Counties to create an Authority to "acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate public access sites that are owned or managed by the authority". The Authority can determine fees, rates, and charges to use its facilities, and could apply for gifts, grants of money, grants or loans and other financial assistance to construct facilities and infrastructure. This entity would be an option for VESPA to own, manage, and operate camping accommodation sites along the Seaside Water Trail.

DISCUSSION

POTENTIAL FUNDING SOURCES FOR CONSTRUCTION

As a 501 C3 organization, VESPA can raise money from individual and commercial membership dues.

VESPA would seek to raise funds through the Coastal Zone Management or other government grants, association membership, private donors, property donations, and affiliations with other established water trails, such as the Captain John Smith Trail. VESPA learned it could advance its objectives by applying to the VCZM when it funds another round of grants. Some support, in the form of in-kind labor, might also be available from the Eastern Shore Community College.

SUMMARY

RECOMMENDATIONS

To advance the objectives of forming an association and implementing safe and accessible camping accommodations along the Seaside Water Trail, A-NPDC recommends:

- VESPA finalize its bylaws and register VESPA as a 501C3 non-profit organization;
- In Northampton County, A-NPDC recommends identifying and pursuing an alternative site in Northampton County, possibly on an island or as a floating platform;
- Work with the Accomack County to implement Wishart Point as an alternate, land-based site in Accomack County;
- Adopt a strategy to start from each end of the Trail, near other popular kayaking areas, and work to the middle to develop camping accommodation facilities at reasonable paddling distances;
- Address and minimize security concerns and liability by considering island sites or “over-water” floating camping platforms;
- Minimize potential use or abuse of the camping platforms by non-target individuals;
- Evaluate potential sites with regard to the impacts on environment, aquaculture, and fowl hunting;
- Evaluate potential sites with regard to motor boat use;
- Work with VESPA and the Counties to explore creation of an Eastern Shore Water Access Authority to develop, manage, and operate the Seaside Water Trail;
- Seek funds to further the recommendations of this report.

Appendix A

Stakeholder Meetings

Invitations / Agendas / Invitees / Memo for the Record / Attendees

- A-1 August 23, 2013 Stakeholder Meeting Invitation
- A-2 August 23, 2013 List of Stakeholder Invitees
- A-3 August 23, 2013 Stakeholder Meeting Agenda
- A-4 August 28, 2013 Subgroup Meeting Memo for the Record, Attendees
- A-5 September 24, 2013 Stakeholder Meeting Invitation
- A-6 September 24, 2013 List of Stakeholder Invitees
- A-7 September 24, 2013 Stakeholder Meeting Agenda
- A-8 March 12, 2014 Meeting Agenda on Old NASA Ferry Dock Site Alternatives

APPENDICES

Email Invitation to August 23, 2013 Stakeholders' Meeting

Greetings,

The Accomack-Northampton Planning District Commission (A-NPDC) is developing an Eastern Shore of VA Water Trails Association to address the development and enhancement of water trails in the region. As a stakeholder in this effort, we invite you to attend our first meeting of the Water Trails Association to discuss and develop an implementation plan to construct camping accommodations along the Seaside Water Trail, scheduled for Friday, August 23 at 10:00 AM at the A-NPDC office, 23372 Front Street, Accomac, VA 23301.

The overall objectives of the Water Trail Association and the *Seaside Water Trail Camping Accommodation Implementation Plan* are to:

- greatly enhance public access;
- provide extensive public environmental education opportunities;
- concentrate recreational activities in the most appropriate areas, and;
- boost economic development opportunities on the Eastern Shore.

The Water Trail Association derives from recommendations in a 2008 report (attached) by the Virginia Eastern Shorekeeper, Dave Burden, to create additional accommodations for users of the Seaside Water Trail, and to enhance the Eastern Shore brand. The Shorekeeper's report cites the Maine Island Trail and San Juan Islands Trail (in Washington State) systems as excellent examples of how water trail systems drive regional tourism markets and enhance regional identity.

Our primary objective on August 23 is to develop an implementation plan to build camping platforms. At the meeting, we will provide a brief overview of Dave Burden's report and the Seaside Water Trail; a history of what's been done so far; prioritize potential sites; and generate ideas to implement the plan. The Association may reconvene to review and finalize the implementation plan, if necessary.

We understand that not everyone need be involved in this first meeting, however, we wanted to make you aware of this exciting effort to enhance the Shore's appeal to campers, paddlers, and nature-lovers so you can be involved in future meetings. The Association plans to meet regularly once or twice a year to focus on the continued development of the Seaside Water Trail, and possible expansion of the Captain John Smith National Historic Water Trail.

Please RSVP via email to my address noted below. *Note:* I will be out of the office August 1-9 and will have only sporadic access to my email account, but can be reached, if you have questions, on my mobile: 703-629-3670.

Susan Simon

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APPENDICES

August 23, 2013 Seaside Water Trail Association Meeting Stakeholder Invitee List

Rich Morrison	Accomack County
Tom Brockenbrough	“ “
Charles McSwain	Northampton County
Peter Stith	“ “
Aric Deuel	US Coast Guard, Chincoteague
Bill Neville	Chincoteague
Ruth Boettcher	Dept. Game & Inland Fisheries
Aileen Joeckel	Wachapreague
Fred Janci	Wachapreague
Rob Testerman	Cape Charles
Cabell Lawton, Town Manager	Onancock
Ooker Eskridge, Mayor	Tangier
Denise Drewer, Mayor	Saxis
Stephanie Slocum	VA Tourism
Jean Hungiville	Chamber of Commerce
Dave Burden	Shorekeeper
Kathy Phillips	Assateague Coastkeeper
Lisa LaMontagne, Comsr	Inn at Onancock
Julie Radford	ES Tourism Commission
Allan Burns	Welcome Center Manager
Larry Lemond	V. Comm
Carol Evan	Cape Charles House
Bill and Mary Burnham	Southeast Expeditions
Rick Kellam	Broadwater Bay Ecotours
Dot Field	VA Conservation/ Recreation (DCR)
Richard Ayers	VA Conservation/ Recreation (DCR)
Bob Mayes	Citizen, kayaker,
Heather Terry Lusk	Terry Bros.
Ken Schulz	ES Anglers Club
Hank Badger	VA Marine Resource Commission
Forest Gladden	Kiptopeke State Park
Jennifer Wampler	VA Conservation/ Recreation (DCR)
Laura McKay, or alternate	VCZM
Shep Moon or Beth Pollack (possible alternates for Laura McKay)	VCZM
Sue Rice	ESVA NWR
Neil Aydelotte	US Coast Guard
Chad Turner	USCG

APPENDICES

Lou Hinds

Kevin Holcomb

Steve Parker

Lt. David Thornes

???????

