

Middle Peninsula Coastal Eco-Business Public & Private Operational Framework



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

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Executive Summary

The Middle Peninsula Chesapeake Bay Public Access Authority (PAA) has created a network of waterfront public lands throughout the Middle Peninsula. These lands offer water access, scenic views, and numerous hunting opportunities, but the PAA still considers many of these lands underutilized and is therefore interested in leveraging these lands for recreational use across the region through the development of a Middle Peninsula Eco- Business Program. Through this project Middle Peninsula Planning District Commission (MPPDC) staff used documents from the Queensland Eco-tourism Investment Opportunities Program as a basis to create a series of documents for the Middle Peninsula Eco-Business Program. Documents included the following:

- **Eco-Business Application:** Provides entrepreneurs with the opportunity to share information about their business and proffer project ideas. Applications will be accepted on an annual rolling basis. (http://www.virginiacoastalaccess.net/ecotour/PAA_EcoBusinessApplication.pdf)
- **Eco-Business Tender Guidelines:** Reviews the process that applicants can expect to go through, including the invitation for expression of interest and request for a detailed proposal. (<http://www.virginiacoastalaccess.net/ecotour/TenderGuidelines.pdf>)
- **Eco-Business Probity Guidelines:** Provides transparency in the program and process. (<http://www.virginiacoastalaccess.net/ecotour/Probity.pdf>)
- **Eco-Business Implementation Framework:** Provides an overview of the how, what, where and why of the ecotourism facilities program. (<http://www.virginiacoastalaccess.net/ecotour/Framework.pdf>)
- **Eco-Business Best Practices:** Assists applicants in developing eco tourism facilities and experiences on PAA public lands that are in the public interest, are ecologically sustainable and ensure, to the greatest possible extent, the preservation of the land's natural condition and protection of its cultural values and resources. (<http://www.virginiacoastalaccess.net/ecotour/BestPractices.pdf>)

MPCBPAA posted these documents on their website and is currently accepting applications.

As part of developing the Middle Peninsula Eco-Business Program, questions regarding the taxation of private businesses on PAA land as well as corporate donations to PAA arose. PAA partnered with MPPDC staff to correspond with the Virginia Attorney General to understand the how private eco businesses may be taxed on PAA land. MPPDC staff also worked with Steven Hollberg, Town of Urbanna Mayor and certified public accountant, to address questions about corporate donations to PAA and associated tax implications. MPPDC staff asked Mr. Hollberg to address three specific questions: (1) What tax benefits can corporations receive when they donate money to the PAA? (2) What tax benefits can corporations receive when they donate land to the PAA? and (3) What tax benefits can individuals receive when they donate money to the PAA?

Introduction

The Middle Peninsula Chesapeake Bay Public Access Authority (PAA) in partnership with the MPPDC sought to leverage underutilized, publicly owned PAA waterfront land for recreational use across the Middle Peninsula to create an economic competitive advantage. The PAA owns over 50 separate waterfront parcels across 5 counties and one town totaling more than 1000 acres. The PAA desires to explore new approaches to allow privately owned eco business ventures to operate on these publicly owned lands to encourage new and innovative, environmentally sensitive ecotourism business-models that both showcase and preserve the PAA's unique natural landscapes and wildlife as well as provide ongoing funding to enable the PAA to successfully manage its ever-expanding portfolio of public access properties.

In part, this project focused on creating a Middle Peninsula Ecotourism Program which entailed the development of five different policy documents that detail the program. Specifically, MPPDC staff utilized Queensland Government's Investment Opportunity Program that establishes eco-businesses on National Park lands as a model to create the following policy documents:

- Eco-Business Probity Guidelines
- Eco-Business Application Form
- Eco-Business Tender Guidelines
- Eco-Business Best Practices Development Guidelines
- Eco-Business Facilities and Implementation Framework

Another aspect of this project was committed to improving water access infrastructure on publically owned waterfront land by planning, designing and constructing two new nature viewing platforms on the 250 acre Clay Tract, located in King and Queen County, on the Dragon Run.

Product #1: Guidelines for Eco-Business Expression of Interest

Eco-Business Tender Guidelines were drafted by PDC staff to describe the types of ecotourism proposals that the PAA is interested in receiving and how individuals or organizations can submit their proposals. More specifically the Tender Guidelines review the process that applicants can expect to go through, including the invitation for expression of interest and request for detailed proposals. This document also reviews the evaluation criterion that the PAA will consider upon review of the application, an application assessment schedule, application deadlines, contact information, and application conditions (i.e. conflict

of interest, reservation of rights, confidentiality, costs, warranties, variations, etc.). See Appendix A for documents.

