

2010

MIDDLE PENINSULA PDC TECHNICAL ASSISTANCE PROGRAM



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TABLE OF CONTENTS

Executive Summary	1
I. Coastal Management Support	2
Examples of Coastal Management Support.....	2
II. Local Planning Coordination	3
Examples of Local Planning Coordination	3
III. Assistance with the implementation of the Middle Peninsula Chesapeake Bay Public Access Authority Annual Work Plan – Preservation of Working Waterfronts-Coastal Cultural Identity and Wetland Mitigation Banking	5
Preservation of Working Waterfronts- Coastal Cultural Identity	5
Wetland Mitigation Banking	5
Appendix A- Accumulation of Staff Activities Under the Coastal Technical Assistance Program	6
Appendix B – Essex Countyside Alliance Map	26
Appendix C – Perrin Creek Wharf Research and Maps	27
Appendix D- Survey and Preliminary Results from Mathews County Coastal Survey ...	32
Appendix E – Feasibility Study for the Middle Peninsula Tidal Wetland Bank.....	42

EXECUTIVE SUMMARY

Middle Peninsula Planning District Commission (MPPDC) staff strive to create and implement adaptive management techniques, enhance communication between local, regional and state officials, and inform planning resources allocation decisions by local, regional, and state coastal managers, all in which is all made possible through the Technical Assistance (TA) Program. Specifically the TA Program provides the MPPDC with the necessary administrative and profession framework to assist rural Middle Peninsula coastal localities (ie. staff and elected officials), Commissioners of the Middle Peninsula Planning District Commission, as well as community level groups with a history of successful community based planning and outreach with access to responsible management tools and techniques that balance economic development with the protection of valuable coastal resources.

Middle Peninsula localities rely annually on MPPDC staff to provide professional and technical coastal zone management planning assistance related to nationally recognized issues with local implications, including coastal development planning, habitat protection awareness, coastal resiliency, and vitality, climate change, as well as public access management. For the Federal FY 09 grant, the MPPDC work program consisted of three distinct tasks:

1. MPPDC staff provided coastal management support to local government, local wetlands boards and local planning staff. For example, MPPDC staff provided GIS analysis of development proposals, land conversion, land use plans, and local land use ordinance implementation.
2. MPPDC staff convened monthly to quarterly meetings with local government level planners, government administrators, and other appropriate government and non-governmental organizations (NGO) committees to assist with improving coastal planning.
3. MPPDC staff provided direct support for the implementation of the Middle Peninsula Chesapeake Bay Public Access Authority annual work plan. Staff also continued to work on issues related to public access as well as preserving coastal identity and working waterfront infrastructure, and assessing the feasibility of establishing a wetland bank in the region.

I. Coastal Management Support

MPPDC staff continued to provide coastal management support to local elected officials and other government official, local planning commissions and local planning staff. On a variety of occasions MPPDC staff provided direct GIS analysis to supplement proposals, land conversations, land use plans, local land use ordinance implementations, as well as water user conflicts. MPPDC staff also responded to GIS analysis requests from other agencies or non-profit organization involved in coastal resource management issues.

Examples of Coastal Management Support

MPPDC staff developed a map for the Essex County Countryside Alliance (ECCA) to highlight protected lands within Essex County. Such protected lands include holdings by private land owners, Virginia Department of Forestry, the Middle Peninsula Public Access Authority, and non-profit organizations (ie. The Nature Conservancy). As a group of concerned landowners and citizens of Essex County and beyond, the ECCA is dedicated to the preservation and conservation of the natural, scenic and historical resources of Essex County, Virginia and the entire Rappahannock River Valley. Therefore the maps provided by MPPDC staff will assist in ECCA's mission to educate land owners as to the long term options and substantial benefits of preserving their land.

Additionally MPPDC staff provided research and maps to aid discussions with regard to a docking/mooring issue at Perrin Creek Wharf in Gloucester County. Upon the closing of Cook's Seafood in Gloucester County, 15-20 commercial watermen were left without a place to dock their workboats at the end of the day. Since other local seafood companies were already at full capacity or charge too much, 15-20 watermen have begun to dock their boats at Perrin Creek Wharf, a public Virginia Department of Transportation (VDOT) owned and maintained dock. However as a VDOT public pier/dock Gloucester County Board of Supervisors and MPPDC staff began to question whether overnight docking/mooring of these workboats were permitted at this site. Therefore MPPDC staff convened meetings with Gloucester County Board and VDOT to discuss if there is anything in the Code of Virginia that allows VDOT to issue a permit to commercial vessels for overnight mooring at VDOT maintained, wharves, or is there

anything that prohibits the issuance of such permit. Through a variety of meetings it was found that although existing Virginia Code or VDOT regulation is silent on this issue, the only barrier to mooring/docking at Perrin Creek Wharf is a Gloucester County “no mooring” policy for the Perrin Creek Wharf. MPPDC staff will continue to work with Gloucester County Board of Supervisors to address this issue at Perrin Creek Wharf that will ultimately benefit the watermen and working waterfronts of Gloucester County.

Finally, MPPDC staff facilitated discussions focused on the value of conservation easements within the region. In particular MPPDC staff discussed the short term fiscal impacts of conservation easements related to the devaluation of land, the direct loss of taxable real-estate, as well as the nexus to the composite index and State aide for k-12 education. Through working with the Commissioner of Revenue from each county and conducting understanding the fiscal impacts of conservation efforts within the region, work completed by MPPDC staff has helped to improve conservation easement reporting practices to the Virginia Department of Taxation. Please refer to Grant # NA09NOS4190163 Task 97.01 and Task 95 for a comprehensive overview of the fiscal impacts of conservation easements and land holdings by tax-exempt entities for conservation purposes.

II. Local Planning Coordination

MPPDC Staff continued to convene meetings with local government level planners and administration as well as bi-monthly meetings of the Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) to discuss ongoing and new issues related to coastal zone management.

Examples of Local Planning Coordination

Throughout the year, MPPDC staff convened meetings with local planners and Department of Conservation and Recreation’s Chesapeake Bay Local Assistance Program (DCR-CBLAP) staff to review the Bay Act Phase III compliance review. As an effort to ensure local ordinances consist and comply with the Chesapeake Bay Preservation Act requirements, DCR staff will review all local ordinances using the

Checklist for Advisory Review of Local Ordinances and the Plan and Plat Consistency Review Checklist. Specifically staff will determine if a locality has addressed the six-site plan and plat provisions that must be contained in local ordinances, and will determine if there are adequate provisions to address the three performance criteria and contains numerous examples of requirements within a locality's land development ordinances. Therefore these meetings convened by MPPDC staff provided local planning staff with the opportunity to ask any questions and become informed of the phase III review process and what to expect. Also DCR-CBLAP was also able to gain feedback from localities as to their experience in phase I and phase II of the Local Bay Act Program.

MPPDC staff also convened meetings with local planners and county administrators to introduce and inform them of the implementation of Total Maximum Daily Loads (TMDL). As the health of the Chesapeake Bay ecosystem continues to struggle, the U.S. Environmental Protection Agency is directing Chesapeake Bay states and the District of Columbia to develop and implement "pollution diets" for the Bay and its tidal waters. TMDLs would establish how much nitrogen, phosphorus, and sediment can flow into the waters of the Bay. Therefore in Virginia, 35 tidal water drainage segments, including the York River and Rappahannock River of the Middle Peninsula, will be assessed and assigned TMDL. Therefore as tidal water drainage segments are put on "pollution diets", MPPDC staff will continue to work with county planning staff and administrators to understanding local government's role in meeting TMDL requirements.

Finally the MPPDC staff convened bi-monthly meetings of the Middle Peninsula Chesapeake Bay Public Access Authority (PAA) to discuss new and on-going public access and land management issues. In particular the PAA discussed the potential of acquiring a new parcel of land in Mathews County and the adoption of Wildlife Habitat Management Plans for currently held and managed lands (ie. Clay tract, Brown Tract, and Thurston-Haworth Tract).

III. Assistance with the implementation of the Middle Peninsula Chesapeake Bay Public Access Authority Annual Work Plan – Preservation of Working Waterfronts-Coastal Cultural Identity

Preservation of working waterfronts’ – Coastal Cultural Identity

In partnership with Mathews County, Mathews Maritime Foundation, as well as Mathews Blueways, the PAA worked toward understanding public access needs and working waterfront issues specific to Mathews County. In conjunction with five community meeting throughout the county, a survey was developed to focus on gathering resident’s perspectives and experiences on a variety of topics, including how one gains access to public beaches and waterways, waterfront conflicts, and working waterfront infrastructure problems one may have experienced, and other feedback about improving water access. From the survey PAA staff broadly outlined the scope of current access challenges and trends, to inform and set future public policy, and to qualify for future grant funding opportunities. For a copy of the survey and preliminary results from the survey please refer to Appendix D.

Wetland Mitigation Banking

The Middle Peninsula Chesapeake Bay Public Access Authority investigated the development of a regional tidal wetland mitigation bank on the Shenk Parcel in Gloucester County. As a 14-acre parcel with tidal wetlands located on the Severn River, a wetland bank on the Shenk parcel could offer local tidal wetland boards and citizens credit units to offset unavoidable wetland impacts permitted. In August 2010, MPPDC staff received a final report from Vanasse Hagen Brustlin, Inc investigating the feasibility of developing a regional tidal wetland mitigation bank on the Shenk Parcel. It was concluded that this parcel is not a good candidate for the development of the wetland bank since wooded buffers would need to be removed from the land, thus ruining the ecological integrity of the land.

Appendix A:

Virginia Coastal Zone Management Program Staff Activities (October 2009-September 2010)

Coastal Resources Technical Assistance Program provides ongoing support to member localities of the Planning District Commission and other stakeholders committed to improving community development and coastal management within the coastal zone.

October 2009

- Participated in a conference call for the planning of The Working Waterway and Waterfronts National Symposium on Water Access 2010. At this meeting the conference announcement was reviewed along with the details of abstract submissions.
- Assemble information for Tom Murray, Associate Director of Virginia Institute of Marine Sciences Marine Advisory, with regard to how states and communities have used land use controls to prevent loss of capacity to accommodate water-dependent industry on *privately-owned* properties.
- MPPDC provided Betty Brookes, King William Planning Department, with river and stream shapefiles on September 24, 2009.
- Prepared and submitted semiannual reimbursement request.
- Convened a special meeting of Middle Peninsula Planners to receive a report from Department of Conservation and Recreation Division of Chesapeake Bay Local Assistance staff concerning Bay Act Phase 3 compliance review. Discussed Phase 3 review process, plat recordation requirements, and timetable for locality review.
- Provided Angelia Jenkins, Assistant Director of Legislative & Legal Affairs DEQ staff, with a report on local government jurisdiction over water and examples of local government enabled authorities to manage use over water.
- Attended the Chesapeake Bay Watershed Conference held at the National Wildlife Service training facility in Sheppard Town, West Virginia. Presented a report on the ecological and anthropogenic impacts of climate change and the relationship to the role of local government to protect public health, safety, and welfare.
- Consulted with legislative services concerning various uses of enabled authority to protect water quality. Discussed the provision of 15.2-1200 with Senior Legislative Researcher Marty Farber as a tool to address water quality concerns related to failing septic systems and aquaculture facilities.