Chincoteague NWR

“ “

The Nature Conservancy

Ches. Bay Bridge & Tunnel

MD Dept. Natl Resources

APPENDICES

EASTERN SHORE WATER TRAILS ASSOCIATION MEETING

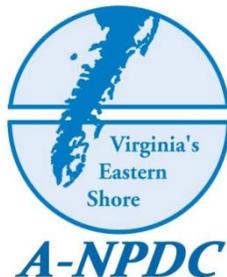
Friday, August 23, 2013

10:00 AM – 11:30 AM

Enterprise Building; 22372 Front Street, Accomac, VA

MEETING AGENDA

- | | | |
|-------|---|---------------------|
| 10:00 | Call to Order | |
| 10:01 | Introductions | <i>Susan</i> |
| 10:05 | <i>Review of 2008 Seaside Water Trail Camping Platform Feasibility Report</i>
Need for Additional Camping Facilities/Benefits of Additional Camping Facilities | <i>Dave</i> |
| 10:20 | Location: Identify Priority Sites; Specify Platform Types | <i>Dave or Bill</i> |
| 10:35 | Operations Discussion: Who Owns? Who Permits? Who Maintains? Who Posts Signs? | |
| 11:00 | Outreach: Other Stakeholders? Mechanisms to Solicit Public Input | <i>Susan</i> |
| 11:05 | Develop a Construction/Implementation Plan: Who? Resources? Timeline? | <i>Susan</i> |
| 11:15 | Public Participation | <i>Attendees</i> |
| 11:25 | Schedule to Reconvene in Mid September (9 th -12 th ??) | <i>Susan</i> |
| 11:30 | Adjourn | |



APPENDICES

Implementing a Plan for Seaside Water Trails, Subgroup Meeting, August 28, 2013

Memo for the Record

Attendees: Dave Burden, Bill Burnham, Bob Mays, Bob Trachy, Sandy Schultz, Susan Simon

The subgroup determined the first step is to create an Association to address the issues of camping platforms, where they will be situated, approach owners of the various potential sites; seek permits; and devise a system to acquire/post signage, maintain the sites, and identify priority sites. An association is able to solicit funding and set up membership dues. Membership structure would be “Commercial” and “Individual”. A possible name is the Virginia Eastern Shore Paddling Association (VESPA).

The group discussed the steps necessary to set up a nonprofit organization:

- 1) Create a Board of Directors with about 5-7 members. Most boards are 5- 13 members. Individuals suggested were: Bob Mays, Bill Burnham*, Dave Burden, Justin Munez, Sandra Schultz.
- 2) File articles of incorporation;
- 3) Create by-laws (and class of membership) stipulating Board members be allowed to vote via email, and that the quorum be based on the % of sitting board members;
- 4) Organize a meeting to approve the by-laws, set the fiscal year, appoint BOD members;
- 5) Keep minutes of the Board meetings;
- 6) File for tax-exempt status (Form 1023- fairly complicated), first with the federal government (this takes a while), then with the Commonwealth of Virginia.
- 7) Set up a website. Establishing a website requires an initial expense, and then from \$8-20/mo to maintain.

Nota bene: While awaiting approval for tax exempt status, VESPA can operate under an umbrella organization, such as the CBES. There are multiple/mutual benefits to asking CBES to serve as an umbrella organization for VESPA.

ACTION ITEMS

- ✓ Draft bylaws (Bob M.);
- ✓ Write CBES to request that they serve as umbrella organization for VESPA (Dave B.);
- ✓ Affiliate VESPA with a national association, e.g., ACA (Dave B.);
- ✓ Visit priority sites Indiantown and NASA Dock (features include flat landing, open space, graded, existing campsite, playground)
- ✓ Approach Counties to let them know there’s an interest. (Susan S.);
- ✓ Choose sites, approach landowners to begin discussion regarding maintenance and liability;
- ✓ Obtain Officers and Directors’ liability insurance;
- ✓ Get press coverage;

APPENDICES

Greetings,

The Accomack-Northampton Planning District Commission (A-NPDC), with a grant from the Virginia Coastal Zone Management, is spearheading creation of an association to develop an implementation plan for camping accommodations to enhance the Seaside Water Trail on the Eastern Shore. We've made great progress! Memoranda from our first meeting and from a subgroup meeting are attached for your review, along with a draft of the Bylaws for creation of the Virginia Eastern Shore Paddling Association (VESPA), and a set of Articles of Incorporation. For new invitees, I included the 2008 "Camping Platform Report" prepared by the Virginia Eastern Shorekeeper, Dave Burden, for your review as well.

As a stakeholder in this effort, we invite you to attend our second stakeholder meeting to discuss:

- the Bylaws draft;
- the steps to set up a non-profit;
- priority construction locations;
- and a preliminary budget for

an implementation plan that will guide the construction, management, maintenance, and funding of camping facilities along the Seaside Water Trail.

The meeting is scheduled for 10AM Tuesday, September 24 at the A-NPDC office, 23372 Front Street, Accomac, VA 23301.

We look forward to seeing and hearing from you!

Please RSVP via email to my address noted below. *Note:* I will be out of the office September 16 and 17, and will have only sporadic access to my email account. I can be reached on my mobile: 703-629-3670.

Susan Simon

Accomack-Northampton Planning District Commission
P.O. Box 417
23372 Front Street
Accomac, VA 23301
Phone: 757-787-2936, ext 115
Email: ssimon@a-npdc.org
Website: www.a-npdc.org

APPENDICES

September 24, 2013 Seaside Water Trail Association Meeting Stakeholder Invitee List

Rich Morrison	Accomack County
Tom Brockenbrough	“ “
Charles McSwain	Northampton County
Peter Stith	“ “
Aric Deuel	US Coast Guard, Chincoteague
Bill Neville	Chincoteague
Ruth Boettcher	Dept. Game & Inland Fisheries
Aileen Joeckel	Wachapreague
Fred Janci	Wachapreague
Rob Testerman	Cape Charles
Cabell Lawton, Town Manager	Onancock
Ooker Eskridge, Mayor	Tangier
Denise Drewer, Mayor	Saxis
Stephanie Slocum	VA Tourism
Jean Hungiville	Chamber of Commerce
Dave Burden	Shorekeeper
Kathy Phillips	Assateague Coastkeeper
Lisa LaMontagne, Comsr	Inn at Onancock
Julie Radford	ES Tourism Commission
Allan Burns	Welcome Center Manager
Larry Lemond	V. Comm
Carol Evan	Cape Charles House
Bill and Mary Burnham	Southeast Expeditions
Rick Kellam	Broadwater Bay Ecotours
Dot Field	VA Conservation/ Recreation (DCR)
Richard Ayers	VA Conservation/ Recreation (DCR)
Bob Mayes	Citizen, kayaker,
Heather Terry Lusk	Terry Bros.
Ken Schulz	ES Anglers Club
Hank Badger	VA Marine Resource Commission
Forest Gladden	Kiptopeke State Park
Jennifer Wampler	VA Conservation/ Recreation (DCR)
Laura McKay, or alternate	VCZM
Shep Moon or Beth Pollack (possible alternates for Laura McKay)	VCZM
Sue Rice	ESVA NWR
Neil Aydelotte	US Coast Guard
Chad Turner	USCG

APPENDICES

Lou Hinds
Kevin Holcomb
Steve Parker
Lt. David Thornes
???????
Dick Pearsall
Caleb Fowler
Bob Trachy
Sandra Schultz
Justin Munez

Chincoteague NWR
“ “
The Nature Conservancy
Ches. Bay Bridge & Tunnel
MD Dept. Natl Resources
Capt. John Smith Trail, Chair
Citizen, kayaker
Citizen, kayaker
Citizen, kayaker
Citizen, kayaker

APPENDICES

SEASIDE WATER TRAILS CAMPING ACCOMMODATIONS MEETING

Tuesday, September 24, 2013

10:00 AM – 11:00 AM

Enterprise Building; 22372 Front Street, Accomac, VA

MEETING AGENDA

10:00	Call to Order	
10:01	Implementation Plan Update	Susan
10:05	Review Virginia Eastern Shore Paddling Association (VESPA) By Laws Draft	Bob M.
10:10	Steps Required to Establish a Non-profit	Bob M.
10:20	Priority Locations, Architectural Considerations, Local Implementation Needs	Dave
10:35	Identify Possible Funding Sources to Construct, Manage, Maintain Susan/Laura	
10:40	Preliminary Budget	Bob M.
10:50	Public Participation Attendees	
10:55	Schedule to Reconvene	Susan
11:00	Adjourn	