Product #2: Eco-Business Application Form

Interested parties will fill-out an *Eco-Business Application Form* to provide contact information as well as information about their ecotourism business/project ideas. The application clearly states the evaluation criteria that the PAA will consider when reviewing the application and project. See Appendix B for this document.

Product #3: Eco-Business Procurement Guidelines

Eco-Business Probity Guidelines provides transparency in the program and process. It focuses on the four principles that PAA will follow in evaluating projects, including:

- a. fairness and Impartiality;
- b. accountability and transparency of process;
- c. confidentiality and security of information and materials; and
- d. effective management of conflict of interest

See Appendix C for this document.

Product #4: Eco-Business Best Practice Development Guidelines

Eco-Business Best Practices Development Guidelines assists applicants in developing ecotourism facilities and experiences on PAA public lands that are in the public interest, ecologically sustainable, and ensure, to the greatest possible extent, the preservation of the land's natural condition and protection of its cultural values and resources. The best practices included in the guidelines are:

- a. The Ecotourism Operation is compatible with the natural and cultural values of the PAA public land;
- b. The Ecotourism Operation is designed to fit within the character of the PAA public land;
- c. The Ecotourism Operation minimizes its footprint on the site;
- d. The Ecotourism Operation contributes to protecting and positively enhancing the PAA public land;
- e. The Ecotourism Operation engages, involves and benefits local communities; and
- f. The Ecotourism Operation encourages visitors to appreciate and want to protect and conserve the PAA public lands

See Appendix D for this document.

Product #5: Eco-Business Facilities and Implementation Framework

Eco Business Facilities and Implementation Framework provides an overview of the how, what, where and why of the eco tourism facilities program. This program consists of a two stages including the (1) preliminary concept assessment and (2) full proposal assessment. The Framework document also provides an overview of the PAA lands and amenities at each site that business owners can consider in selecting a site for their business location. See Appendix E for this document.

Upon completion of the Middle Peninsula Ecotourism Program documents the PAA Board reviewed and approved the program; however there were questions regarding the taxation of private eco-businesses on PAA land as well as corporate donations to the PAA. First, PAA staff reached out to Steven Hollberg, Middle Peninsula Planning District Commissioner, Town of Urbanna Mayor, and certified public accountant. MPPDC staff requested information to answer the following questions:

1. What tax benefits can corporations receive when they donate money to the PAA?
2. What tax benefits can corporations receive when they donate land to the PAA?
3. What tax benefits can individuals receive when they donate money to the PAA?

In response Mr. Hollberg developed a white paper (Appendix F). The paper provided general guidelines on gifts by individuals and corporations to the PAA. To supplement this document MPPDC staff created a *Corporate Sponsorship Opportunities and Application*. The application consists of a table of options for corporations to consider, including opportunities for financial sponsorship, service day sponsorships, or land donations (Figure 1). See Appendix G for the full Corporate Sponsorship Opportunities and Application document.

Figure 1: Corporate sponsorship opportunities for corporations.

CORPORATE SPONSORSHIP OPPORTUNITIES

Corporate sponsorships enable the Middle Peninsula Chesapeake Bay Public Access Authority (PAA) to improve management of over 1000 acres of public access properties in the Middle Peninsula, providing access for hunting, birdwatching, beachcombing, picnicking, boating and other activities. Participating businesses can receive the following benefits with their gift:

	Financial Sponsorships					Service Day	Land Donation
	Platinum (\$10,000 or more)	Gold (\$5,000 or more)	Silver (\$2,500 or more)	Bronze (\$1,000 or more)	Other Amounts		
Company name is included in name of property	✓						✓
Free access to PAA public lands on reservation sites for 3 years	✓						✓
Free access to PAA public lands on reservation sites for 1 year		✓					
Logo listed on PAA website	✓	✓		✓	✓		✓
Press Release about contribution	✓	✓		✓	✓	✓	✓
Eco-tour of nearby river/waterway						✓	

Second, the PAA was interested in understanding the taxation and revenue generation of eco businesses on PAA lands. Therefore, MPPDC staff reached out to the Attorney General’s office for insight. The Assistant Attorney General stated:

1. It appears that the Authority is exempt from real estate taxes. (Va. Code Section §15.2-6617)
2. Any person or entity leasing property owned by the Authority would not be subject to tax on the entirety of the property, but would be subject to tax on its leasehold interest in the property owned by the Authority (even though the Authority is not subject). (Va. Code Sections §15.2-6617; §15.2-6623; §58.1-3200; and §58.1-3203)
3. Any tenant should not be responsible for a tax on an entire parcel of property unless they are leasing the entire parcel.
4. The Authority will need to speak directly with each locality to determine how taxes are assessed.
5. At this time, the mechanism is unknown through which localities would institute PILOT (payment in lieu of taxes) fees. If there is a legitimate PILOT fees program in a locality assessed against the Authority, that would be something the Authority would be responsible for, not the tenant (unless there is a contractual requirement under the lease to pass through a portion of such fee).