- Discussed various approaches to facilitate and expedite the permitting for the repair of failing septic systems with Bob Hicks, Director of the Virginia Department of Health Office of Environmental Health Services.
- Responded to a request from King William County's GIS staff needing various hydrologic and USGS blue line to illustrate stream areas in King William County.
- Received a preliminary report on the wetland conversion potential of the Shank parcel in Gloucester County from VHB Consulting.
- Participated in a meeting to discuss the remapping of King and Queen County Chesapeake Bay Resource Protection Area map. Requested the minimum compliance GIS base data needs from Nancy Miller, Dept. of Conservation and Recreation- Chesapeake Bay Local Assistance staff.
- Participated in a special technical advisory committee called by Tony Watkins, Virginia Marine Resource Commission staff, researching the siting of inshore, near shore, and off shore wind energy facilities. Discussed the zoning and taxing implications for local government should facilities be located within the territorial boundaries of local government.
- Consulted with Keith Moyer, Virginia Department of Taxation, concerning the taxing of shore line improvements not directly connected to terrestrial land, but within the survey boundary of a parcel. Confirmed that local government has taxing authority for any improvements to real property regardless of the presence or absence of a connection to dry land, as long as the improvements are within the gross acreage for which a locality is levying the tax.
- Responded to a small business owner in Gloucester county looking to expand a recycling and energy conservation business. Provided contact information for the Department of Mines, Minerals, and Energy.
- Attended the quarterly meeting of the Virginia Coastal Policy team to discuss upcoming NOAA 5-year section 309 Program Assessment. The assessment process determines priority funding areas for the Virginia Coastal Program at DEQ and by extension areas which localities may apply for financial assistance either directly or via PDC's.
- Received communication from several staff from the Institute for Environmental Negotiation at UVA concerning the Coastal Zone Management Program Section 309
 - 5-year assessment.

November 2009

- Consulted with Todd Janeski, Chesapeake Bay Network for Education of Municipal Officials (NEMO), and Laura Grape, Northern Virginia Regional Commission,

concerning climate change and various approaches for communicating the issue at hand with elected officials.

- Prepared and transmitted the final deliverable to the Virginia Coastal Zone Management Program under the MPPDC Coastal Technical Assistance Grant.
- Discussed coastal hazards, aquaculture, and public access issues with various representatives from the Center for Environmental Negotiation (EIN) at UVA. EIN staff is assisting the Coastal Program with developing the section 309 annual assessment strategies.
- Attended and spoke at the Virginia Natural Resources Leadership Institute meeting held in Kilmarnock. 2009 class participants were interested in knowing how coastal communities can address the preservation of coastal cultural identity and create a more robust and active commercial fishing industry for the 21st century.
- Attended the second Virginia Marine Resource Commission State Waters Wind Energy meeting held in Newport News. Discussed various regulatory and jurisdictional issues associated with the siting of wind energy facilities in the Tributaries, Bay and Ocean Waters of Virginia
- Attended and presented a talk title “Managing Nearshore, Onshore and Offshore Use Conflict” at the 2009 Virginia Aquaculture Conference held in Williamsburg, Virginia.
- Received and reviewed the draft report from VHB Consulting assessing the potential conversion of the Shenk Parcel to a wetland mitigation bank site.
- Participated in the Ground Water Management Expansion Area Technical Advisory Committee meeting held in West Point, Virginia.

December 2009

- Corresponded with Williamsburg Environmental Group, Inc. about a wetland mitigation bank located in Gloucester County.
- Consulted with Skip Styles, Wetlands Watch, and Dave Whitlow, Essex County Administrator, concerning land use implications of engineered septic systems.
- Provided Neal Barber, Middlesex County resident, with contact information for the Shoreline Advisory Services in Tappahannock.
- Consulted with Delegate Harvey Morgan concerning the Chesapeake Bay License Plate Advisory Committee meeting. Delegate Morgan provided a copy of all applications submitted for review and comment. Agreed to stand-in for Delegate Morgan in his absence for Subcommittee 1 of the Licenses Plate Fund.

- Convened the fall meeting of the Coastal PDC Committee. The meeting was held at MPPDC office in Saluda and focused on Coastal Zone Management issues.
- Provided various University of Virginia Institute for Environmental Negotiations staff with technical assistance related to the completion of the NOAA Coastal Program
 - Section 309 review process.
- Discussed various ground water management area expansion technical and programmatic topics with Melisa Porterfield, DEQ Water Supply staff. Attended the December Ground Water Expansion Area-Technical Advisory Committee meeting held in James City County.
- Consulted with Joan Salvati, Department of Conservation and Recreation, Division of Chesapeake Bay Local Assistance concerning a proposed Chesapeake Bay Advisory Committee looking at the EPA and Executive Order related to water quality of the Chesapeake Bay.
- Consulted with Keith Moyer, Virginia Department of Taxation, concerning conservation easements and land use programs and the fiscal impact to local government.
- Discussed the proposed non-tidal wetland mitigation bank in Naxera, Virginia with Chip Neikirk, VMRC staff.
- Attended the Chesapeake Bay Licenses Plate Fund Committee meeting held at the General Assembly Building in Richmond. Secured anticipated funding for several Middle Peninsula projects, including the Mathews County Visitors Center, Tidewater Oysters Growers Association, Christ Church School, the Aylett Day School, and the Shad Hatchery.

January 2010

- Consulted with a Gloucester County resident looking for information concerning a business for sale in Deltaville. Provided the resident with ownership information and aerial maps.
- Coordinated with Nancy Miller of the Department of Conservation and Recreation Chesapeake Bay Local Assistance Division (CBLAD) concerning Chesapeake Bay Phase III review of local programs. Arranged for CBLAD staff to attend a February meeting of Middle Peninsula local planners to discuss Phase III process.
- Discussed dredging issues associated with Perkins Creek in Urbanna with Dennis Durrett. Provided research information related to financing and technical assistance on dredging issues.

- Discussed ground water management area expansion issues with Tom Chillemi, Reporter for the Southside Sentinel. We discussed the possible expansion of the Ground Water Management area and the proposed changes to the withdrawal regulations.
- Consulted with staff from the Center for Environmental Negotiations at UVA concerning the Coastal Program Section 309 Aquaculture Assessments.
- Requested information from Jim Wesson, Virginia Marine Resource Commission, concerning watermen of the Middle Peninsula who are participating in the crab to aquaculture business program.
- Consulted with Daniel Powell of the Virginia Department of Health, Division of Shellfish Sanitation, concerning Senate Bill 447 and the implications to the Shellfish Sanitation program.
- Attended the Dragon Run Land Conservation Estate Planning and tax benefits: An Evening with the Experts workshop held in Tappahannock Virginia.

February 2010

- On February 17, 2010, MPPDC staff worked with Emily Gibson, Gloucester County Planner, to utilize Qwizdom in a public meeting with regard to the county's new sign ordinance.
- Provided Mr. Stan Hovey, Middlesex County Habitat for Humanity, with demographic data and information for Middlesex County.
- Consulted with Nancy Miller, Department of Conservation and Recreation Chesapeake Bay Division of Local Assistance, concerning convening a meeting with Middle Peninsula local planners to discuss Bay Act Phase 3 review process.
- Coordinated with John Shaw, Mathews County Planning Director, concerning a presentation to the Mathews Planning Commission. Agreed to present a report on the economic, ecological, and anthropogenic impacts of sea level rise in the Mathews County.
- Convened the first of four special public access meetings in Mathews County to discuss the current state of affairs of public access and working waterfront infrastructure in the County.
- Consulted with Mark Bittner, Crater PDC, concerning marine spatial planning and local government jurisdiction, as well as, PDC boundaries.
- Discussed CELCP application process and possible project submittal for a parcel of land located in King William County with the Virginia CELCP Program Coordinator Beth

Polak; Andy Lacatell, The Nature Conservancy; and Frank Pleva, King William County Administrator.

- Submitted a pre-application requesting financial assistance from the National Fish and Wildlife Foundation to fund a Mathews County nutrient reduction/clean water project using aquaculture as a tool for both economic development and water quality improvements.
- Convened a special meeting of the Middle Peninsula local planners to discuss and review the Chesapeake Bay Act Phase 3 compliance review process.
- Attended Congressman Rob Wittman Environment Council Meeting held in Tappahannock to discuss the status of the reauthorization of the Federal Chesapeake Bay Act (Bay Program) and other federal legislation which has been introduced in the 111th Congress concerning environmental issues.
- Attended the Put-In Creek turning basin ad hoc committee to discuss the finding to date by VHB Consulting. Next step includes the consideration of establishing a public mooring field.

March 2010

- Attended meeting of the Middle Peninsula State Park Advisory Committee to assist the Department of Conservation and Recreation with developing a Middle Peninsula State Park Development Plan.
- Researched where to find census data from the 1920s for the Town of West Point.
- Provided Theresa Moore, Long and Foster, with demographic and economic information for Essex County by pointing her to the Essex County Community Profile developed by the Virginia Employment Commission. Ms. Moore was interested in the major employers in the area and other information that may affect foreclosure rates.
- Created maps showing demographics in Middlesex County, including low income, disabled and the 65 years and older populations.
- Provided Stan Hovey, Middlesex County Habitat for Humanity, with demographic maps for Middlesex County using 2000 Census data.
- Verifying the Census boundaries (census tracts, census blocks, block groups) that were updated in spring 2009 with the Census 2010 Participant Statistical Areas Program.
- Discussed the Census 2010 Participant Statistical Areas Program boundary updates verification with James Huffman, Charlotte Regional Census Center.

- Discussed an application submitted requesting Federal financial assistance for land acquisition in King William County with Elaine Vaudreuil, Coastal and Estuarine Land Conservation Program NOAA program staff. Ms. Vaudreuil advised of special Federal consideration for the King William application by establishing a linkage with the Chesapeake Bay National Estuarine Research Reserve program, located at the Virginia Institute of Marine Science.
- Consulted with Beth Pollock, Virginia Coastal Program staff, concerning fiscal year 2010 Coastal Zone Management Act program grants. Discussed climate change, conservation corridors, aquaculture, and coastal technical assistance program grants. Also discussed use value, Composite index formula, and other easement issues related to potential future funding.
- Consulted with Bob Munson, Department of Conservation and Recreation, Planning Division concerning regional input for the Middle Peninsula State Park located in Gloucester Virginia.
- Provided land ownership information to a Middlesex County realtor looking for adjoining landowner information for a parcel on the Dragon Run in King and Queen County.
- Discussed invasive plants on the Middle Peninsula with a Northern Virginia resident. Referred the resident to the Department of Conservation and Recreation.
- Attended the quarterly meeting of the Coastal Committee, convened at the Northern Neck PDC to discuss Coastal Zone Management Act issues of concern across the Virginia Coastal Zone
- Consulted with Michelle Carter, Director for the Three Rivers Soil and Water Conservation District. Discussed historic and current and Bay Act agreements between local government, Soil and Water Districts, and the Department of Conservation and Recreation.
- Received word from the Virginia Geographic Information Network (VGIN) concerning to award of grant funds for the acquisition of LIDAR imagery for Mathews, Gloucester, and Middlesex County. LIDAR enable localities to delineate elevation parcel by parcel.
- Discussed the Town of West Point ground water permit renewal issues with Walt Feurer, Director of Public Works Town of West Point. Arraigned for West Point staff to discuss permit renewal concerns with Scott Kudlas, Department of Environmental Quality Director of Ground Water and Permit Withdrawal Program.

April 2010

- Attended meeting of the State Park Advisory Committee. The Committee is working on developing a development plan for the Middle Peninsula State Park.
- Attended public meeting for the Middle Peninsula State Park development process in Gloucester County.
- MPPDC staff met with Bob Munson and Janit Llewelyn, DCR, on April 19, 2010 to discuss the use of Qwizdom in their presentation with the Commission with regard to the Middle Peninsula State Park.
- Verified the Census boundaries (census tracts, census blocks, block groups) that were updated in spring 2009 as part of the Census 2010 Participant Statistical Areas Program and sent a verification notice to David Wiggins, Charlotte Regional Census Center.
- Prepared maps for the Mathews Maritime Heritage Trail Public Water Access Summit that took place on April 13, 2010 at the Mathews County Library.
- Consulted with a Gloucester County resident requesting information on the public's right for ingress and egress at the end of Route 650 in Guinea.
- Discussed affordable housing issues and conservation easement with Megan Gallagher, Community Development Consultant.
- Discussed climate change and sea level rise impacts with representatives from various Virginia Colleges and Universities (Georg Washington, Virginia Tech, and George Mason). Many graduate programs are developing special capstone and research projects looking to understand the economic and community impacts associated with climate change and sea level rise at the local level.
- Consulted with Mark Mansfield, Army Corps of Engineers, Scott Hardaway, and Tom Murray of VIMS concerning the development of a Middle Peninsula scope of work for the development of a Regional Shallow Water Dredging and Sediment Management Master Plan. Discussed the helplessness of local government to contribute local cash match and the possibility of using Coastal Zone Management Act funding for the required local share match under the Section 22 program administered by the Corps.
- Consulted with Congressman Rob Wittman concerning the need to request Army Corps of Engineer Section 22 carry forward funding to coordinate for matching funds for the development of a Regional Shallow Water Dredging and Sediment Management Master Plan.
- Agreed to speak at the Friends of the Dragon Run annual meeting concerning how the Middle Peninsula Chesapeake Bay Public Access Authority manages public hunting.