APPENDICES

Agenda for Meeting on Old NASA Ferry Dock Alternatives

SEASIDE WATER TRAILS CAMPING ACCOMMODATIONS MEETING

A-NPDC Building; 22372 Front Street, Accomac, VA

Wednesday, March 12, 2014

3:00 PM

AGENDA

Welcome

Introductions

Review Presentation to Accomack County Board of Supervisors (2/19/2014)

Discussion of NASA Dock site

Advantages/Disadvantages

Other Possible Sites

Advantages/Disadvantages

Other Considerations

Next Steps

Adjourn



A-NPDC



Virginia Coastal Zone
MANAGEMENT PROGRAM

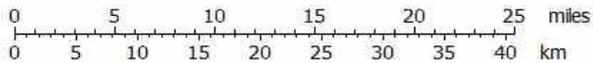


Appendix B

Map of Potential Seaside Camping Accommodation Sites



Map created with **TOPOIG** ©2008 National Geographic



MN ↑ T
11½°
08/22/13

Appendix C
Descriptions and Photographs of Alternate Sites

C-1 Scouting Mission Description of Wishart Point

C-2 Photographs of Wishart Point

C3 Scouting Mission Description of Red Banks

C-4 Photographs of Red Banks

APPENDICES

Virginia Seaside Water Trail
Campground scouting report
Wishart Point

Date of Visit: Monday, May 12, 2013

Summary: Wishart Point is an unimproved landing in Accomack County in the vicinity of the town of Atlantic. The area is at the dead-end of VA 695, which is accessed via Atlantic Road near the town of Atlantic. There are two muddy launch/landing spots into the shallow tidal water of Bogues Bay. There is an old dock next to this landing, although it's condition should be deemed unsafe for use at this time. Wishart Point is a popular spot for fisherman. There are at least a half-dozen homes within a quarter-mile of the landing, which may be a factor in the site's relatively clean status and frequent use.

On the Trail

Wishart Point is approximately six miles south of Chincoteague Island and is the first public access point on the Virginia Seaside Trail as you paddle south of the Island. Continuing south on the Seaside Trail from Wishart, the next public landing is found at Gargathy Neck, approximately 12 miles south via the Virginia Inside Passage. Its location between Chincoteague and Gargatha makes Wishart an ideal location to establish a camping site that is within reasonable paddling distance from major landings. In addition, Wishart provides prime viewing of the Wallops Island spaceport, as well as the seaside marshes interior or Wallops, Assawoman and Metompkin islands.

GPS Coordinate:

N 37.88110
W 75.49163

Needs

The land at Wishart Point shows evidence of past use, including old dock pilings, an old pier, and two launch/landing areas — one muddy, the other broken-up concrete. The access points would need improvement, and old structures either removed or repaired.

Ownership

Private, with a public easement granted to Accomack County.

Pros

Ideally located within an easy day paddle distance of Chincoteague Island, providing paddlers who chose Chincoteague as their launching point for a multi-day trip. With Chincoteague as a base to supply and pre-launch preparations, Wishart's could be that easy first night camp. The mileage to Gargatha Landing 12 miles farther south is at the top end of estimated safe paddling distance for beginner/intermediate paddlers, but still doable.

Cons

Although the county has an easement for the property to allow for public use, it has been communicated that additional permission from the private owners would be needed for camping activity. Also, the landing's close proximity to the Mid-Atlantic Spaceport on Wallops Island may require that access to the landing and camping be restricted during times of rocket launchings. It is yet to be determined whether an offshore camping platform or a land-based camping site is the best fit for this area. Depth soundings and tidal range will become factors to be considered.

Photographs of Wishart Point



Approaching Wishart Point



Wishart Point launching/landing ramp



Wishart Point alternate launch landing

APPENDICES

Red Bank, 9/10/13. Day paddle out of Red Bank landing to the TNC property and out Red Bank Creek to a seaside marsh island. Goal was to identify a suitable land site for camping in the Red Bank Creek area. Bob Mayes, Bob Trachy, Bill Burnham

Summary: Red Bank is a DGIF-maintained public landing at the end of VA 617, approximately 1.0 miles from Rt. 13 and bustling downtown Weirwood Station. The landing features two concrete ramps and parking for 10+ cars and boat trailers. The ramp is used by recreational fishermen, kayakers, and working watermen who access clam and oyster beds in Hog Island Bay via Red Bank Creek. There is one blue crab/peeler operation upstream from the landing.

Red Bank Landing itself is not a viable spot for a seaside camping area. However, a piney ridge approx 0.8 miles from the landing, accessed via Phillips Creek, offers the first and easiest access point for camping. Topo maps refer to this ridge as "The Hammocks." Continuing up Phillips Creek past The Hammocks, approximately 2.0 miles from Red Bank Landing, is a Nature Conservancy-owned parcel that features a kayak-friendly dock, mowed paths and a clearing with a building and chemical toilet. Continuing out Red Bank Creek past "The Hammocks," there is a marsh island populated by an old two story home on a parcel referred to as "Fowling Point." Old dock footings indicate this was probably a viable homestead at one time, but the site is now abandoned. Given sea level rise, this site is not a long-term option.

On the trail: Red Bank occupies a critical spot along the Seaside Trail. To the south is Indiantown Park and Oyster. It is 11 miles from Indiantown Park (south) to Red Bank, a distance that is about 4.2 miles from Red Bank to Virginia Landing.

Needs: If The Hammocks is chosen as the site, it would require receiving permission from owners, then construction of camping platform. If the TNC site is preferred, it would require negotiating paddler access with TNC.

Ownership: Unknown. One task would be to research Northampton County tax maps to identify owner.

Pros: The Hammocks is preferred as a backcountry site due to its easy access -- paddlers coming up or down the seaside would reach it faster than the TNC site. The walk-in from landing spot is shorter compared to the TNC site.

Cons: Ownership of The Hammocks is unknown.

Photographs of Red Banks



Marsh landing at Fowling Point with Red Bank Creek in background



Kayak landing at The Nature Conservancy's Brownsville Farm property on Phillips Creek

Appendix D

Virginia Eastern Shore Paddling Association (VESPA) Mission Statement and Draft Bylaws

DRAFT BYLAWS OF THE VIRGINIA EASTERN SHORE PADDLERS ASSOCIATION

September 6, 2013

ARTICLE I

NAME

The name of the organization shall be the Virginia Eastern Shore Paddlers Association, Inc., hereinafter referred to as "the Association", "Virginia Eastern Shore Paddlers Association", or "VESPA". It shall be a nonprofit organization incorporated under the laws of the State of Virginia.

ARTICLE II

PURPOSE

The major missions of the Virginia Eastern Shore Paddlers Association are:

1. Promote paddling on the Eastern Shore of Virginia
2. Develop paddling opportunities and facilities
 - i. Establish partnerships to work with local governments, organizations and the paddling community to develop broad based and long term support to develop, enhance and maintain Eastern Shore water trails.
 - ii. Work with Eastern Shore land and water owners and managers to develop, enhance and maintain access sites and facilities for paddlers.
3. Protect the environment along water trails
 - i. Offer environmental and skills training to paddlers of all ages.
 - ii. Promote responsible use and enjoyment as well as stewardship for water trail facilities and for the surrounding coastal environments
 - iii. Promote ecotourism and economic development on the Eastern Shore through development and use of area paddling venues.