The Attorney General's office also mentioned that, because tenants will be subject to a tax on their leasehold interests, it is important to draft each lease in a way that clearly establishes the premises, rent, and other terms that may affect calculation of the leasehold interest. In situations where it makes sense to just issue a license for the temporary use of property, there should not be a leasehold interest tax, but again, the license will need to be drafted in such a way so as to make it clear that it is a license and not a lease.

Based on this feedback MPPDC staff posted all Middle Peninsula Ecotourism Program policy documents to the Middle Peninsula Chesapeake Bay Public Access Authority Website at http://www.virginiacoastalaccess.net/MPPAA_ecotourism.html. These documents are currently available to the public and the PAA is open to accepting eco-business applications.

Additional Associated Work

To encourage the expansion of eco-businesses across the Middle Peninsula, the PAA improved water access infrastructure on publically owned waterfront land by planning, designing, and constructing two new nature viewing platforms on the 250 acre Clay Tract, located in King & Queen County, on the pristine Dragon Run. On March 1, 2017 MPPDC staff organized a Bid Notice to construct nature viewing platforms. The bid packet included a list of specifications for the nature viewing platforms including:

- Pier lengths (2) estimated between 100 ft to 185 ft, with head
- Open pile construction
- Galvanized nails and bolts
- Pressure treated lumber with pilings (6" minimum) bolted.
- 2"x 8" decking, stringers and cross pieces
- Preserve Cypress Knee
- Minimize tree removal
- Pathway to worksite from parking area

On March 13, 2017, the PAA closed the bid process and entered into a contract with Riverworks, Inc.

In August 2017 construction of both viewing platforms was finished. Figures 2 and 3 show pictures of the platforms under construction and Figures 4 and 5 show pictures of the completed platforms.

Figure 2: Viewing platform 1 under construction (Photo taken: August 7, 2017).

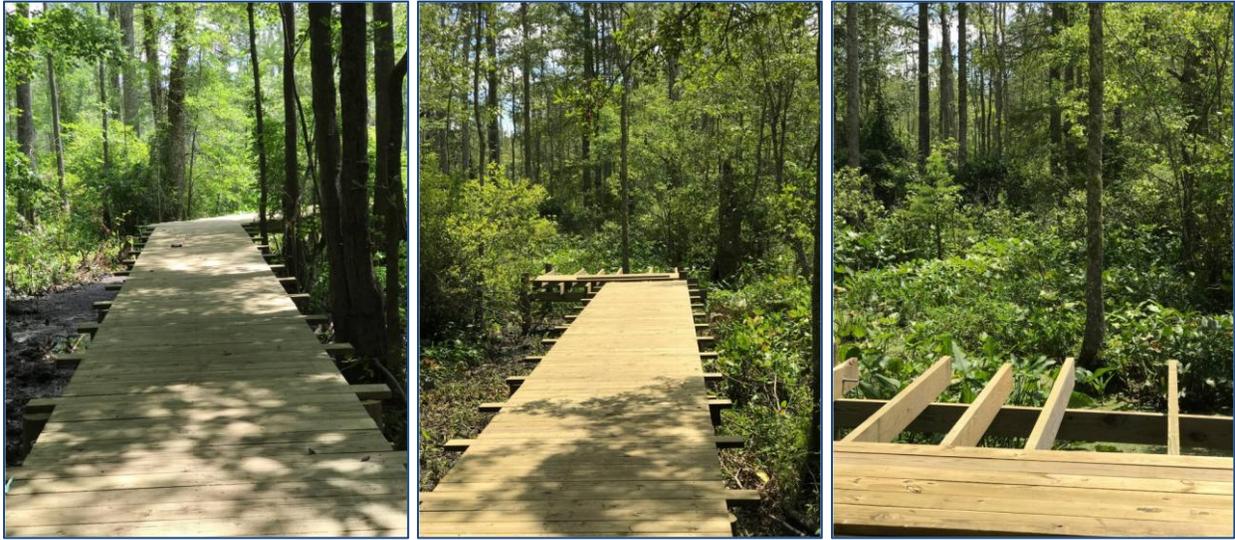


Figure 3: Viewing platform 2 under construction (Photo taken: August 7, 2017).