- Discussed a Virginia Coastal Hurricane Evacuation Behavioral Study result with principal investigator Betty Morrow, PH.D Sociology Professor at the International Hurricane Center at Florida International University.
- Consulted with Neil Thorne, Assessor & Land Use Coordinator Frederick County, concerning open space use value assessment and several research white papers developed for Frederick County.
- Consulted with Dorine McGill, York Land Trust, Maine concerning the use of conservation easement to protect culturally significant infrastructure, such as a commercial fishing pier. Received a copy of a Maine easement protecting a commercial pier. Also discussed special state legislation to create working waterfront covenants by the Maine General Assembly.
- Consulted with John Kuriawa at NOAA Office of Ocean and Coastal Resource Management, Laura McKay Program Manager of the Virginia Coastal Program, and Ron Jenkins, Assistant State Forester concerning timbering of the Browne Tract and program income generated from timbering.
- Coordinated the Alyett Day School to visit the Browne Tract for a day of learning on the Dragon Run.
- Convened the bi-monthly meeting of the Middle Peninsula Chesapeake Bay Public Access Authority. Discussed shallow water dredging master planning and elected new Chairman Louise Theberge from Gloucester County to replace the outgoing Chairman, Mr. Frank Pleva from King William County. Trent Funkhouser from the Town of West Point was elected Vice Chairman.
- Attended the Virginia Coastal Program Section 309 focal area meeting to decide on Virginia Coastal Zone priority coastal planning issues and future funding areas for the next five years of focal area projects under the Coastal Zone Management Act.
- Attended a public access meeting held at VIMS Marine Advisory Services to discuss public access data base design and website design for the Access Virginia Waterways website jointly produced and managed by VIMS Marine Advisory Services and The Middle Peninsula Chesapeake Bay Public Access Authority.
- Convened the fourth public access master plan community meeting held at the Mathews Library. Discussed aquaculture, working waterfront infrastructure, and the nexus to public access.

May 2010

- Attended meeting of Middle Peninsula State Park Advisory Committee to review draft of State Park design.

- Attended Stage 2 public meeting on the draft Middle Peninsula State Park design.
- Consulted with David Slack, Virginia Department of Forestry, concerning timbering of the Browne Tract and Browne State Forest.
- Consulted with Carol Steele, Director of Gloucester Parks, Recreation, and Tourism; Carter Borden, Gloucester County Board of Supervisor; Delegate Harvey Morgan; John Lawson, Deputy Chief Financial Officer Virginia Department Of Transportation; and Jamie Brown Porter, Fredericksburg Assistant District Administrator Virginia Department Of Transportation, concerning the state owned Perrin Creek Wharf and the strategies to allow commercial watermen to tie up to the wharf. Virginia Department of Transportation staff will review the procedure for issuing a land use permit to allow commercial workboats tie up at public wharfs.
- Discussed commercial workboat sanitary disposal issue with Anne Lynch, Virginia Clean Marina Program, and Preston Smith, Virginia Department of Health.
- Consulted with Bob Gittler, Federal Economic Development Administration, concerning the MPPDC submitting an application requesting Federal financial assistance under the CEDS program. Received appropriate applications and directions on how to apply for funding.
- Consulted with Delegate Harvey Morgan concerning 58.1-2289 of the Virginia Code that requires .015 of a cent in tax on commercial fuel be dedicated to a fund to be administered by VDOT to repair commercial fishing wharf maintained by VDOT. According to John Lawson, Deputy Chief Financial Officer Virginia Department of Transportation, the fund has not been capitalized in seven years. The Middle Peninsula has 3 VDOT maintained public wharfs.
- Discussed the Hall donation to the Middle Peninsula Chesapeake Bay Public Access Authority with Steve Whiteway, Mathews County Administrator; Tom Robinson, Mathews County Parks and Receptions Committee; and Jack Catlett, Sands Anderson PC, concerning donation conditions. Discussed the need for Tom Robinson to draft a white paper on the approach offered to receive and manage the Hall donation locally by Mathews County nonprofits.
- Reviewed a proposed management approach offered by Tom Robinson, Mathews County Parks and Recreation Committee, for the Hall donation to the Middle Peninsula Chesapeake Bay Public Access Authority.
- Continued to review site design for the *Accessing the Tidal Waters of Virginia* website. Began uploading research document and supporting public access material to the online data base. Also began customizing the text of the site to become Virginia specific.

- Contacted VACO Risk management division concerning the PAA liability insurance concerns related to the donation or real property with improvements. VACO staff advised that current policy covers donations of real property with improvements.
- Discussed the alleged claim of a prescriptive right-of-way across the Hayworth Tract with John Kuriawa, NOAA, and PAA Legal Counsel Jack Catlett. Forwarded communication from Dillard and Katona, Tappahannock Law Firm, to the PAA title insurance company for response.
- Requested legislative research assistance from Marty Farber, Senior Research Associate of Virginia Legislative Services, concerning 58.1-2289 of the Virginia Code.
- Discussed the need to request that the Army Corps of Engineers (ACE) hold over funds for the development of a shallow water dredging master plan to the next federal fiscal year to afford the PAA and the MPPDC access to matching funds to access ACE Section 22 planning assistance funding with Joe Schumacher, Congressman Rob Wittman staff.
- Provided Delegate Harvey Morgan a copy of Maine Legislation that allows for the recordation of Working Waterfront Infrastructure to be placed under a working waterfront easement.
- Drafted a formal request to Congressman Rob Wittman asking for ACE Section 22 funding to be held over to the next federal fiscal year.
- Discussed the King William Scotland Landing Coastal and Estuarine Land Conservation Program (CELCP) grant proposal with Bill Hefty, Interim King William County Attorney. Discussed history of the CELCP Program, history of the proposal, and possible award notice dates.
- Received several inquiries from Gloucester County residents struggling with light pollution from neighbors piers. Provided copies of the York River Use Conflict report to each resident and discussed various approaches local governments might consider to manage light pollution.
- Received a request to study Cappahosic landing to determine who actually owns the road ending and who has management responsibility.
- Discussed in water public moorage and sanitary issues with Preston Smith, Virginia Department of Health.
- Attended the Boating and Infrastructure Grant meeting in Wachapreague, Virginia. Discussed public mooring fields, floating docks, and sanitary related issues.
- Conducted trail maintenance on the Clay Tract in anticipation of two church groups accessing the site for hiking and paddling day on the Dragon.

- Attended a symposium on Marine Spatial Planning held at the Virginia Institute of Marine Science. Discussed off shore, near shore, and inshore marine spatial use conflict management issues.

June 2010

- MPPDC staff closed the online Mathews Coastal Access Survey on June 1st and began to analyze the results. Preliminary results of the survey were gathered and shared with
 - Mathews County Administrator Steve Whiteway and Mathews County Planning staff. Also MPPDC staff shared preliminary results with the Public Access Authority (PAA) at the June 8, 2010 meeting. MPPDC staff will continue to work through on the month of June on developing a regional coastal zone access master plan.
- Provided the Town of Urbanna's Fire Department with an estimate of the percentages of various land covers in a specified area of Middlesex County for use in a grant application.
- Discussed updating the Essex County Countryside Alliance Protected Lands map with Lewie Lawrence, MPPDC Regional Projects Director.
- Tracked down a letter from the Environmental Protection Agency to the Virginia Secretary of Natural Resources regarding the EPA's expectations for the Chesapeake Bay Watershed Implementation Plans, which the six watershed States and the District of Columbia will submit in support of the development of the draft and final Chesapeake Bay Total Maximum Daily load (Bay TMDL).
- Reviewing the EPA's letter on Chesapeake Bay Program's Watershed Implementation Plans for any requirements on local governments.
- Consulted with Georgette Hurley, Gloucester County Assistant Administrator, concerning the use of QWIZDOM with the Board of Supervisors for a strategic planning retreat.
- Discussed the need for demographic data and GIS land use analysis with the Urbanna Assistant Fire Chief who is looking to submit a grant request for financial assistance. Reviewed the spatial area for service response and analyzed the land use cover types within the service area
- Discussed a possible private land donation for public access with Neena Putt, Mathews County Board of Supervisors.
- Consulted with Robert Gibson, adjoined landowner to the Brown Tract in King and Queen County, concerning forestry management practices on the Browne Tract and the possible need for access to harvest timber.

- Consulted with Jimmy Sydnor, PAA member from the Town of Tappahannock, concerning the Town's interest in transferring Prince Street from VDOT to the PAA for management
- Discussed the Clay Tract as a possible location for Boy Scout camping and Eagle Scout project locations with Frank Evans of Troup 111.
- Contacted Scott Higley, Claims Attorney for Fidelity National Title Group, concerning the assertion of a prescriptive right of way across the Haworth tract. Mr. Higley is researching the obligation to defend the possible claim under the PAA title insurance.
- Received a request from Shep Moon, Virginia Coastal Zone Management Program, for participation in the Virginia Coastal Zone Management Program 309 shoreline planning meeting.
- Consulted with Jamie Brown Porter, Assistant VDOT District Engineer concerning the issuance of a land use permit to allow vessels to tie up at a VDOT maintained commercial wharf in Gloucester. Also consulted with Chip Neikirk VMRC to seek assurance that commercial vessel tie up at a commercial wharf is constant with past grant funding provided by VMRC to repair the wharf.
- Provided a Middlesex county resident with information about the Middle Peninsula Chesapeake Bay Public Access Authority and how the tool is being used in other Middle Peninsula localities.
- Received a request from the Essex County Countryside Alliance to provide a GIS map of all lands under protective ownership in Essex County. Discussed the need for an accurate report of protected lands with Tommy Blackwell, Essex County Commissioner of Revenue. Mr. Blackwell will provide MPPDC staff with a comprehensive list of conserved lands.
- Discussed various marine environmental attributes located along the near the new middle peninsula state park in Gloucester with DCR State Park representatives. Provided DCR staff with access to the DEQ Coastal GEMS website for further GIS analysis.
- Met with representatives from the Virginia Department of Forestry to review draft habitat management plans for PAA land holding in the Dragon Run.
- Attended the Friends of the Dragon Run annual meeting. Presented a talk on how the PAA manages public lands for public hunting.
- Attended the Coastal Society bi-annual conference held in Willington, North Carolina. Presented two talks, the first on Aquaculture and local public policy development. The second talk focused on the local policy implication of climate change and sea level change.