APPENDICES

4. Develop a community of paddlers and serve as a resource for paddlers
 - i. Publish information on all of the Virginia Eastern Shore water trails including launch points, campsites, and sites along the water trails as well as listing outfitters, hotels and other businesses along the water trails.
 - ii. Act as a voice for paddlers by monitoring events which are important to paddlers, keeping paddlers informed, and speaking out for paddlers.
 - iii. Be a resource for paddlers concerning education on the environment, responsible use, safety, and other paddling and water trail issues.
 - iv. Develop programs to introduce youth to paddling and encourage young paddlers.

ARTICLE III

ELECTED OFFICERS

Section 1. Officers. The elected officers shall be President, Vice-President, Secretary, Treasurer, and Trails Supervisor.

Section 2. Terms of Office. All officers shall be elected for a term of one year. The terms of office for all elected officers shall be coincident with the Association's fiscal year as established in Article VI of these Bylaws.

Section 3. Duties. The following are minimum duties of each officer. Other duties may be assigned by the President or the Board of Directors. Duties may be specified elsewhere in these Bylaws.

- The President shall preside at all general membership meetings of the organization, and all meetings of the Board of Directors. He shall appoint committees subject to the approval of the Board of Directors, and aid them in the performance of their duties. It is the President's obligation to follow and enforce the Bylaws.
- The Vice-President shall perform the duties of the President in the absence of the President. He shall assume the duties of acting President for the remainder of a term if the President is unable to fulfill the term.
- The Secretary shall take minutes of Association membership meetings, Board of Directors meetings, and other meetings as the President may designate. Record the results of all official votes. Maintain Association administrative records and incoming and outgoing correspondence. Prepare outgoing correspondence when assigned by the President or Board of Directors.

APPENDICES

The Secretary shall:

- Maintain and safeguard the fundamental documents of the organization, including, but not limited to, the Articles of Incorporation, charter, bylaws, minutes, contracts, agreements, memoranda of understanding, etc.;
- Prepare general correspondence where required;
- Prepare a membership application form which is to state the purposes and the requisites for membership for any applicant who may apply;
- Keep full and complete records of the minutes and proceedings of the organization;
- Keep an updated roster of the membership;
- Treasurer. Keep an accounting of Association finances. Receive and disburse Association funds as authorized by the Board of Directors. Maintain records of all Association financial assets and liabilities. Prepare an annual budget as outlined in Article VI of these Bylaws.

The Treasurer shall:

- Maintain custody of the organization's funds and securities;
- Deposit all funds of the organization in the name of the organization in such bank or banks as shall from time to time be designated by the Board of Directors;
- Make disbursements as directed by the Board of Directors;
- Keep full, accurate, and current accounts of all receipts and disbursements in books or other recording devices belonging to the organization;
- Exhibit at all reasonable times the organization's books and accounts to any director or officer of the organization;
- Render a statement of the condition of the finances of the organization at each meeting if called upon to do so, and a full report at the annual meeting;
- Obtain and keep current annual general liability insurance for the organization as well as Officers and Directors Liability insurance;
- Prepare any necessary tax returns;
- Perform all other duties incident to the office of Treasurer;
- Trails Supervisor. Ensure sections of the Virginia Eastern Shore Seaside Water Trail and other trails maintained by the Association are properly maintained.

Section 4. All elected officers shall serve without compensation.

Section 5. The President and the Treasurer shall be designated as signatories on all bank accounts of the organization, and either shall be able to write checks on organization accounts as directed by the Board of Directors.

APPENDICES

ARTICLE III

MEMBERSHIP OF THE BOARD OF DIRECTORS

Section 1. All elected officers as specified in the Bylaws Article II shall be members of the Board of Directors.

Section 2. Committee Chairpersons and Special Advisors appointed by the President, recommended to the Board of Directors for membership and approved for membership to the Board of Directors by a majority vote of the Board of Directors present shall be members of the Board of Directors.

Section 3. The President may appoint Association members in good standing to act as Committee Chairpersons or Special Advisors. Persons so appointed must be approved for membership to the Board of Directors by a majority vote of the Board of Directors present. This term of one year is to coincide with the term of current members of the Board of Directors. Unnecessary.

Section 4. Other Special Advisors may be appointed by the President as non-voting members of the Board of Directors.

Section 5. All Board of Directors members as specified in this Article shall have one vote on the Board of Directors.

Section 6. Board of Director members must be members in good standing of the Association.

Term of office?

ARTICLE IV

COMMITTEES

Section 1. Committees shall be established to carry out the Association's objectives and activities. The President may appoint Committee Chairpersons as described in Article III, Section 2. Appointment to Committee membership shall be by the President and/or the Committee Chairperson as may be agreed upon by them.

Section 2. The Association shall have as a minimum the following standing Committees or combination thereof:

- Membership
- Trail Management
- Education

APPENDICES

Section 3. The Association shall have special committees as deemed necessary by the Board of Directors in order to accomplish specific tasks. The term of a special committee shall be established by the Board of Directors. If the business of a special committee is deemed by the Board of Directors to be a continuing one, it may be designated a standing committee by a majority vote of the Board of Directors present.

Section 4. The duties of a standing committee shall be defined by the Board of Directors. The duties of other committees shall be defined by the President and/or the Board of Directors.

ARTICLE V

GENERAL MEMBERSHIP

Section 1. The Association has two types of membership: Individual and Corporate. The term of membership is one year for both Individual and Corporate. Membership in the Association is open to the public and no person shall be excluded from membership because of sex, race, national origin, or religion. A person must be at least eighteen (18) years of age to be a member of the Association. WHY? WHAT ABOUT FAMILY MEMBERSHIPS?

Section 2. Membership application shall be on a form prescribed by the Board of Directors, signed by the applicant, and tendered with payment of applicable dues and application fees as specified in the annual budget.

Section 3. A member in good standing is one who is current in his or her dues and application fees as specified in the annual budget.

Section 4. All members have the same rights and privileges. All members shall be eligible to be elected to office, to be selected as a Committee Chairperson or committee member, and to be appointed to the Board of Directors as specified in these Bylaws.

Section 5. All members in good standing except those joining the Association within one month of the annual Association election shall have the right to vote in the annual Association elections.

Section 6. All members have the privilege to participate in all Association activities within prescribed limitations of that activity including nonvoting participation at the Board of Directors meetings.

ARTICLE VI

ASSOCIATION FINANCES AND DUES

Section 1. Fiscal Year. The fiscal year for the Association shall commence on the first day of March each year, and shall end on the last day of February the following calendar year. WHY NOT SIMPLIFY THIS TO THE CALENDAR YEAR AND MOVE UP THE DATES FOR ELECTIONS, BUDGETS, ETC. ACCORDINGLY?

Section 2. Annual Budget. An annual budget of planned Association income and expenditures shall be prepared and approved as follows:

- Following the election of officers at the January general membership meeting and before the February meeting of the Board of Directors, the outgoing and incoming Treasurer and President shall prepare a proposed budget for the following fiscal year, containing projected expenditures and recommended dues based on projected membership.
- At the February Board of Directors meeting, the Board of Directors shall meet with the outgoing and incoming Treasurer and President for review and modification (as desired) of the proposed fiscal year budget. The proposed budget must be approved by a majority vote of the current Board of Directors present.
- At the February Association membership meeting, the incoming Board of Directors shall present their recommended budget for the next fiscal year. This budget may be approved by the Association membership as submitted, or may be modified from the floor and then approved. All voting for individual modifications and final approval shall require a majority vote of the members present for passage.