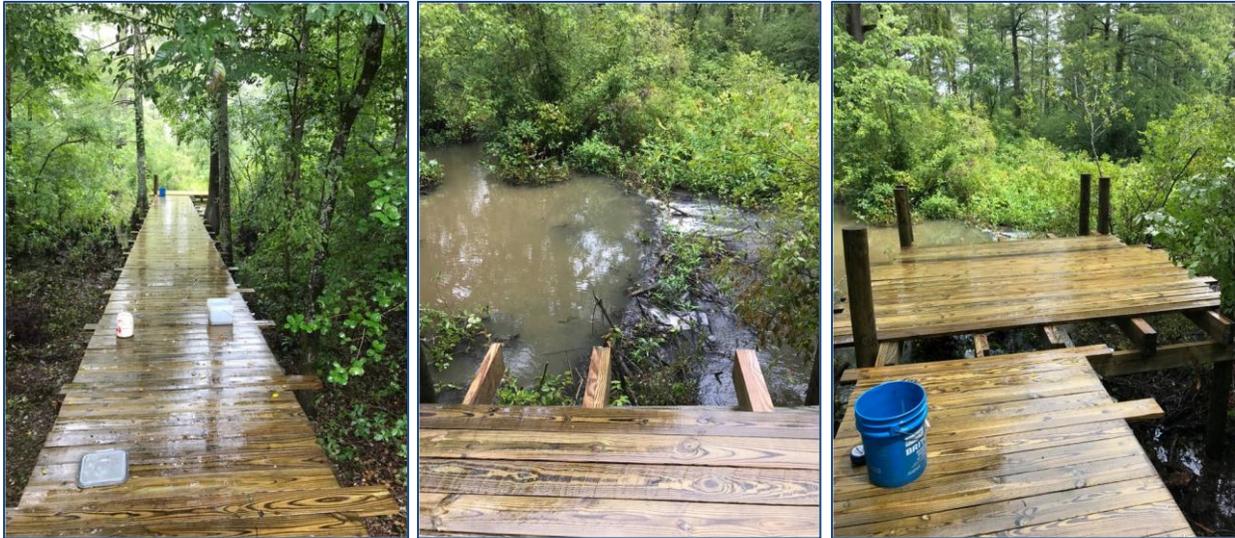


Figure 4: Viewing platform 1 completed (Photo taken: August 21, 2017).



Figure 5: Viewing platform 2 completed (Photo taken: August 21, 2017).



Conclusion

The development of the Middle Peninsula Ecotourism Program will help the PAA capitalize on land assets and generate revenue throughout the Middle Peninsula region. Program documents provide a framework for the Middle Peninsula Ecotourism Program and provide guidance for private entrepreneurs. While the PAA is currently accepting applications, it's important to mention that the PAA is working to develop a more robust social marketing release strategy to ensure that business opportunities are shared across many media platforms. This effort will further encourage and attract entrepreneurs to consider business opportunities on PAA land.

Appendix A: Eco-Business Tender Guidelines

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY



Tender Guidelines **Expression of Interest**

Ecotourism Facilities on Middle Peninsula Chesapeake Bay Public Access Authority Land

2017

1. INTRODUCTION

Tourism is recognized as a critical pillar of the Middle Peninsula’s economy. The Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) is excited to utilize its network of nearly 1000 acres of public coastal land to improve eco-tourism throughout the region. With the region’s natural environment and cultural heritage assets as its strongest competitive advantage, ecotourism will play an important role.

The MPCBPAA is committed to ecotourism growth in Middle Peninsula, Virginia and will work in partnership with potential investors to achieve the following objectives:

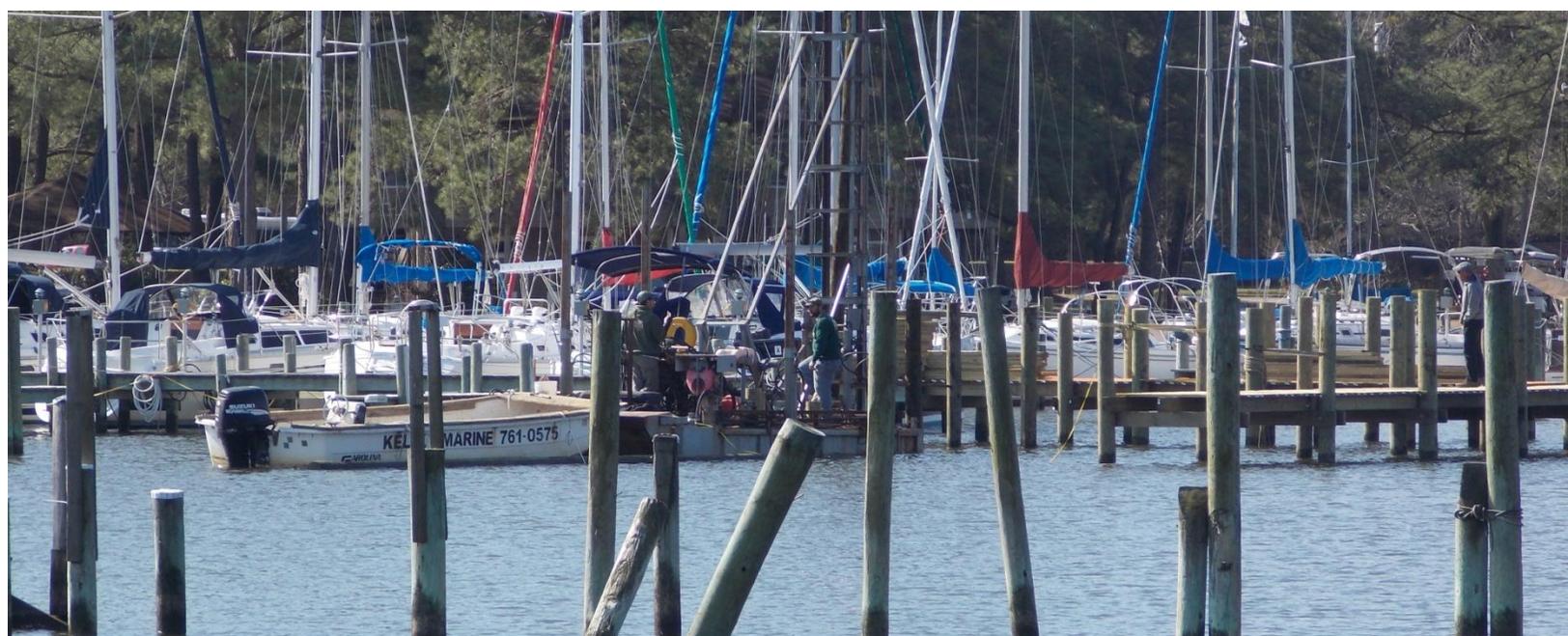
- create high quality sustainable ecotourism products, experiences, and activities that offer unique visitor experiences
- enhance Middle Peninsula’s reputation as a leading ecotourism destination as part of Virginia’s tourism sector
- support the economic growth and long-term job creation
- maximize the public benefit for the Middle Peninsula.

The MPCBPAA is inviting suitably experienced individuals and organizations to submit their ideas and proposals for the development of privately owned, low impact, purpose-built ecotourism infrastructure on MPCBPAA public lands through this expression of interest (EOI).

This document describes the ecotourism proposals sought through this EOI and details the process for lodging an EOI. In determining whether to make an application, proponents should consider this guideline along with the following documents:

- Ecotourism Facilities on MPCBPAA public land Implementation Framework
- Best Practice Ecotourism Development Guidelines for Stage 1
- EOI application form.

These documents are available on the MPCBPAA website <http://www.virginiacoastalaccess.net/MPPAA.html>.



2. THE INVITATION

EOI submissions outlining ecotourism concepts for MPCBPAA public land are sought from experienced individuals or organizations with the necessary skills, creativity and financial resources to deliver ecotourism facilities.

To encourage greater access to MPCBPAA public lands, the MPCBPAA ensures that all approved ecotourism facilities are in the public interest, environmentally sustainable and, to the greatest possible extent, preserve the land's natural condition and protect its cultural resources and natural values.

EOI submissions will be evaluated against a set of evaluation criteria incorporating the requirements. The MPCBPAA has developed an Ecotourism Facilities on MPCBPAA – Implementation Framework providing the guiding principles and detail on the assessment and authorization of ecotourism facilities on MPCBPAA public access.

MPCBPAA public lands are the main focus of this EOI; however the MPCBPAA recognizes that innovative and successful ecotourism concepts may also be best located on land adjacent to the MPCBPAA public lands. With this in mind, this EOI extends to all protected areas, such as conservation parks and resources reserves, and does not exclude ecotourism facilities proposed for land adjacent to MPCBPAA public lands. Proposed facilities on adjacent land must demonstrate the ecotourism proposal directly relates to, or is reliant upon, a MPCBPAA land for commercial viability.

Proposals may also identify other land adjacent to MPCBPAA land to meet ancillary requirements. Any additional land requirements for ancillary purposes should be identified in the EOI submission. For example, land requirements not on MPCBPAA public land may include private freehold; road reserve; forest reserve; land subject to lease, license or permit issued by the local, state, and federal government. These proposals will require other landholder's consent during Stage 2.