July 2010

- MPPDC staff continued to work on developing the Middle Peninsula Public Access Master Plan.
- Attended meeting of the House Committee on Agriculture, Chesapeake and Natural Resources regarding new federal requirements for total maximum daily loads.
- Discussed updating the Essex County Countryside Alliance Protected Lands Map with Lewie Lawrence, MPPDC Director of Planning.
- Researched the new Total Maximum Daily Load (TMDL) requirements Watershed Implementation Plans (WIP) that all Chesapeake Bay states have to have a draft Plan to the EPA by August 1, 2010.
- Attended the July 20, 2010 meeting of the House Committee on Agriculture, Chesapeake and Natural Resources in Richmond, Virginia.
- Discussed various community development issues with Neal Barber, President, Community Futures.
- Consulted with Walter Gillis, DEQ Water Quality Construction Assistance Program concerning the prohibition of using of revolving loan funds for municipal sewer hookup.
- Discussed the Hayworth prescriptive right-of-way claim by Robert Norman with John Kuriawa, NOAA Ocean and Coastal Resource Management-Virginia Liaison.
- Consulted with Trent Funkhouser, Town Manager for the Town of West Point, concerning Federal funding opportunities for various community development projects.
- Provided assistance to a Browne Tract user interested in knowing more about various uses permitted on lands managed by the PAA.
- Agreed to assist the Tidewater RC&D Council with the use of Qwizdom for a strategic assessment of priorities.
- Researched several road ending issues in Gloucester County with Joe Williams, VDOT Central office. Received a 1933 map illustrating a right of way to the water's edge.
- Consulted with Dave Whitlow, Essex County Administrator, concerning various VDOT road ending issues associated with Wares Wharf landing in Essex County.

- Submitted a national award nomination to the Boat US- Boating Access Award program for Marine Advisory Service-Virginia Sea Grant for the assistance provided with the database development of the <http://www.virginiacoastalaccess.net/> website.
- Discussed land protection opportunities in King William County associated with the disposition of land acquired for the King William Reservoir, with Sara Richardson, DCR Land Conservation Specialist.
- Consulted with Doris Morris, King and Queen County member of the Middle Peninsula Chesapeake Bay Public Access Authority, concerning a hunting violation and strategy to mediate the disagreement between a Virginia Conservation officer and a King and Queen County resident. Discussed the previous adopted strategy proposed by Authority members and suggested the PAA could continue the discussion at the August meeting of the PAA
- Met with Linwood Pendleton, Director for Ocean and Coastal Policy at the Nichols Institute at Duke University. Discussed various emerging coastal zone management issues within the Middle Peninsula.
- Met with several Middle Peninsula local government administrators to discuss a funding opportunity under Section 309 of the Coastal Zone Management Act. The opportunity would position MPPDC with capacity building for up to five years of funding assistance to assist with nutrient reduction and other TMDL Bay clean up issues.
- Convened a special meeting for the Virginia Coastal Program to discuss the possibility of establishing a NOAA Section 309 project focusing on Working Waterfront infrastructure, management and protection.
- Received a master list of all lands under easement within Essex County from Tommy Blackwell, Essex County Commissioner of Revenue. MPPDC staff will prepare a master map of all lands under easement in Essex County for the Essex County Countryside Alliance.
- Consulted with Beth Polak, Virginia Coastal Program, concerning the Virginia Coastal Program 5-year assessment and the priority area of “Working Waterfront Protection” under NOAA Section 309 of the Coastal Zone Management Act.
- At the request of Delegate Harvey Morgan, agreed to attend the signing of House Bill 1135 by Governor Bob McDonnell. This Bill relates to new nutrient reduction levels for small treatment facilities.
- Participated in the Virginia Sea Grant Program Site Review Team Visit held at the Virginia Institute of Marine Science. The review is conducted to determine if Virginia Sea Grant is fulfilling its mission as a participant in the Federal sea grant network. Discussed various projects and initiatives MPPDC has participated in with Virginia Sea

Grant, including the Your River Use Conflict, Boat Tax study, Aquaculture Business Park and Public Access-Working waterfront.

- Attended the summer Virginia Coastal Program Coastal PDC Committee meeting held at Mason Neck State Park, Visitor's Center in Lorton Virginia. Discussed EPA Bay clean up and other water quality issues soon to be facing local governments.

August 2010

- MPPDC staff continued to work on developing the Middle Peninsula Public Access (PAA) Master Plan.
- Updated the PAA hunting sticker for the 2010-2011 hunting season.
- Drafted and sent letters to Keith Sadler, Mathews County Resident, and Brain Sadler, Gloucester County Resident, informing them of the updated hunting stickers. Both received the 2010-2011 hunting sticker and were asked to discard the 2009-2010 hunting sticker that they received last month for registering to hunt on PAA lands.
- Attended the PAA bi-monthly meeting. MPPDC staff drafted Minutes from the meeting
- Printed a map for Frank Evans illustrating roads within and connecting to the Dragon Run Watershed area.
- Informed Sara Stamp, MPPDC Regional Projects Planner, of Gloucester County Planning Commissioner Larry Wilkinson's interest in attending Dragon Run Steering Committee meetings.
- Contacted Frances Ellis regarding the update of the Essex County Countryside Alliance Protected Lands map.
- Discussed the update of the Essex County Countryside Alliance Protected Lands map with Lewis Lawrence, MPPDC Director of Regional Planning.
- Discussed different categories of protected lands (easements, fee simple, holdings) with Sara Stamp, MPPDC Regional Projects Planner.
- Attended the 6th Chesapeake Bay TMDL Update webinar on August 19th where public comment and meeting dates were announced. For more information go to: www.epa.gov/chesapeakebaytmdl/

- Digitized Essex County parcels that were indicated by Thomas Blackwell, Essex County Commissioner of the Revenue, as being protected by conservation easements for the 2010 update of the Essex County Countryside Alliance Protected Lands map.
- Participated as a signatory witness to Virginia Governor Bob McDonnell's ceremonial signing of House Bill 1135 Pollutant Discharge Elimination System permit, a key piece of Chesapeake Bay Legislation, 2010.
- Discussed various land conservation issues with Frank Herrin, President of Friends of the Dragon Run.
- Consulted with Laura McKay, Virginia Coastal Zone Management Program, and John Kuriawa, Office of Coastal Resource Management, concerning indirect cost allocation plan and budget process for the adoption of plan rate.
- Consulted with Prue Davis, Essex County Board of Supervisor, concerning a local practicing forester to assist with timbering the Browne Tract. Consulted with Darrell Miller, Essex County practicing forester, concerning various timbering issues associated with the Brown Tract.
- Consulted with Jimmy Sydnor, Tappahannock Zoning Administrator, concerning a right of way issue associated with Prince Street.
- Offered to assist John Kuriawa, Office of Coastal Resource Management (OCRM), with an OCRM strategic retreat request and site visit to various PAA holdings and other Coastal Program supported initiatives.
- Attended the Tidewater RC&D strategic planning meeting. Administered the Qwizdom audience response software to collect board members thoughts as to the focus and future direction of the RC&D.
- Provided Carlton Revere, Middlesex County Board of Supervisor, with tourism and sales tax information from the Virginia Tourism Corporation and the Virginia Department of Tax.
- Discussed conservation land holding issues with Peter Vance, President of the Essex County Side Alliance.
- Provided research assistance to Louise Theberge, Chairman of the Gloucester County Board of Supervisors, concerning a Clay Bank right of way issue. Researched landing history and assembled a report as to ownership and encroachments.
- Provided Carol Steele, Director of Gloucester County Parks, Recreation, and Tourism, with an assessment of Payne's Landing. Researched landing history and assembled a report as to ownership and history of unimproved dirt landings.

- Consulted with Robert W. Hicks, Director Office of Environmental Health Services Division of Onsite Sewage and Water Services, concerning operation and maintenance issues for secondary treatment systems and the MPPDC septic revolving loan program.
- Consulted with John Morris, Beal, Etherington & Morris, concerning PAA enabling authority and the possibility of transferring a VDOT owned and maintained public landing at Perrin to the PAA or Gloucester County.
- Convened a special meeting with Delegate Harvey Morgan, Carter Borden, Gloucester County Board of Supervisor, Jamie Brown Porter, Fredericksburg Assistant District Administrator, to discuss various strategies to allow watermen to tie up to the Perrin wharf or to transfer VDOT interest in the landing to the PAA.
- Attended a meeting at VIMS to discuss public access data base management and website design to include a Google mapping tool.
- Convened the bi-monthly meeting of the Middle Peninsula Chesapeake Bay Public Access Authority. Adopted habitat management plans for the Browne, Clay and Haworth holdings of the PAA. Also adopted a policy for land management for lands without a formal management plan.
- Installed new signs on PAA lands informing registered hunters of the need to remit annual payment to hunt lands managed by the PAA.
- Attended a special meeting of the coastal PDC Technical Assistance Programs to discuss pending Chesapeake Bay clean up initiatives and watershed improvement plans. Discussed proposed nutrient and sediment loading levels.

September 2010

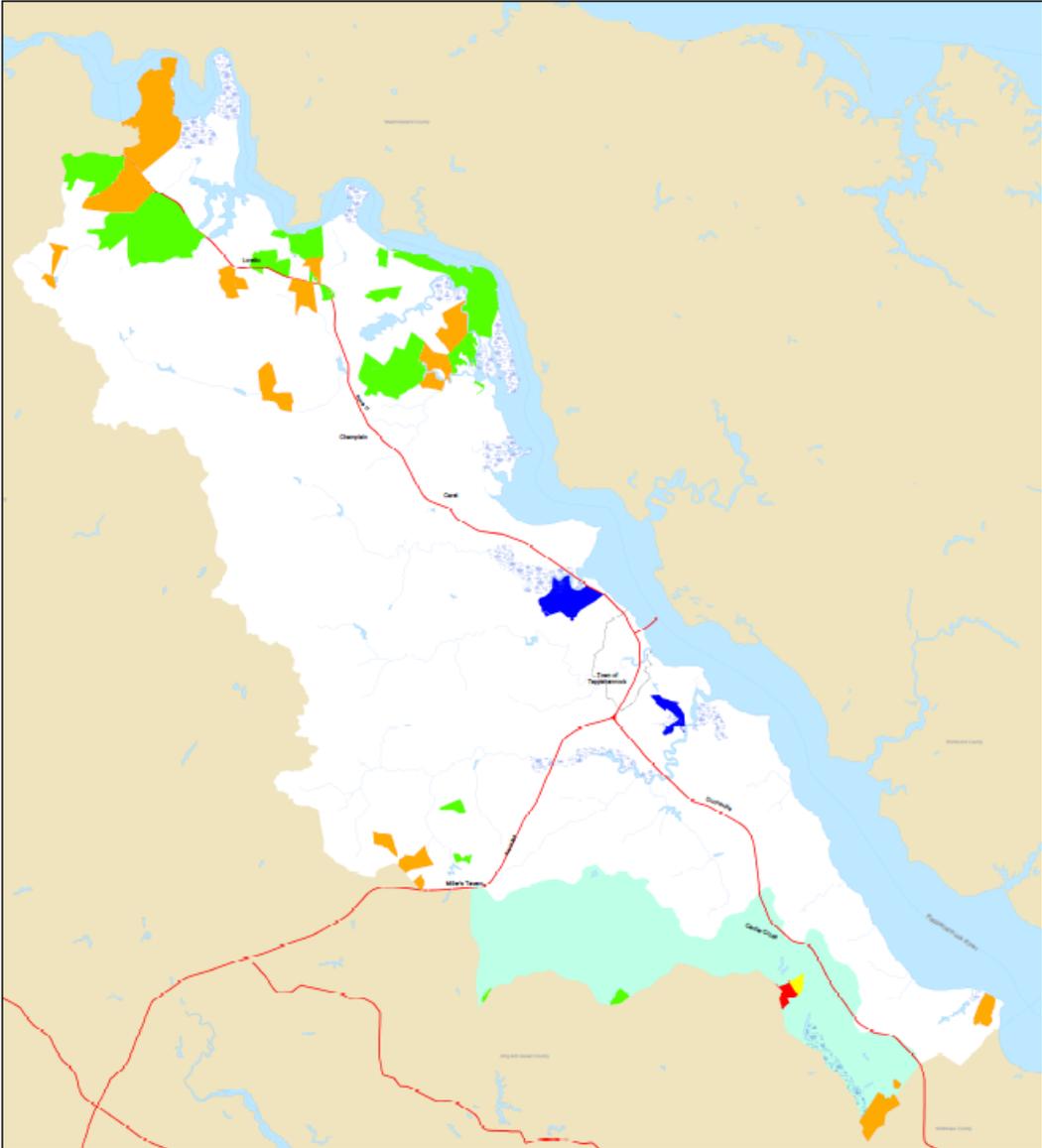
- Completed, printed and mounted two large copies on poster board, the 2010 update of the Essex County Countryside Alliance (ECCA) map.
- Provided Frances Ellis, ECCA, with two poster-sized copies of their updated map as well as some 8.5 x 11 copies.
- Emailed a digital version of the updated Essex County Countryside Alliance (ECCA) map to Mr. George Dickinson for inclusion on the ECCA website.
- Received a phone call from Ms. Blake Slusser at the Tappahannock Free Clinic asking for the number of uninsured adults in Tappahannock/Essex or how many people fall at or below 200% of poverty.