Section 3. Dues

- 1) There shall be two types of dues – that for an individual and that for an organization. The organization dues shall be three times the individual dues for each fiscal year (rounded up to the nearest whole dollar). The organization shall have full membership rights and privileges except it shall receive only a single copy of each mailing sent to Association members.
- 2) The dues for each membership fiscal year shall be established as part of the annual budget, submitted and approved in accordance with Section 2 of this article. A separate vote on a modification to the dues amounts is not required. Renewal of Annual Membership is by payment of dues as set forth above. Dues shall be paid within the first two months of each fiscal year. Members failing to renew within the two (2) months period shall be dropped from membership and the mailing list by the Membership Committee. Membership may be re-established by paying a full year's dues and application fees for the year in which the member rejoins.

APPENDICES

- 3) Those new members joining the Association after the first day of September shall pay one-half the established dues (rounded up to the nearest whole dollar) for that fiscal year.

Section 4. Accounts and Expenditures

- 1) No funds of the Association shall be expended or the Association obligated except as authorized herein.
- 2) The following expenditures may be authorized by the Board of Directors:
 - i) All expenses included in the approved budget, including the reprogramming of available assets from the general fund or savings account to account for inaccuracies in the budget estimates.
 - ii) Non-budgeted items not in excess of \$1,000.00 for which adequate funds are available from current assets.
- 3) An expenditure in excess of \$1,000.00 may be authorized only by approval by a majority vote of the Board of Directors present, and a majority vote of the Association membership present at AN Association membership meeting.
- 4) Association funds shall be held and secured in bank accounts by the Treasurer as approved by the Board of Directors.
- 5) Records shall be maintained of all Association funds and financial assets using recognized and acceptable accounting procedures.
- 6) No moneys may be withdrawn from Association bank accounts except upon signature of a minimum of two officers. IS IT REASONABLE TO REQUIRE TWO SIGNATURES EVERY TIME A BILL HAS TO BE PAID? THIS WILL PROVE A NUISANCE.

Section 6. Examination of Association accounts. The Board of Directors shall require that Association accounts be examined by a knowledgeable individual or committee, other than the Treasurer, at the end of each fiscal year, and whenever a change in the Association Treasurer takes place during the fiscal year, to ensure accounting and financial soundness. A record of the examination findings shall be kept by the Secretary.

ARTICLE VII

MEETINGS

Section 1. A quorum of a simple majority of members of the Board of Directors including the President or Vice-President is required to conduct business at a Board of Directors meeting. Board of Director meetings should be held monthly as determined by the Board of Directors, but at least three (3) meetings per year shall be held. Meetings may be attended via teleconference by Board members. By majority vote, the Board of Directors may bring forward to the Association membership items of Association business for consideration of the membership.

APPENDICES

Section 2. The Board of Directors shall establish monthly meetings for the Association membership. The purpose of such meetings will be to inform the membership of Association activities, to present special programs for the membership, and to conduct Association business as deemed appropriate by the Board of Directors. Annual elections shall be held at the January Association membership meeting for the purpose of electing officers.

Section 3. Meetings shall be held in a formal manner with proper decorum observed. The agenda shall be at the discretion of the presiding officer. “Roberts Rules of Order” may be used as a guide, however its use is not mandated. Minutes shall be kept of all Board of Directors meetings, other meetings as designated by the President, and Association membership meetings at which formal motions are presented. These minutes shall be maintained by the Secretary as part of the Association administrative record.

Section 4. The location of the Board of Directors and Association membership meetings shall be established by the Board of Directors.

Section 5. Special meetings of the Association membership may be called by the President, upon at least one-week’s notice by mail EMAIL?? to all members and shall be called by the President upon petition of not less than twenty-five (25) members in good standing.

Section 6. Special meetings of the Board of Directors may be called by the President upon at least seventy-two (72) hours notice to all Board of Directors members BY WHAT METHOD?? or may be called by a quorum of the Board of Directors in the same manner.

ARTICLE VIII

ELECTION OF OFFICERS

Section 1. The officers provided for in Article II shall be elected by the Association membership.

Section 2. The President shall appoint a Nominating Committee of not less than five members not later than the October Board of Directors meeting. The Nominating Committee may nominate more than one person for each office and nominate the same person for more than one office. The Association membership shall be notified, in writing in the December newsletter, or other method of written notice, at least twenty (20) days before the January Association membership meeting, of the names of the persons nominated for each office by the Nominating Committee. The Nominating Committee Chairperson shall not be eligible for office.

APPENDICES

Section 3. Nominations from the floor may be accepted for any office at the January Association membership meeting, and at regularly scheduled monthly meetings immediately preceding the January meeting, but after formation of the nominating committee.

Section 4. Each office must be voted upon separately and in the order listed in the Bylaws. Nominations may be accepted from the floor for an office immediately prior to the vote for that office. A person elected to office shall not be eligible to run for any other office. Elections shall be by secret ballot and a majority vote of the members present is needed to win. If there is only one person nominated for an office, the vote for that office shall be by a show of hands. If no candidate receives a majority of the votes cast, a run off election shall be held between the persons receiving the two highest number of votes. A member need not be present to vote. Absentee ballots or voting by proxy is permitted. CAN A PERSON COME IN WITH A PAPER AFFIRMING THAT HE HAS 10 ABSENTEE BALLOTS FROM MEMBERS? OR SIMPLY STATE THAT? MANY PROBLEMS WITH PROXIES.

Section 5. Officers shall be limited to three (3) consecutive terms in the same office with the exception of the Trails, who shall be limited to five (5) consecutive terms. In the event there is no nominee for a particular office, the incumbent may be allowed to serve more than his/her designated term up to a time when a nominee is elected.

Section 6. In the event of a withdrawal, death, or disability prior to the January Association meeting, of any member who had been nominated by the Nominating Committee for any elective office, the Nominating Committee shall nominate one or more members for such elective office and shall notify the Association Membership prior to the January Association meeting. The provision for twenty (20) days advance notification to the membership shall not apply in such instance.

Section 7. To be placed in nomination status by the Nominating Committee or from the floor at an Association membership meeting, a member must agree to serve if elected.

Section 8. In the event of the resignation, death, disability or removal of the President, the Vice President shall immediately succeed the President. In the event of the resignation, death, disability or removal of the Vice President, the Board of Directors shall appoint a Vice-President to serve until the next election. In the event of the resignation, death, disability or removal of any other officer, the President shall appoint a successor to serve until the next election.

Section 9. Elections shall be held at the January Association membership meeting.

ARTICLE IX

DISCIPLINE AND REMOVAL

Section 1. Complaints directed to a member of the Board of Directors about the conduct of a member that is prejudicial to the Association shall be investigated and addressed by the Board of Directors. If the Board of Directors, by a 2/3 vote at a Board of Directors meeting shall decide that a member shall be expelled due to prejudicial conduct, formal notice shall be sent to the member. If the member expelled asks for a review of the matter, the member shall be temporarily suspended until final resolution by a Review Committee. The member shall within thirty (30) days then have the right to a hearing on the matter by a Review Committee, consisting of not less than three former elected officers of the Association appointed by the President. The decision of the Review Committee shall be final. A member so expelled holding an elected or appointed position in the Association shall be considered removed from that position.