Should it be State land, a decision will need to be made as to whether that land is able to be used for the proposal. At a later date this may require additional investigation and permits depending on the proposed used and location of the ecotourism facility.

3. TENDER PROCESS

Proponents who can demonstrate experience in operating tourism businesses and have the financial capability to develop and operate ecotourism products, experiences or activities are encouraged to express their interest in this opportunity.

The tender process will be conducted in two stages:

Stage 1 – Invitation for expressions of interest (EOI)

Stage 2 – Request for detailed proposals

Stage 1 – Invitation for expression of interest

The EOI is designed to qualify proponent(s) by determining how appropriate the development concept is for the site and whether the proponent is suitably experienced and has capacity to finance and operate the project.

The MPCBPAA will evaluate EOI submissions against the evaluation criteria to shortlist proponents who will be invited to the second stage of the tender process—the request for detailed proposal (RFP). Proponents should refer to the terms and conditions applicable to the EOI process provided at **Appendix A**.

Evaluation criteria

The following weighted evaluation criteria apply to EOI submissions.

1. Proponent's concept for the site (weighting 50 per cent)

Proposals must outline:

- the ecotourism concept (i.e. what new or innovative visitor experiences are to be offered)
- the proposed development, site values, requirements and best practice solutions
- how the concept complements park management
- the destination fit and market segment (e.g. how the concept complements, or adds to, the destination's tourism competitive advantage).

2. Proponent's experience (weighting 20 per cent)

Proposals must outline the proponent's previous experience in delivering and operating high quality, tourism infrastructure projects.

3. Funding capacity (weighting 15 per cent)

Proponents must demonstrate their capacity to deliver the concept proposal, and outline their funding strategy to support implementation and operation of the ecotourism development.

4. Commercial viability (weighting 15 per cent)

Proponents are expected to describe the commercial viability of the concept and how it will provide a commercial return on investment.

Information required for assessment

The EOI application form available at <http://www.virginiacoastalaccess.net/MPPAA.html> outlines the information requirements for submissions.

The MPCBPAA is aware of the significant investment of time and resources in preparing an EOI submission. In this invitation, the MPCBPAA has sought to minimize the financial and preparatory requirements; however sufficient information is required to ensure that appropriate ecotourism projects, backed by suitably experienced and resourced entities, are shortlisted.

Applicants should assume that the evaluation panel has no knowledge of the applicant, their organization, its activities, experience or any other previous work undertaken for any organization or government agency.

MPCBPAA has developed an annual rolling submission process for applications. The below outlines this process:

Application Period 1: January 1st through March 31st

- a. One week staff review
- b. MPCBPAA Board will review applications at their April Meeting.
- c. Notification of shortlisted proponents occur by April 31st

Application Period 2: May 1st through July 31st

- a. One week staff review
- b. MPCBPAA Board will review applications at their August Meeting
- c. Notification of shortlisted proponents occur by Aug. 31st

Application Period 2: September 1st through Nov. 31st

- a. One week staff review
- b. MPCBPAA Board will review applications at their December Meeting
- c. Notification of shortlisted proponents occur by December 31st (or last day of year before holidays)

The MPCBPAA will allow sufficient time for shortlisted proponents to develop commercially, economically and environmentally viable detailed proposals as part of Stage 2.

Stage 2 – Request for detailed proposal (RFP)

The purpose of the RFP stage is to seek detailed submissions from shortlisted proponents.

The MPCBPAA recognizes an interactive process may assist in developing high quality, well considered proposals. This may include meetings with proponents, representatives of the MPCBPAA and other stakeholders. All aspects of the process will be governed by the probity framework.

The timing of stage 2 will be determined by the MPCBPAA on completion of the EOI stage.

Depending on EOIs received, the MPCBPAA retains the right to determine whether to continue with the process.

Proponents are advised that due diligence will be undertaken as part of stage 2.

4. EVALUATION PROCESS AND PROBITY

MPCBPAA will lead the EOI process in collaboration with the:

- Middle Peninsula localities (ie. Essex, Gloucester, King & Queen, King William, Mathews, and Middlesex County and the Towns of Urbanna, West Point and Tappahannock)
- Middle Peninsula Planning District Commission

An evaluation panel, including representatives from relevant State agencies and independent external expert advisors (as required), will assess the EOI submissions.

The evaluation process will involve a review of each EOI submission to:

- confirm that satisfactory information has been provided by the proponent
- assess against the evaluation criteria; and
- establish a shortlist of proposals ranked in order of merit.

As part of the evaluation process, proponents may be invited to participate in a structured interview process. The MPCBPAA reserves the right, at its discretion, to make requests for clarification to one or more of the proponents at any time during the evaluation process.