- Spoke with Pat Tyrrell, Tidewater Recreation and Development Council Coordinator, with regards to scheduling a Wildlife Habitat Tour on the Clay Tract. The tour has been scheduled for November 10, 2011.
- Drafted a letter to all potential PAA hunters reminding them to remit payment if they plan to hunt PAA tracks for the 2010-2011 hunting season.
- Consulted with Tommy Blackwell, Essex County Commissioner of Revenue concerning mapping of lands under conservation easement within the County.
- Attended the second Working Waterways and Waterfronts National Symposium on Water Access held in Portland Maine. Presented talks on the Middle Peninsula Chesapeake Bay Public Access Authority and the proposed Mathews County In-water Public Aquaculture Business Parks concept.
- Convened a special meeting with Delegate Harvey Morgan; Honorable Carter Borden, Gloucester County Board of Supervisors; and Jamie Porter Brown, Fredericksburg Assistant District Administrator VDOT, concerning allowing commercial workboats to moor at Perrin Creek wharf in Gloucester. Concluded that the only barrier to allowing vessel tie up is a Gloucester County no mooring ordinance at the landing. The County can change its policy to allow moorage at the landing.
- Advised Carol Steele, Director of Parks, Recreation, and Tourism in Gloucester County, concerning the outcome of a Perrin Creek meeting concerning allowing commercial workboats to moor at Perrin Creek wharf.
- Consulted with Frances Ellis, Essex Countryside Alliance, concerning the mapping of conservation lands within Essex County.
- Drafted a contract for maintenance services for the Browne Tract and the Thurston Hayworth Recreation Area in preparation of the 2010-2011 hunting season. Arraigned for bush hogging, trail clearing, and public hunting area maintenance for Public Access Authority (PAA) lands open for public hunting.
- Met with Darrel Miller, Essex County practicing forester, to discuss harvesting the King and Queen County portion of the Browne Tract. Drafted a letter of service engagement for forestry management services.
- Attended a meeting of the Virginia Coastal Policy Team to review the Virginia Coastal Program 5 years Section 309 Assessment and Strategy. The Middle Peninsula PDC is well position to receive coastal funding related to pressing coastal zone management issue over the next five years.
- Agreed to serve on an interview committee for the Gloucester County Planning Department.

- Received and initiated a review of a draft deed of gift for a donation of property in Mathews County to the PAA.
- Consulted with Shawn Hershberger, Town of West Point Economic Development Director, concerning wetland mitigation of non-tidal wetlands. Contacted the Army Corps of Engineers to request technical assistance.
- Agreed to attend a local meeting called by Carlton Revere, Middlesex County Board of Supervisors, to discuss shallow water dredging issues on Jackson Creek as well as discuss the work of the Middle Peninsula Chesapeake Bay Public Access Authority related to shallow water dredging.
- Issued a request to Congressman Rob Wittman’s office requesting assistance with the US Coast Guard to check the location of temporary channel markers recently installed in Jackson Creek. Local watermen are concerned that the locations of the markers have reduced the natural channel by approximately fifty percent in width.
- Consulted with Mike Ashley, President of the King and Queen Sportsman Hunt Club, concerning habitat improvements on the Clay Tract. Received confirmation that the club will begin habitat improvements along the “air strip” and the ten acre field soon.
- Consulted with Pete Mansfield, Middlesex County Board of Supervisors, concerning no discharge zone designation in Middlesex County and the federal requirements for establishing such.
- Consulted with Mark Mansfield Army Corp Engineers (ACE) and Steve Whiteway, Mathews County Administrator, concerning shallow water dredging and ACE funding.
- Discussed and coordinated a request from NOAA’s Office of Ocean and Coastal Resource Management to conduct a site visit of PAA lands and other Middle Peninsula coastal projects. Agreed to host a meeting at MPPDC and conduct a Dragon Run paddle.

Appendix B: Essex Countryside Alliance Map

Protected Lands 2010
Essex County, Virginia



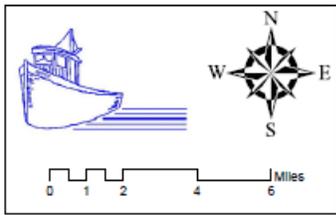
Protected Lands reported to PDC as of August 2010

- Rappahannock River Valley National Wildlife Refuge
- VA Department of Forestry
- Middle Peninsula Chesapeake Bay Public Access Authority
- Land Protected by Private Landowners
- Essex County's Additional Protected Parcels as of August 2010

Watershed Unit:

- Dragon Run Watershed in Essex County

Data for the map provided by Essex County, the Virginia Department of Conservation & Recreation's protected lands database, Virginia Outdoors Foundation & The Nature Conservancy.



Appendix C: Perrin Creek Wharf Research and Maps

August 24, 2010

Meeting to Discuss Commercial Work Boat Moorage at VDOT Wharfs, Piers, Docks and Landings

Infrastructure

VDOT maintains certain wharfs as part of the Secondary System of State Highways. They have recently been approached by the Middle Peninsula Chesapeake Bay Public Access Authority about allowing commercial work boats/fishing vessels to tie up/moor at VDOT's wharf in Gloucester.

Question Posed by MP-PAA staff:

Is there anything in the Code of Virginia that allows VDOT to issue a permit to commercial vessels for overnight mooring to VDOT maintained wharves, or is there anything that prohibits the issuance of such permit?

VDOT Research Findings:

There is nothing in the Land Use Permit Regulations (24VAC-30-151) that allow VDOT to issue a permit for this type of request. VDOT staff was unable to find anything in the Code of Virginia, or in VDOT's regulations, that would specifically allow or prohibit VDOT from issuing permits to boaters for overnight moorings at VDOT maintained wharves. However, Section 33.1-67 includes wharves in the Secondary System of State Highways, and Section 33.1-69 vests VDOT with the authority to control, supervise and manage the Secondary System, and provides that maintenance and improvement shall be by the Commonwealth, under the supervision of the Commissioner.

Establishment of a Process and other VDOT concerns

While it would be a lengthy process, an addition the Virginia Administrative Code would be advisable to establish clearly the rules, regulations, requirements, and restrictions on such moorings. For example, the cost of the permit, any limitations on the types of vessels that could be moored at a VDOT-maintained wharf, limitations on the length of time during which the vessel may be moored, the number of permits that would be issued at any one time for a particular wharf, etc.

It would also be advisable to seek the input of the Virginia Marine Resources Commission regarding the issuance of permits for this purpose. While VDOT does have authority to control its wharves, it would be wise to give weight to a fellow state agency with a mission of “serv[ing] as stewards of Virginia's marine and aquatic resources, and protect[ing] its tidal waters and homelands, for present and future generations.” It would not be advisable to be in a position where commercial fishing vessels were obtaining permits to moor at VDOT wharves to avoid VMRC restrictions and regulations.

Allowing long-term rights could prevent others from using the facility for what it is intended for; short term use. There are permit conditions we could apply that might ameliorate that particular concern (for instance, only allow for certain hours, like overnight). We do need to investigate further: A discussion with R/W (since this is like leasing something to someone), contacting the Virginia Marine Resources Commission regarding restrictions that could be added to the permit, contacting DEQ to determine whether permitting would trigger requirements for commercial docks. For example, § 62.1-44.33 discusses establishment of no-discharge zones for areas where boats are moored. A contact at DEQ is Bert Parolari in their Tidewater office; his number is 757-518-2166.

A separate but related issue is the management of sanitary facilities. The Virginia Department of Health will also need to be coordinated with to ensure safe and sanitary conditions are found at a public wharf.

Another Approach: PAA requests ownership

1. § [33.1-223.2:17](#). Commonwealth Transportation Board may transfer interest in and control over certain highways, highway rights-of-way, and landings.

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

2. Establish a public mooring field off shore of various VDOT wharfs to assist with the mooring of commercial vessels

Precedents for transfer

Given that [33.1-69.1](#) transfer to Department of Game & Inland Fisheries mentions “landings, wharves, and docks” it stands to reason that [33.1-223.2:17](#) includes “landings” as well as wharves, docks or piers. I have requested an interpretation.

Property Management would not lease landings to private individuals. We do lease to other State Agencies to operate for public use. Public use is the operative phrase for anything we do with these landings unless they are in disrepair and no longer used.

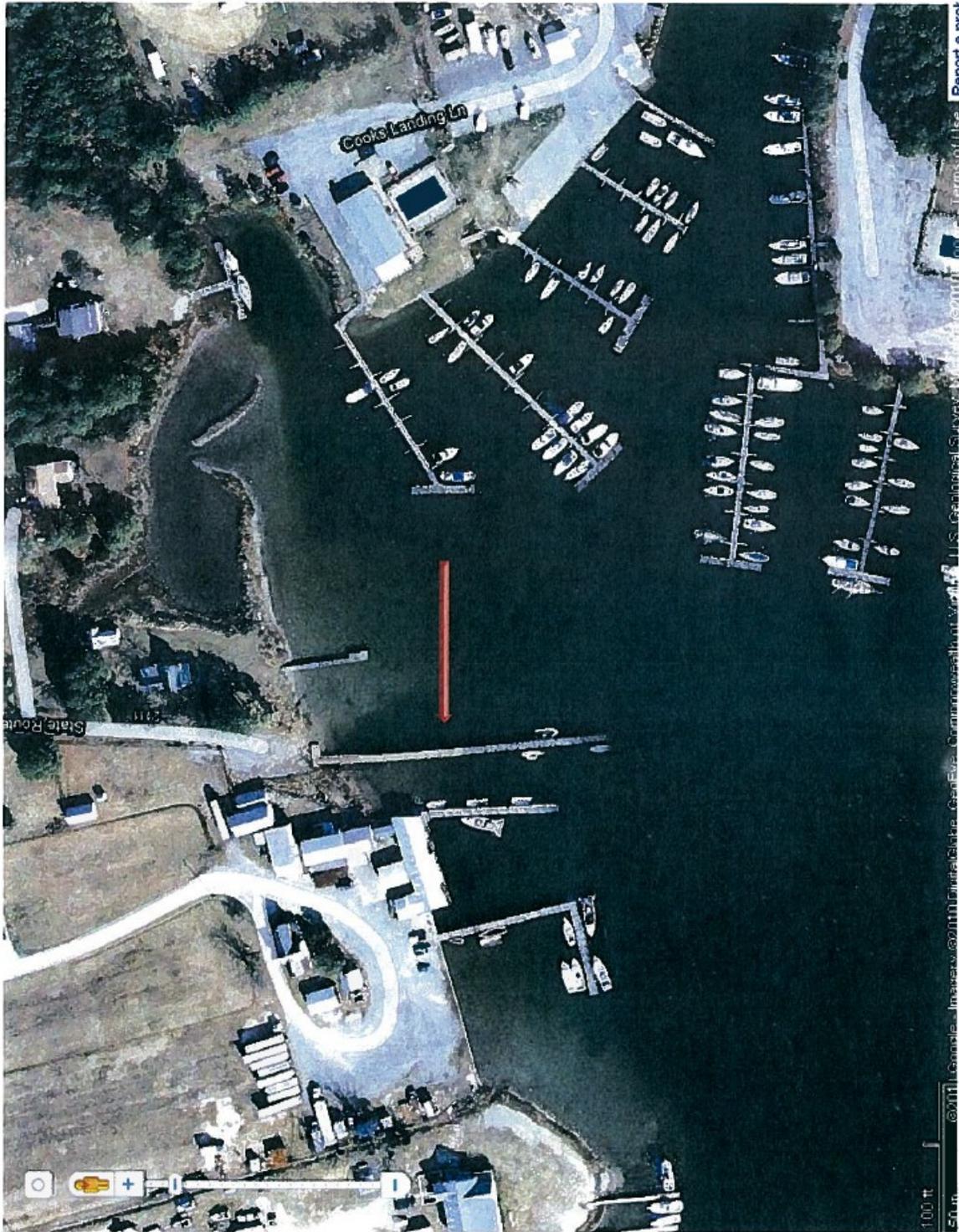
VDOT Infrastructure

In a listing of Public Landings, Wharves and Docks dated May 6, 1977; Sedger Creek Landing on Perrin River and King Landing on Perrin River, Route 645 in Gloucester County are included.