Section 2. Committee members can be removed from a Committee at the discretion of the President or Committee Chairperson.

Section 3. Special Advisors to the Board of Directors can be removed at the discretion of the President.

Section 4. Committee Chairpersons appointed by the Board of Directors can only be removed for just cause by 2/3 vote at a Board of Directors meeting or by expulsion from the Association as a member per Section 1 above of this Article.

Section 5. Elected officers can only be removed from office for dereliction of duty, misconduct in office, personal actions or actions as an Association representative which bring discredit to the Association, or other similar cause. Elected officers of the Association are expected to attend a majority of the Board of Directors and Association membership meetings. Noncompliance shall be presumed to be just cause for removal from office. Removal from office requires a 2/3 vote of the Board of Directors present at the meeting and a 2/3 vote of the Association membership present for removal from office. At least a one-week notice shall be given to all members of the Board of Directors regarding the Board of Directors meeting at which removal of an officer shall be considered. The officer under consideration for removal shall be allowed to answer charges at both the Board of Directors meeting and Association membership meeting. Officers expelled from membership in the Association as per Section 1 of this Article shall be removed from office.

Section 6. Nonpayment of dues within the time period established in the Bylaws shall be cause for suspension of any board member from the Board of Directors. Suspension for more than two

APPENDICES

(2) months may be considered cause for removal from office even if membership is reinstated by later payment of dues.

ARTICLE X

NOTIFICATION OF MEMBERS

Section 1. The General Secretary shall maintain an up-to-date roster of all members including their mailing address, telephone number (if made available) and e-mail address (if made available) and shall provide these rosters to the members of the Board of Directors as required for them to perform their duties.

Section 2. Each member shall promptly give written notice to the Association of each change in mailing address to which the newsletter and other notices shall be sent.

Section 3. The mailing of written notice as required by these Bylaws shall be by first class mail, or other expedient and cost-effective delivery, including e-mail. This shall constitute notice to the member and be binding.

Section 4. A copy of these Bylaws, with the latest amendments incorporated, shall be provided to each member. This shall be affected by either being mailed to the Association membership or delivered by e-mail. It shall be the responsibility of each member to incorporate the amendments into his/her copy of the Bylaws. SHOULD SIMPLY SEND AN EMAIL COPY OF THE REVISED FULL SET OF BYLAWS TO MEMBERS IT WILL NOT WORK TO ASK MEMBERS TO INCORPORATE AMENDMENTS.

ARTICLE XI

RULES, REGULATIONS, AND CONDUCT OF ASSOCIATION BUSINESS

Section 1. The Board of Directors may make such rules and regulations as it deems advisable provided such rules and regulations do not conflict with these Bylaws or the Articles of Incorporation. Such rules and regulations, if permanent, shall be documented in the Board of Directors minutes and a master list compiled and made available for all member, to be kept in the possession of the General Secretary.

Section 2. The Board of Directors may establish businesses it may deem appropriate in conformance with all local, state, or federal ordinances or laws. ONLY IF MEMBERSHIP CONCURS?

APPENDICES

Section 3. The Board of Directors may employ persons for compensation it deems appropriate to perform Association business. Such persons shall not be Association members and shall have no vote in Association business.

Section 4. Money or real property assets of the Association shall not in any manner be distributed to Association members or Association officers except for proper reimbursement on behalf of Association business. Financial compensation shall not be paid to any Association member or officer except for specific services rendered. Assets other than money (or equivalent) or real property may be sold or otherwise disposed of as approved by the Board of Directors.

ARTICLE XII

DISSOLUTION

Section 1. The Corporation may not be dissolved except by 3/4 vote of the Board of Directors present at a meeting scheduled for this purpose. Prior to this action at least a four-week notice shall be given in writing to the Association membership for an Association membership or special meeting at which the proposed dissolution of the Corporation will be discussed. Dissolution of the Corporation shall be in conformance with state law.

Section 2. Upon dissolution, the assets, funds and property shall be disposed of in accordance with the Articles of Incorporation.

Dissolution

Section 1. The organization shall be dissolved only after a unanimous vote of the Board of Directors places the matter before the membership.

Section 2. The matter of dissolution must be placed before the entire membership only after the Secretary has provided notice to all members that a Special Meeting will be called for the purpose of voting on dissolution. Notice must be provided to members at least four (4) weeks prior to such meeting. All members in good standing will have an opportunity to vote, including mail ballots for those not able to attend the Special Meeting. Such dissolution shall be adopted only upon a two-thirds vote of the membership in good standing.

Section 3. Within two weeks of an affirmative vote for dissolution, all stocks, bonds, money market funds, mutual funds, etc., shall be sold or converted to cash. All physical properties shall be made available to members for purchase in a manner determined by the Board of Directors, and the proceeds placed with the cash reserves. Any remaining physical assets shall be sold by the Board of Directors, or given to charitable or educational organizations, and any cash received

APPENDICES

shall be placed with the cash reserves. Total cash assets shall be distributed by the Treasurer, in collaboration with the Board of Directors, as follows:

1. To Creditors.
2. To Charitable, Cultural, Educational, etc. causes.

No officer or organization member will directly receive any of the monetary assets of the organization.

ARTICLE XIII

AMENDMENT TO BYLAWS

Section 1. Amendments to the Bylaws may be proposed by the Board of Directors or by written petition, signed by not less than twenty (20) members in good standing, and delivered to the Secretary. The text of any proposed amendment and initiating petition, if any, shall be made available to each Association member. The Association membership shall meet for an open discussion on the proposed amendment(s). Members will be notified at least four (4) weeks in advance of the meeting. The amendment(s) will be voted on during the meeting. **MOST GROUPS VOTE ON A PROPOSAL AT THE NEXT MEETING. THIS IS BETTER.**

Section 2. Voting will be by a show of hands, or by ballot on a form prescribed by the Board of Directors. The show of hands will be counted by at least three people designated by the President. Ballots shall be counted by three persons designated by the President. A Bylaw amendment shall pass if approved by 2/3 majority of those members present voting. The proposed amendment will pass or fail as written and no floor amendments shall be allowed.

Appendix E
A-NPDC Presentation to
Accomack County Board of Supervisors

Accomack County Board of Supervisors' Meeting

– February 19, 2014–

Request Concept Approval for Camping Platform at NASA Dock on Virginia's Seaside Water Trail

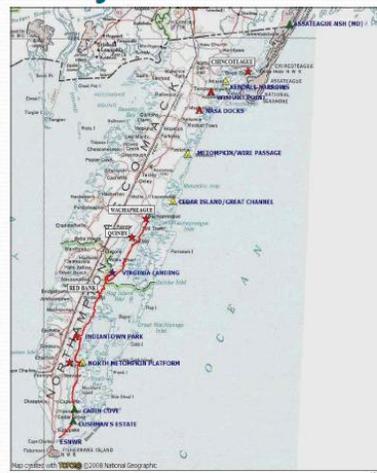
Susan Simon
A-NPDC
(757)787-2936, ext. 115
ssimon@a-npdc.org



Seaside Water Trail Camping Accommodations Project

Objectives

- VCZM Grant to develop implementation plan for constructing camping accommodations along Seaside Water Trail
- Economic & site development benefits
- Engage local stakeholders through creation of Virginia Eastern Shore Paddling Association (VESPA)
 - Identify and prioritize camping sites along Water Trail
- Accomack County's former NASA Dock chosen as 1 of 2 priority sites
- What is needed from Accomack County