5. LODGING YOUR EOI SUBMISSION AND ENQUIRIES

Annual Rolling Submission Dates

Submissions must be received by 4:00 pm (EST)

March 31st

July 31st

November 31st

Applicants are required to provide:

- one original EOI that:
 - is printed on 8x11 paper
 - provides a full contents sheet
- one electronic copy of the EOI on via email or USB or CD-ROM (capable of being copied).

EOI submissions are to be lodged in a sealed envelope. The EOI submission (as well as the outside of the envelope) should be marked:

EOI for Ecotourism Facilities on MPCBPAA
Expression of Interest

Delivered to:

Middle Peninsula Planning District Commission
125 Bowden Street
Saluda, Virginia 23149

Or Mail to:

Middle Peninsula Chesapeake Bay Public Access Authority
PO Box 286
Saluda, Virginia 23149

An acknowledgement of receipt will be issued by the MPCBPAA as soon as practicable in respect of the EOI submission.

The MPCBPAA reserves its right, in its absolute discretion, to accept or reject any EOI submission lodged after the closing date.

Enquiries

During the EOI process, proponents may submit questions, requests for clarification and requests for further information to the MPCBPAA, clearly identifying each one. Proponents should submit these enquiries by email to:

Middle Peninsula Chesapeake Bay Public Access Authority
Email: llawrence@mppdc.com

Responses to questions seeking any clarification in relation to this EOI may be made available to all interested parties by emailing Lewis Lawrence at llawrence@mppdc.com. A proponent may stipulate that a question they are seeking clarification on relates to proprietary aspects of their EOI and is not of a general nature.

Appendix A: Conditions applying to the EOI process

The following general terms and conditions applicable to the EOI stage of the tender process.

A.1 No legal relationship

1. The information in this EOI invitation has been compiled on behalf of the MPCBPAA to guide organizations interested in participating in the EOI process for the project.
2. It does not constitute an offer or an invitation to make an offer in relation to participation in the EOI. It also does not indicate an intention by the MPCBPAA to enter into any form of legal relations with any party receiving it.

A.2 Reservation of rights

Notwithstanding any contrary provision of this EOI invitation, the MPCBPAA may conduct evaluation of the EOI submission, and any selection or short listing of proponents in connection with the project, in a manner it thinks fit. The MPCBPAA reserves the right, in its absolute discretion and at any time and without notice to any Proponent, to:

1. change the structure, procedures and timing of the EOI process or overall competitive process for the project
2. take into account any information from its own and other sources in evaluating an EOI
3. request further information from any proponent in order to clarify any matter relating to the proponent's EOI submission
4. conduct due diligence investigations as required and in any manner considered appropriate
5. draw on outside expertise as required
6. terminate further participation in the EOI process by any organization, individual or proponent
7. allow further organizations to participate in overall competitive process for the project at any time (whether or not they have submitted an EOI)
8. amend the scope of the EOI invitation
9. determine the nature, scope and timing of any further stages in the EOI process (including evaluation criteria)
10. take such other action as it considers in its absolute discretion appropriate in relation to the EOI process or overall competitive process for the project; or
11. refuse to consider any EOI, including those:
 - a. lodged by means other than in accordance with this EOI invitation
 - b. lodged after the closing date and time
 - c. not conforming with this EOI invitation in any respect; or
 - d. lodged by a proponent who has not complied with this EOI invitation.

A.3 Confidentiality and privacy

1. All documents and information provided by proponents will be stored securely and held in confidence, except to the extent that disclosure is required for audit or legal purposes or any other legislative requirements or as required or envisaged by this EOI Invitation.
2. Any information that is of a confidential nature or concerns the business, professional, commercial or financial affairs of a proponent, the disclosure of which could reasonably be expected to have an adverse effect on those affairs.
3. Proponents agree and acknowledge that it is not a breach of confidentiality for an EOI submitted by a proponent, and any related documentation or information, including any personal information.

A.4 Costs to be borne by proponents

1. Proponents are responsible for all their own costs in relation to this EOI invitation, the EOI process or an EOI response.
2. In particular, the proponent agrees to indemnify the MPCBPAA against, and agrees that the MPCBPAA will not be responsible for or pay or reimburse, any costs, expense or loss which may be incurred by a proponent:
 - a. in the preparation of its EOI, attending any meetings, providing any further information, or otherwise in connection with its participation in the EOI process, or
 - b. as a result of any modification or termination of the EOI process.

A.5 No warranties

1. This EOI invitation and all statements and information made in relation to it reflect the MPCBPAA's current intention only. The proponent agrees that information and intentions set out in this EOI invitation may change at any time at the MPCBPAA's sole discretion without notice or reason.
2. Each proponent accepts that the risk, responsibility and liability connected with an EOI is solely that of each proponent.
3. Proponents must obtain, at the proponent's own cost, their own independent legal, financial, tax and other advice in relation to information in this EOI invitation or otherwise made available to them during the EOI process.