A May 2010 listing shows the following facilities.

Geographic Jurisdiction (S2)	Inventory Route (F5D)	Structure Number - Virginia (S4)	Federal Structure ID (F8)	Route/Route Name	Crossing (F6)
Gloucester County	1101	9002	8554	PERRIN CREEK RD.	PED DOCK SEDGARS CK
Gloucester County	1303	9001	8555	WILLIAMS LANDING	PED WHARF @ TIMBERNEK CK
Gloucester County	651	9000	28124	BROWNS BAY ROAD	PED WHARF @ BROWN BAY
Richmond County	638	6046	14804	JONES CREEK RD.	LANDING DOCK @ RAPPNK RV
Middlesex County	1101	6010	23964	LOVERS LN.	DOCK @ JACKSON CREEK
Northumberland County	731	6033	12792	CRANE'S LANDING RD	CRANE'S CREEK

Docks and wharfs that VDOT currently maintains (May 2010) in the Fredericksburg District.



**Appendix D:
Survey and Preliminary Results from Mathews County Coastal Survey**

1. Default Section

Thank you for visiting our survey site!

The Middle Peninsula Chesapeake Bay Public Access Authority and Mathews County are working to better understand public access needs and working waterfront issues that may be occurring within the waters of Mathews County. The "Coastal Access Survey" is designed to gather this information.

We are interested in your perspective and experience on a variety of topics, including how you access public beaches and waterways, waterfront conflicts, and working waterfront infrastructure problems you may have experienced, and thoughts you might have about improving water access. We plan to use survey responses to broadly outline the scope of current access challenges and trends, to inform and set future public policy, and to qualify for future grant funding opportunities.

For a copy of the survey results, please contact the Middle Peninsula Chesapeake Bay Public Access Authority at: publicaccess@mppdc.com

BEFORE BEGINNING THE SURVEY, PLEASE BE SURE TO READ THE SURVEY DEFINITIONS ON THE WATER ACCESS SITE. Click the following link or copy and paste the URL into your browser.

<http://www.vims.edu/adv/wateraccess/survey.html>

Questions marked with an asterisk are required.

* 1. Participant Information

Virginia Zip Code

General community name where you live

* 2. Is access to the waterways of Mathews County a concern to you?

Yes

No

* 3. How long have you been a resident of Mathews County?

Less than 5 yrs

5-10 yrs

10-25 yrs

more than 25 yrs

Not a resident of Mathews County

* 4. Please indicate which category(ies) best describes you (check all that apply)

- Private or recreational boater
- Private or recreational angler
- Other private or recreational user
- Tour business or charter operation owner/employee
- Other water-dependent business owner/employee
- Waterfront land owner

* 5. How do you primarily use the waterways or shorelines in Mathews?
(check all that apply)

- Fishing
- Boating
- Swimming
- Sun-bathing
- Hunting
- Walking/Hiking
- Birding
- Public Fishing Pier

Other (please specify)

6. If a boater, what type of boating do you primarily enjoy?

- power boating
- sailing
- kayaking
- canoe

Other (please specify)

7. If a boater, how do you gain access to the water?

I lease or own a boat slip

I lease dry storage for my boat

I have direct private access

I trailer my boat

Other (please specify)

8. If a boater, how far do you typically drive to launch your boat?

Less than 5 miles

5-15 miles

15-30 miles

30-60 miles

more than 60 miles

Do not drive

9. If a boater, do you ever pay to launch your boat?

Yes

No

If yes, how much do you typically pay?

10. If a boater, have you lost access to a boat launch site in Mathews County in the past 5 years?

Yes

No

If yes, where? what caused the loss?

This portion of the survey focuses on your concerns and asks questions regarding Public Boat Ramps; Public Beaches/Swimming; Public Fishing Piers/Fishing from the Shore; Boat Slips; Commercial Seafood Operations/Working Waterfront; and Mooring Sites for the County as a whole.

* 11. What specific condition(s) are you most concerned about? (check all that apply)

- Lack of boat ramps
- Lack of beach access
- Lack of commercial fish houses
- Lack of charter boat activity
- Lack of safe swimming areas
- Lack of public municipal slips
- Lack of public fishing piers
- Lack of public or private boat slips for transient (short-term use)

Other (please specify)

* 12. What do you see as being the biggest threat to access to the waterways of Mathews County by the public? (check all that apply)

- Sea level rise (meaning that beaches and access points will become submerged under water)
- Loss or conversion of existing access sites to private ownership
- Coastal destruction due to storms and other hazards
- Overall lack of public water access sites

Other (please specify)

13. What would your preferred type of public access be?

Rank order from 1 (most preferred) to 3 (least preferred)

Boat ramps and/or

public beaches with
adequate parking for
multiple users

A network of access

sites for paddling

A network of small,

special purpose access
sites (i.e. birding and
hiking)

14. If you have another preferred type of public access, please describe.

15. What existing Mathews County public access sites should be expanded and why?

16. Public Boat Ramps

Rank order from 1 (biggest problem) to 5 (smallest problem)

Ramps are closing or being replaced for carry-on boats

Ramp sites lack adequate parking

There is not enough access to serve all users

Ramp conditions are deteriorating and not being improve

The wait time at ramp is too long or multiple ramps needed

* 17. What is the more important priority to you? (check one)

Improvement/expansion of existing public boat ramps and parking

Construction of new public boat ramps and parking

Other (please specify)

18. Where would you like to see a new public boat ramp in Mathews?

Body of water

Closest street/route and general location

19. Public Beaches/Swimming

Rank order from 1 (biggest problem) to 3 (smallest problem).

Public access sites lack parking

There are not enough public beach access sites

Lack of public facilities (rest rooms, trash pickup, security etc) at beach sites

20. Public Fishing Piers and Fishing from the Shore

Which of the following problems do you experience most often?

On-shore fishing locations have turned to private ownership or private owners now forbid fishing use

Was never available

21. Boat Slips

Rank order from 1 (biggest problem) to 4 (smallest problem).

Have been priced above market value

Are being demolished

Are not available

Can not be accessed due to shoaling

22. Commercial Seafood Houses (Traditional Working Waterfront)

Rank in order from 1 (biggest problem) to 4 (smallest problem).

Are being replaced by private development

Property tax is too high for watermen to retain the property

Not enough catch for watermen to make a living

Not enough workers/labor force available (crab pickers, oyster shuckers, dockhands, etc)

23. Do you believe that the loss of access for water-dependent commercial activity would have negative consequences for Mathews?

Yes

No

24. Should public and private partnerships be established to ensure the preservation of working waterfront infrastructure, such as docks, wharves, marinas and boatyards, and other facilities?

Yes

No

25. What working waterfront infrastructure in Mathews do you think should be protected?

26. What areas of Mathews have a historic connection to working waterfronts?

27. What improvements need to be made to existing working waterfront infrastructure?

28. Should there be public mooring fields available in appropriate locations?

Yes

No

29. Who should use public mooring fields?

Commercial watermen only

Recreational boaters only

First come-First serve

30. Should public mooring fields be rented for long term use?

Yes

No

The final section of questions focuses on possible policy actions and tools, such as limiting the use of an access site to a particular group of users, possible means of creating new sites, and/or requiring fees for the use of a given site.

* 31. What tools do you think Mathews County government should investigate to protect public access to the waterways of Mathews? (check all that apply)

- Transfer of development rights (protect key sites from development or conversion)
- Public financing dedicated to working waterfronts or public access
- Fees or other taxation options (for special projects like dredging, new boat ramps, or land acquisition)
- Zoning (to protect and manage land and water uses)
- Encouraging private donations (land and funding) for the protection of public access
- Working with property owners to save working waterfronts through easements or other partnerships
- Developing laws and regulations for the protection of public access
- Don't know

Other (please specify)

* 32. Should Mathews County government do any of the following? (Check all that apply)

- Track public and private access (maps and information available for public use)
- Have information online dedicated to public access issues
- Educate the public on access issues
- Fund capital investments such as public wharves
- Fund research on causes for diminishing access
- Establish legislation for protecting access
- Facilitate community planning that addresses multiple uses of waterways
- Don't know

* 33. If fees were instituted for the use and maintenance of public access sites, which of the following should be included?

- A pass system for annual or seasonal use
- One-time use fee
- Higher fee for non-local in-state residents
- Higher fee for out-of-state residents
- Fee based on parking only
- I am opposed to fees
- Don't know

34. Should different user groups have access to all sites?

Yes

No

35. For whom is Mathews providing access?

Residents

Commercial users

Transients

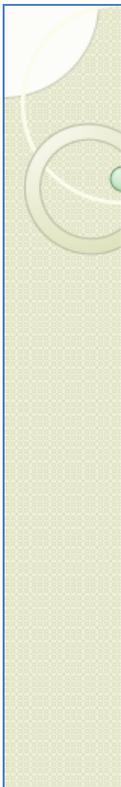
36. Would you consider selling, leasing, or receiving some other compensation in exchange for creating public water access on your land?

Yes (Please call 804-758-2311 to discuss further)

No

Why or why not?

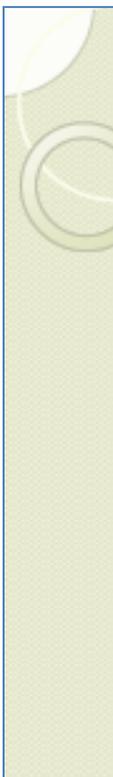
37. You have completed the survey. Thank you for your time. If you'd like to submit additional comments, please use the box below.



Mathews County Public Access Survey

Preliminary Results

June 11, 2010
Public Access Authority Meeting



Quick Background

Mathews Maritime Public Access Summit

- **Purpose:** to increase understanding of legal issues, and explore options for new access sites with interested stakeholders and the general public
- **When:** Four meetings conducted from February thru March
- **Where:** West Mathews Civic Center, Antioch Baptist Church, Northern Gwynn's Island Community Center, Mathews County Library
- **How:** Planned citizen Participatory Method through informative presentations, mapping exercises and survey's

AND integrate this process into meeting
Keep America's Waterfronts Working Act of 2009
requirements for future funding

Survey Participation

- November 2009 – June 2010
- Survey was made available as a handout and through the web
- Total of 75 respondents



The Majority of Participants.....

- Have lived in Mathews County 10-25 years
- Are private or recreational **boaters**
- Are waterfront land owners with **direct private access** to the water
- Drive **less than 5 miles** to launch their boat
- **Do not pay** to launch their boat and are opposed to fees

The Majority of Participants.....