NATIONAL GEOGRAPHIC
Seaside Water Trail Map

Eastern Shore Water Trails Association Development and Seaside Water Trail Camping Accommodation Implementation Plan

Grant Objectives

- Select sites based on recommendations from 2008 Camping Platform Feasibility Report by Eastern Shorekeeper and input from local stakeholders
- Develop implementation plan to construct, maintain

Results

- Two priority sites selected, one in Accomack at former NASA Dock, one in Northampton at Indiantown Park
 - Intended to be 1st in series of Water Trail camping accommodations
- VESPA, VA Eastern Shore Paddling Association being formed

Examples of Platforms; Boardwalk Landings



Land-Based, Flat Platforms without Roof or Wall

Courtesy BurnhamGuides LLC



Floating Platform

Courtesy SEKayak



Landing Boardwalk

Courtesy BurnhamGuides LLC

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Camping Platform (~400 Ft²) Proposed at NASA Dock Site



VESPA's Objectives

Current project:

- Provide input for site prioritization and selection

Long-term:

- Promote, market sustainable ES tourism and recreation; link with established East Coast water trails; (e.g., Captain John Smith, North Carolina's)
- Develop infrastructure by determining platform design and additional locations;
- Promote environmental appreciation and stewardship through public access and signage;
- Raise revenue, promote contribution of resources, partnering with public, private entities
- Provide volunteer assistance with site maintenance

Economic Development Benefits

- Well-designed water trail promotes heritage, eco-tourism, capitalizes on “You’ll Love Our Nature” brand;
- Targets single and multi-day recreational kayaking, the fastest growing paddle sports market;
- Kayakers often stay locally at least 1 night, spend >\$88/day in destination community;
- Kayakers repeatedly visit areas with varied, high quality paddling opportunities and services;
- Catalyst for job creation, entrepreneurship;
- Links with existing trails to widen marketing campaign.

Nota bene: 20 year old, established Maine Island Trail generates \$1.7M spending/yr , and out-of-state visitors spend >\$680 for day trips, \$1,100 for overnights, and generates \$50,000+ in state and local taxes; (2011 Harvard study)

What is Needed from Accomack County

- BOS approval granting authorization to proceed
- Risk and liability
 - Removing derelict equipment reduces risks, liabilities
 - Grants available via NOAA Marine Debris Removal Program
- County maintenance and security

Appendix F

Press Coverage

Article in Eastern Shore News/The Daily Time/delmarvanow.com

Former NASA dock to become kayak campsite | The Daily Times | delmarvanow.com Page 1 of 1

Former NASA dock to become kayak campsite

*Written by Carol Vaughn Staff Writer
Feb. 24, 2014*

delmarvanow.com

ACCOMACK — Improvements are in the works to transform the old NASA dock at the end of Pierce Taylor Road in northern Accomack County into a campsite for kayakers traversing a water trail that runs the length of the Virginia Eastern Shore seaside.

The site was chosen as one of two priority locations for kayak-in campsites by a new group of stakeholders, the Virginia Eastern Shore Paddling Association.

The other is at Indiantown Park in Northampton County.

"A well-developed seaside water trail can be a magnet" for tourists, said Susan Simon of the Accomack-Northampton Planning District Commission.

The Accomack County Board of Supervisors unanimously approved the concept for the campsite, despite concerns about security for campers due to nighttime activities at what Chairman Jack Gray called a known Lover's Lane, including drinking and other shenanigans.

"I'd hate to see a bunch of Girl Scouts camp there and some bad thing happen," Gray said.

"If I were staying down there, I would be packing heat," said Supervisor Grayson Chesser, adding, "with just a little bit of work, it could be a really good landing spot."

Several supervisors agreed installing lighting there would improve security.

Supervisor Ron Wolf was concerned about interference with increasingly frequent rocket launches from Wallops Island, but Simon said campers would have to register beforehand and the site could be closed to visitors during launches if needed.

The county's insurance consultant said it would add only about \$10 a month to the county premium to insure the site, which Accomack County owns.

A priority would be removing several metal structures dating to the site's former use as a NASA dock. Simon said the group is looking into obtaining a grant for marine debris removal to pay for that.

About a dozen potential campsites have been identified along the trail.

"The economic benefits for the Eastern Shore could be significant," Simon said, noting kayaking enthusiasts "repeatedly return" to visit areas that offer such services.

The Eastern Shore trail connects with some 800 miles of water trails extending from Florida to Virginia.

The trail targets recreational kayakers, the fastest growing paddle sports market, Simon said. Studies show kayakers spend more than \$88 a day in communities they visit.

The 20-year-old Maine Island Trail generates \$1.7 million a year in spending and more than \$50,000 a year in tax revenue, according to a 2011 Harvard University study.

<http://www.delmarvanow.com/article/20140224/news/302230016/former-nasa-dock-to-be...> 5/12/2014

Appendix G

National Sea Grant Law Center Advisory on Platform Permits



The
University of Mississippi

Oxford • Jackson • Tupelo • Southaven

National Sea Grant Law Center
Kinard Hall, Wing E - Room 262
Post Office Box 1848
University, MS 38677-1848
Office Phone: (662) 915-7775
Fax: (662) 915-5267
E-mail: sealaw@olemiss.edu

June 25, 2013

Curtis W. Smith
Director of Planning
Accomack-Northampton Planning District Commission
P.O. Box 417, 23372 Front Street
Accomac, VA 23301

Re: Camping Platform Permitting (NSGLC-12-04-03)

This product was prepared by the National Sea Grant Law Center under award number NA09OAR4170200 from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the authors and do not necessarily reflect the views of NOAA or the U.S. Department of Commerce.

Dear Curtis,

Please find below our analysis regarding the development of a series of camping platforms along a water trail on the seaside of the Eastern Shore of Virginia. As I understand it, the Accomack-Northampton Planning District Commission would like to construct platforms for overnight use for those traveling along rivers. These platforms could either be land-based, floating, or constructed on pilings situated on state-owned bottomland. While the Commission has held initial discussions about the legality and permitting required for new construction of platforms elevated on pilings, it has not been able to find information on the repurposing of existing piling foundations for use as camping platforms. Specifically, the Commission is seeking

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information on using existing piling foundations that once supported hunting blinds and have either been abandoned or impacted by storm events to the point of disrepair.

Waterfowl hunting blinds are regulated by the Virginia Department of Game and Inland Fisheries (DGIF). The construction and use of the abandoned hunting blind pilings in question were originally licensed pursuant to Virginia's waterfowl hunting blind laws and regulations.¹ A license from the DGIF is required to hunt from either stationary or floating blinds, with exceptions in some areas of the state.² In most instances, riparian owners and their lessees have prior rights to license stationary blinds on their shoreline and in certain public waters in front of their shoreline.³ If a riparian owner does not exercise his right to have a blind, any locations remaining in the public waters belong to whoever obtains a license from the DGIF and proceeds to erect a blind. No one, however, may license a blind within 500 yards of an established blind. Licenses are renewable on an annual basis; however, riparian owners can re-assert their prior rights when renewals are sought, even if they forfeited their privileges the preceding year. Blinds destroyed by hurricanes or other events outside the owner's control may be replaced within thirty days. Blind licensees are required to remove the blinds when their licenses expire or when they no longer intend to use the blind for waterfowl hunting.

If the blinds have been removed and the pilings remain, the relevant question becomes how would the repurposing of the pilings for a camping platform be permitted or licensed by the state? The existing duck blind laws have no provisions for the reuse of an old blind, and, in fact, require duck blinds to be removed after a license expires or when a duck blind is no longer in use. As there would no longer be a duck blind, the proposed activity would fall outside the licensing authority of the DFIG. Instead, construction of the camping platforms on existing pilings would be governed by the more generally applicable submerged lands permitting rules.

Since the camping platforms will be attached to or located over riverbeds, the general permitting guidelines for state-owned submerged land would apply. Unless otherwise specified, the Commonwealth of Virginia holds the title to the bed of a navigable river up to the mean low-water mark.⁴ The Commonwealth may grant a lease, easement, or other limited interest in state-owned bottomlands covered by waters.⁵ In fact, it is illegal "to build, dump, or otherwise trespass upon or over or encroach upon or take or use any materials from the beds of the bays and ocean, rivers, streams, creeks, which are the property of the commonwealth, unless such act is pursuant to statutory authority or a permit by the [Virginia] Marine Resources

¹ Va. Code Ann. § 29.1-340- 29.1-351.1. Licenses may not be issued in certain areas of the state. Regs. For example, the Department of Game and Inland Fisheries will not issue new licenses for Virginia Beach or on the Chickahominy River in Charles County.

² East of I-95 Va. Code Ann. § 29.1-340. Also, the shores and public waters and marshes of Accomack and Northampton Counties. Va. Code Ann. § 29.1-350

³ Riparian owners only have prior rights in water off the shoreline that has a depth of less than eight feet at mean high tide and out to the halfway point across the river.

⁴ Va. Code Ann. § 28.2-1200

⁵ Va. Code Ann. § 28.2-1200.1.

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Commission.⁶ Therefore, any camping platforms built on state-owned lands would require a permit. Individuals owning land along rivers (“riparian owners”) in Virginia retain ownership of land down to the mean low water mark, and this ownership includes certain riparian rights that extend into the water, such as the right to access the water and a limited right to wharf out.

Before seeking a VMRC permit for the camping platforms, it would be important to ensure that the camping platform would not infringe on the rights of riparian owners. Pursuant to state common law, “a riparian owner has the right to the water frontage belonging by nature to his land. This right includes ... the right of access from the front of his property [past the low water mark] to the navigable part of the waterway, and also the right to the soil under the water between his land and the navigable line of the watercourse. Upon this soil the owner may erect wharves, piers, or bulkheads for his own use, or the use of the public, subject to such rules and regulations as the General Assembly may impose for the public’s protection.”⁷ This right to “wharf out” is limited by statute to noncommercial purposes and to uses that will not obstruct navigation or injure another’s property rights:

Any person owning land upon a watercourse may erect a private wharf on the same, or private pier or landing, in such watercourse opposite his land; provided, such wharf, pier or land is for noncommercial purposes and navigation be not obstructed, nor the private rights of any person be otherwise injured thereby. The circuit court of the county in which such wharf, pier or landing is, after causing ten days’ notice to be given to the owner thereof, of its intention to consider the subject, if it be satisfied that such wharf, pier or landing obstructs the navigation of the watercourse, or so encroaches on any private landing as to prevent the free use thereof, may abate the same.⁸

A camping platform located in front of a riparian owner’s property could arguably interfere with the riparian owner’s rights of use and enjoyment, including the right to wharf out. A camping platform located “between [the riparian owner’s] land and the navigable line of the watercourse” could interfere with a riparian owner’s right of access and right to wharf out if it was located in such a way that forced the owner to change his preferred route from his pier. Even if the owner does not currently have a pier or dock, they may wish to build on in the future and the construction of a camping platform could interfere with this potential use.

The “riparian zone” into which the riparian owner’s rights extend is determined in the following manner:

A just rule of division is to measure the length of the shore and ascertain the portion thereof to which each riparian proprietor is entitled; next measure the length of the line

⁶ Va. Code Ann. § 28.2-1203 See also Virginia Marine Resources Commission, “Subaqueous Guidelines” At p. 5. <http://ccrm.vims.edu/education/seminarpresentations/fall2006/Workshop%20CD/Official%20Guidelines/Subaqueous%20Guidelines.pdf> Exceptions for owners of riparian lands seeking to build private piers for noncommercial purposes, provided the piers meet certain requirements. Code § 28.2-1203(A)-§ 28.2-1203 (A)(5).

⁷ Langley v. Meredith, 237 Va. 55, 62 (Va. 1989).

⁸ § 62.1-164.

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of navigability, and give to each proprietor the same proportion of it that he is entitled to of the shore line; and then draw straight lines from the points of division so marked for each proprietor on the line of navigability to the extremities of his lines on the shore. Each proprietor will be entitled to the portion of the line of navigability thus apportioned to him, and also to the portion of the flats, or land under the water, within the lines so drawn from the extremities of his portion of the said line to the extremities of his part of the shore. The general rule of division, therefore, is, as the whole shore line is to the whole line of navigability so is each one's share of the shore line to each one's share of the line of navigability. The lines so drawn will be parallel, or diverge, or converge, as the navigable water line happens to be equal and parallel with, or is longer, or shorter, than the shore line.⁹

In less arcane terms, the riparian zone extends from the shoreline to the river's line of navigability, the point where the river becomes deep enough to support watercraft. As long as camping platforms are located beyond the line of navigability, there should not be any interference with the riparian owner's right of access and right to wharf out.

Another consideration of the affect on riparian owners' rights would be the riparian owner's future rights to license a duck blind in front of his property. The legislature has given riparian owners the exclusive privilege of licensing blinds on their shoreline and a prior right of licensing blinds in public waters.¹⁰ Even if a permit for a camping platform is received from VRMC, the platform may have to be removed if a riparian owner re-asserts prior rights for a duck blind.

In addition to the effect on riparian rights, construction of a camping platform in navigable waters could also raise public trust concerns. The Virginia Constitution states:

To the end that the people have clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and buildings. Further, it shall be the Commonwealth's policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth.¹¹

Essentially, "the Public Trust Doctrine is the principle that the state holds the land lying beneath public waters as trustee for the benefit of all citizens. As trustee, the state is responsible for proper management of the resource to ensure the preservation and protection of all appropriate current and potential future uses, including potentially conflicting uses, by the public."¹² When deciding whether to grant permits, the VMRC is required to ensure that the

⁹ *Groner v. Foster*, 94 Va. 650, 652-653 (Va. 1897).

¹⁰ Exclusive privileges... "shall be recurrent each year even if the privileges were forfeited to some other person or persons in the preceding year." Va. Code Ann. § 29.1-347.

¹¹ Va. Const. Art. XI, § 1.

¹² Subaqueous Guidelines at 4.

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project complies with the public trust doctrine.¹³ A camping platform could conflict with the public's use of a navigable waterway. Although the camping platforms in some ways would facilitate the public's use of the waterway for recreational purposes, they could interfere with waterfowl hunting. Under Virginia's public trust doctrine, the public has the right to fowl on public waters. The location of a camping platform could affect these rights. New blinds may not be licensed within 500 yards of an established blind. The location of a camping platform could prohibit the placement of a new blind if established blinds are located less than 500 yards away.

In conclusion, if planning a camping platform located in front of riparian property, especially the "riparian zone," it would be prudent to contact the riparian owner and obtain permission prior to submitting a permit to the VMRC. If the riparian owner does give permission, the camping platform permit would likely receive scrutiny from the VMRC to determine whether its construction would implicate public trust issues. Thank you for bringing your question to us. If you would like additional information, please let us know.

Sincerely,

/s/ Terra Bowling
Research Counsel, National Sea Grant Law Center