- Have not lost access to a boat launch site in Mathews County in the past 5 years
- Believe the biggest threats to access is coastal destruction due to **storms and other hazards** and **overall lack of public water access sites**
- Believe there is a lack of public fishing piers and fishing opportunities from the shore

The Majority of Participants.....

- Believe that loss of access for water-dependent commercial activity would have a **negative consequence** for Mathews
- **Public and private partnerships** should be established to ensure the preservation of working waterfront infrastructure
- **Public mooring fields** should be available in appropriate locations and available on a **first come-first serve basis** for **short-term use**
- Different user groups should have access to all sites

Top concerns

1. Lack of beach access
2. Lack of boat ramps
3. Lack of safe swimming areas
4. Lack of public fishing piers
5. Lack of public municipal slips
6. Lack of public or private boat slips for transient use
7. Lack of commercial fish houses
8. Lack of public parking at boat ramps
9. Lack of charter boat activity



The Biggest Problems

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

The Smallest Problems

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

Sites that should be expanded....

1. East River Boat Yard
2. Put-in Creek
3. Williams Wharf
4. Seabreeze, Gwynn's Island



Sites for NEW public boat ramps...

Body of Water:

1. East River
2. North River
3. Piankatank River
4. Put-in Creek

Location:

1. Mobjack Area/East River Road
2. Courthouse Area
3. Mill Lane Road



Working Waterfronts to protect...

1. Gwynn's Island (Milford Landing & Callis Wharf)
2. Davis Creek
3. East River Boatyard
4. Horn Harbor
5. Williams Wharf



Locations with historic connection to working waterfronts

1. Gwynn's Island (Milford Landing & Callis Wharf)
2. East River
3. Mobjack
4. Put-in Creek



Types of Improvements Needed at access sites

- Maintenance of ramps/docks (ie. repairs and expansion)
- Dredging for accessibility
- Parking at access sites
- Renovation and/or preservation of structures
- Infrastructure (ie. water, sewer, refrigeration, electricity)
- Regular trash clean up
- Waterfront Economics (ie. restaurants)

Tools that Mathews County Government should investigate to protect public access

1. Zoning changes to protect and manage land and water uses
2. Encourage private donations (land and funding)
3. Working with property owners to save working waterfronts through easements or other partnerships
4. Public Financing dedicated to working waterfronts or public access
5. Developing laws and regulations
6. Transfer of Development Rights
7. Fees or other taxation options



Mathews County government can help by.....

1. Having **information online** dedicated to public access issues
2. **Education** the public on access issues
3. Facilitate **community planning**
4. **Track** public and private access
5. **Fund** capital invests such as public wharfs



Next Steps.....

- **PAA staff will develop a Public Access Master Plan for Mathews County**
 - Set priorities for public access site improvements (ie. repairs and expansions)
 - Set priorities for working waterfront preservation and possible restoration
- **Revisit Mathews to share outcomes**

**Appendix E:
Feasibility Study for the Middle Peninsula Tidal Wetland Bank**



Project Technical Memorandum

VHB Project Number	Middle Peninsula Planning District Commission	Date
33115.00	Feasibility Study for the Middle Peninsula Tidal Wetland Bank (TWB) Shenk Parcel, Gloucester County	11/11/09

Introduction

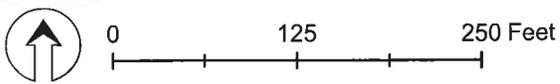
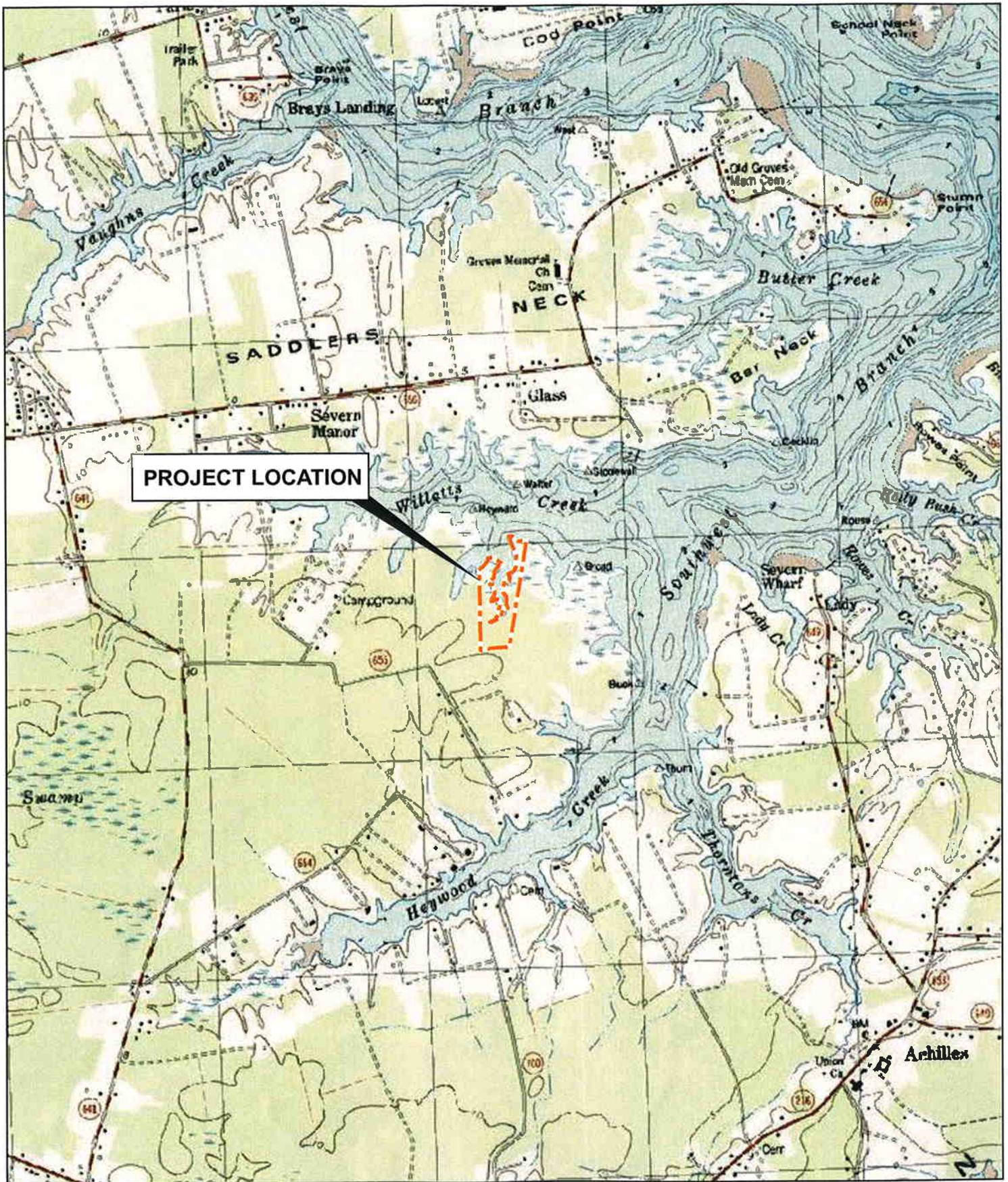
The Middle Peninsula Chesapeake Bay Public Access Authority(PAA) is investigating the feasibility of developing a regional tidal wetlands mitigation bank that would be utilized by local tidal wetland boards and citizens within the PDC. The tidal wetland mitigation bank would offer credit units to offset unavoidable impacts permitted through the local, tidal wetland boards. Projects such as erosion control structures (bulkheads and revetments), boat ramps for water access, and other waterfront improvement projects that impact vegetated and non-vegetated, tidal wetlands could rely upon the Middle Peninsula Tidal Wetland Bank (TWB) to provide mitigation credits. Currently there are few tidal banking options within the region. Some of the local wetland boards utilize an in-lieu fee fund, which serves as an acceptable option for satisfying mitigation requirements resulting from unavoidable impacts. Each locality has the ability to establish a dollar value per credit unit. Most often the collected in-lieu fee funds remain unused since the localities do not have the technical staff necessary for identifying and developing mitigation projects. As a result, the PDC is exploring other opportunities that would provide a dependable and affordable source of tidal mitigation credits to the local boards and citizens.

The Middle Peninsula Chesapeake Bay Public Access Authority (PAA) has acquired over 800 acres of multi-parcel coastal and estuarine land within the Middle Peninsula region. Many parcels were acquired through the National Ocean and Atmospheric Administration (NOAA) program, Coastal and Estuarine Land Conservation Program (CELCP). Within these lands the PAA and PDC have identified a 15-acre parcel previously owned by the Shenk family, located in the headwaters of the Severn River (Figure 1). The PDC retained Vanasse Hangen Brustlin, Inc. (VHB) to evaluate the Shenk parcel for its' potential as a tidal wetland bank and to outline the process by which the mitigation bank could be realized. The following text describes our preliminary observations, potential constraints and assets, opinion of development cost, and the possible regulatory track needed in order to become an operational facility.

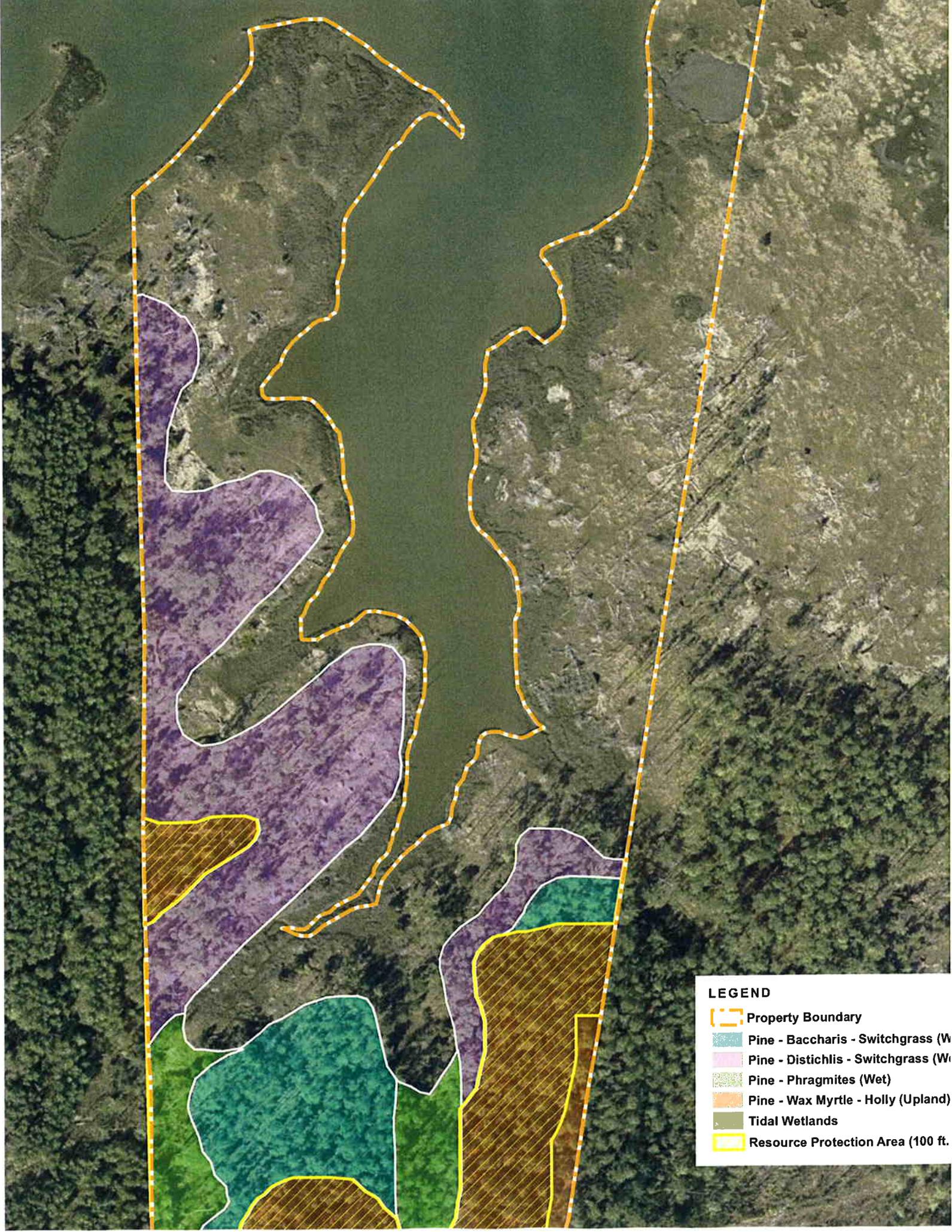
Existing Conditions – Shenk Parcel

This coastal property lies within a broad transition between tidally influenced vegetative emergent communities and broad, forested flats. Although topography is not currently available for the site, we observed no more than two to three feet of relief on the property. Five vegetative community types were noted (Figure 2), four of which are wetlands. It is noted that VHB did not flag, survey, or prepare a formal wetland delineation package for the U.S. Army Corps (COE) review and approval. The onsite vegetative communities were field mapped for preliminary planning purposes, and a more detailed delineation would need to occur if the site is selected for future mitigation development. The field-mapped communities presented in Figure 2 include the following:

- Spartina Tidal Marsh (E2EM)
- Pinus-Phragmites Tidal Wetland (PFO4R)



*Middle Peninsula Planning District Commission
Tidal Wetland Restoration/Bank Feasibility
Shenk Parcel, Gloucester County, Virginia*



- LEGEND**
- Property Boundary
 - Pine - Baccharis - Switchgrass (W)
 - Pine - Distichlis - Switchgrass (W)
 - Pine - Phragmites (Wet)
 - Pine - Wax Myrtle - Holly (Upland)
 - Tidal Wetlands
 - Resource Protection Area (100 ft.)

- o Pinus-Baccharis-Panicum Wetland (PFO4B)
- Pinus-Distichlis-Panicum Wetland (PFO4R)
- Pinus-Myrica-Ilex Upland

Soils on the property correspond to Sulfaquents, frequently flooded associated with the tidal marsh and Lumbee fine sandy loam mapped as occurring in the pine-dominated communities just landward of the high tide line. All of the land with potential use for tidal restoration lies within the Lumbee soil type, a hydric soil. This soil is poorly drained with a seasonal high water table between 0 to 12 inches from the soil surface. It is characterized as having an argillic B-horizon starting between 6 to 19 inches below the surface of sandy clay loam or clay loam. Soil borings taken with a hand auger tended to confirm the presence of the Lumbee soil type.

The vegetative communities reflect the slight, broad transition in elevation between tidal areas and pine dominated communities. The wet pine areas abutting the marsh were observed containing a water table immediately below the soil surface. During seasonally high tides (mean tide range is estimated to be approximately 2.3 feet), portions of the pine wetlands (+3.5 to +4.5' mlw) are likely inundated. Loblolly pine (*Pinus taeda*) is the dominant tree with understory plants to include giant reed grass (*Phragmites australis*), sea grass (*Distichlis spicata*), false-willow (*Baccharis halimifolia*), soft rush (*Juncus effusus*), switchgrass (*Panicum virgatum*), seaside goldenrod (*Solidago sempervirens*), and wax myrtle (*Myrica cerifera*). Soil borings consisted of sandy loam with chroma 2 or less with redoximorphic concentrations.

The pine upland community contains loblolly pine with wax myrtle, American holly (*Ilex opaca*), blackgum (*Nyssa sylvatica*), sweet-gum (*Liquidambar styraciflua*), persimmon (*Diospyros virginiana*), greenbriar (*Smilax bona-nox*), and wild grape (*Vitis rotundifolia*). One soil boring found a sandy loam with chromas 2 or 3 with no redoximorphic concentrations to within 12 inches in depth. The B-horizon was below 16 inches.

Figure 2 also depicts the approximately location of the 100-foot Chesapeake Bay Resource Protection Area (RPA), which begins at the wetland/upland interface and extends landward for 100-feet. This RPA feature is, again, an approximation and provided for planning purposes only. A formal RPA line could be established and approved by Gloucester County only after the COE wetland delineation confirmation.

Proposed Conditions – Shenk Parcel

There appears to be very little potential for developing wetland areas from uplands on the Shenk Parcel due primarily to the great extent of existing wetlands. Much of the 15-acre parcel is already considered wetlands or RPA buffer. The RPA buffer is currently in a wooded condition and would not likely be given favorable consideration for conversion to intertidal wetlands, since the buffer is providing an existing water quality service to the Severn River. In addition, converting the uplands to wetlands would shift the present RPA buffer position onto the adjacent landowner. This essential shift of land-use regulations onto the adjoiner could prove to be problematic.

Another undesirable feature of the site is the underlying silt-clay soils, which are not a preferable planting medium for an emergent marsh system. Most tidal wetland mitigation sites are created in or with sandy soils, which allow vigorous root growth and lateral propagation. That being considered, the Shenk site would likely require some over-excavation, followed by placement of sandy fill material to reach final grade. This additional earthwork could increase the overall construction cost by approximately 10 to 15 percent. A final consideration for the site is how much existing habitat would have to be disturbed and/or converted in order to provide the proper hydrologic connection between the graded uplands and the adjacent tidal prism. A significant amount of existing, vegetated

wetlands would be converted to mudflat and possibly open water in order to bring enough tidal exchange up into the created wetlands. This conversion impact would have to be mitigated for from the created area, which reduces the available credits and increases the per unit cost.

Although the Shenk Parcel does not appear to be the best property for mitigation development, we have developed an overall opinion of cost for a 1.0-acre wetland mitigation site, residing in a similar landscape position. The attached opinion of cost includes design, permitting, agency approval, construction administration and oversight, construction, post-construction monitoring, and maintenance and remediation costs. Per credit costs of approximately \$8.00/sq. ft. were estimated.

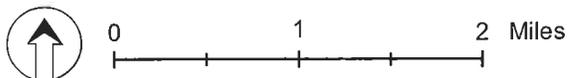
Needs Assessment

A potential mitigation site located in the headwaters of the Severn River would reside within the primary Hydrologic Unit Code of 02080102, servicing Mathews County, portions of Gloucester, Middlesex, King & Queen, and Essex Counties (Figure 3). King William County would fall within an immediately adjacent watershed and could potentially utilize the TWB facility. A cursory review of the permit records contained on the Virginia Institute of Marine Science's website shows that approximately 26,400 sq. ft. of non-vegetated and 2,240 sq. ft. of vegetated wetlands were permitted for impact during 2009 within the six county PDC region. These projects were mostly shoreline erosion control projects, such as timber bulkheads, rock groins, and rock revetments. Projects excluded from these impact totals included "living shoreline" projects, which were considered as self-mitigating. Structures such as rock sills and breakwaters with beach nourishment and wetland plantings were not included in the impact totals.

It is noted that the Virginia Institute of Marine Science suggests that non-vegetated and vegetated wetland impacts should be considered on an equal basis when considering mitigation requirements, but many localities only require mitigation for vegetated impacts. Moreover, there are some localities that do not require mitigation for any of the permitted impacts. Implementation of the mitigation policy varies from locality to locality. If mitigation for non-vegetated impacts was required at a 1:1 ratio, a 1-acre bank facility could potentially exhaust credit supply within 2 years. If, however, only vegetated impacts are required to be mitigated for, the 1-acre bank facility would satisfy the demand for well over 10 years at the 2009 impact levels. It is noted that the current recession has likely reduced the wetland impact levels below the annual average. Additional assessment of impact levels over a longer time-period will be conducted and provided as supplemental information.

Credit Establishment

We understand that during preliminary discussions with several of the regulatory agencies it was mentioned that the bank establishment process could be streamlined and made less intensive than the process outlined in VMRC's "Guidelines for Establishment, Use and Operation of Tidal Wetland Mitigation Banks in Virginia." VMRC's guidelines outline a procedure that mirrors the non-tidal wetland bank establishment procedures that includes submitting a prospectus, receiving review comments from the Mitigation Bank Review Team (MBRT), placing a public notice, and developing an approved banking instrument. We intend to provide additional agency feedback on whether or not this process is necessary in



*Middle Peninsula Planning District Commission
Tidal Wetland Restoration/Bank Feasibility
Shenk Parcel, Gloucester County, Virginia*

this particular case, but our current line of thinking is that it will be necessary. Anticipated review and approval times can take anywhere from six to twelve months.

Summary

The Shenk Parcel does not appear to be a good candidate for the development of a tidal wetland bank site due to the small amount of uplands, location of the uplands relative to the property boundaries and RPA limits, and the fact that existing wooded buffers would have to be removed in order to create wetland habitat. Credit needs appear to be viable if non-vegetated, tidal wetland impacts are required to be mitigated for, but recent history indicates that most Boards focus on vegetated impacts only. Therefore, demand could be relatively low unless a few large development projects are initiated in the near future that contain significant, unavoidable impacts to vegetated wetlands. Potential bank development costs on a parcel similar to the Shenk Parcel's landscape position seem to corroborate existing in-lieu fee fund costs, with some potential savings for local residents in the market for tidal banking credits.

ATTACHMENTS

1. Opinion of Cost

Project: **Shenk Property - Tidal Wetland Creation (assume 43,560 SQ. FT.)**

Location: **Headwaters of the Severn River, Gloucester**

Architect Engineer: **VHB**

Plans Dated: **11/09** Estimator: **cwf** Checked By: _____

Item No.	DESCRIPTION	QUANTITY		LABOR		MATERIAL		Total Cost
		No. Units	Unit Meas.	Per Unit	Total	Per Unit	Total	
1	DETAILED INVESTIGATIONS & DESIGN PLANS	1	LS			\$25,000.00		\$25,000.00
2	AGENCY/BANK APPROVAL PROCESS	1	LS			\$15,000.00		\$15,000.00
3	CONSTRUCTION ADMIN/OVERSIGHT	1	LS			\$10,000.00		\$10,000.00
4	CONSTRUCTION STAKEOUT	1	LS			\$2,500.00		\$2,500.00
5	MOBILIZATION	1	LS			\$10,000.00		\$10,000.00
6	CLEARING AND DEBRIS REMOVAL	1	AC			\$15,000.00		\$15,000.00
7	EXCAVATE AND SALVAGE SANDY SOILS	800	CY			\$3.50		\$2,800.00
8	EXCAVATE, HAUL, & DISPOSE EXCESS SOILS	3,200	CY			\$10.00		\$32,000.00
9	PLACE SALVAGED SANDY MATERIAL	800	CY			\$5.00		\$4,000.00
10	IMPORT AND PLACE SANDY MATERIAL	800	CY			\$15.00		\$12,000.00
11	UPLAND SEEDING & OVERSEEDING	0.25	AC			\$1,800.00		\$900.00
12	EMERGENT PLANTING (2" Plugs - 18' Centers)	19,500	EA			\$1.50		29,250.00
13	EXCLUSION FENCING	1	LS			\$7,500.00		\$7,500.00
14	SCRUB/SHRUB PLANTINGS	350	EA			\$15.00		\$5,250.00
15	MONITORING & REPORTING (5 annual events)	5	YR			\$7,500.00		\$37,500.00
16	MAINTENANCE/ERADICATION (5 annual events)	5	YR			\$3,000.00		\$15,000.00
						Subtotal		\$223,700.00
						Contingency 10%		\$22,370.00
						Wetland Total		\$246,070.00
						Per Sq. Ft. Cost *		\$8.00

Notes:
 * Unit cost has been adjusted to account for approximately 10,000 sq. ft. of habitat conversion due to channel development through existing wetland habitats. 10,000 sq. ft. has been debited from the original 43,560 sq. ft. of creation