A.6 Ownership of EOI submissions

1. Subject to paragraph 3 below, all EOI response documents submitted to the MPCBPAA by a proponent become the property of the MPCBPAA and will not be returned to proponents.
2. Any intellectual property rights that may exist in an EOI response will remain the property of the proponent. Any element of an EOI response considered to carry any intellectual property rights should be clearly identified by the proponent. Where the MPCBPAA, in its sole discretion, determines that such elements are subject to such a right, the MPCBPAA will treat that element as protected.
3. By providing an EOI response, the proponent grants the MPCBPAA a non-exclusive, fully paid-up and royalty free, perpetual, assignable license to copy, adapt, modify, disclose or do anything else necessary at the MPCBPAA's sole discretion, to all material (including material that contains any intellectual property rights of the proponent or any other person) contained in an EOI, for the purposes of evaluating and clarifying that

EOI and do all things necessary associated with finalization of commercial arrangements for the project. An EOI will, to the extent that it contains information that is not already in the public domain, be held as commercial-in confidence and in accordance with clause A.3. of this EOI invitation.

A.7 The State may rely on information in EOI submissions

By submitting an EOI, the proponent:

1. Warrants to the MPCBPAA that the information contained in its EOI is accurate and complete as at the date on which it is submitted, and may be relied on by the MPCBPAA in determining whether or not to shortlist the proponent
2. Undertakes to promptly advise the MPCBPAA if it becomes aware of any change in circumstances which causes the information contained in its EOI to become inaccurate or incomplete in a material respect
3. Acknowledges that the MPCBPAA will rely on the above warranty and undertaking when evaluating the EOI.

A.8 Variations to this EOI Invitation

1. The MPCBPAA reserves the right, in its absolute discretion and at any time, to cancel, add to or amend the information, terms, procedures and protocols or any aspect of the project set out in this EOI Invitation without giving reasons.
2. No individual, organization or consortium will have any claim or be entitled to any compensation, costs or damages against the MPCBPAA, any of its authorities or agencies, or their respective officers, employees, agents or advisers with respect to the exercise, or failure to exercise, any such right, and the proponent agrees to grant an unlimited indemnity to the MPCBPAA in this regard.
3. Further, the MPCBPAA reserves the right to alter the proposed process including suspending or terminating the procurement process or adding additional stages.

A.9 Acceptance of conditions

By lodging an EOI response in accordance with this EOI invitation, Proponents acknowledge their acceptance of the terms and conditions of this EOI invitation.

A.10 Definitions

Unless the context otherwise provides, the following definitions will apply:

Commonwealth means the Commonwealth of Virginia

EOI or **EOI response** means the expression of interest submitted by the proponent to the MPCBPAA in accordance with this EOI invitation.

EOI invitation means this document, including terms and conditions and any attachments.

EOI process means the process referred to in this EOI invitation as stage one for the submission and evaluation of EOI submissions relating to the project.

Evaluation criteria means the criteria listed in the EOI invitation.

Participant means, for the purposes of an EOI response submitted on behalf of a consortium proponent, each and every participating member of the consortium proponent.

Project means the Ecotourism Facilities on MPCBPAA public lands.

Proponent means the entity provided with a copy of this EOI invitation for the purposes of considering submission of an EOI response.

Shortlisted proponent means a proponent successfully selected through the EOI process to continue the procurement process for the project and is so notified in writing by the MPCBPAA.

Appendix B: Eco-Business Application Form



Application Form

Expression of Interest

Eco-Business Facilities on Middle Peninsula Chesapeake Bay Public Access Authority (PAA) Land

Respondents are requested to use the following application form to meet the minimum information requirements for the Expression of Interest.

1. Applicant Details

Primary Contact:

Contact details of the individual that the project manager will principally communicate with.

Name	
Organization	
Position	
Mailing Address	
Phone	Business: Cell:
Email	
Fax	

Secondary Contact (if applicable)

Name	
Organization	
Position	
Mailing Address	
Phone	Business: Cell:
Email	
Fax	

2. Applicant's concept for the site

Evaluation Criteria

Applicant's ecotourism concept for the site including consideration of the following:

- the ecotourism concept (i.e. what new or innovative visitor experiences are to be offered)
- the proposed development, site values, requirements and best practice solutions
- how the concept complements PAA management
- the destination fit and market segment

2.1 Project details

Project name	
--------------	--

Project Location: (name of PAA land that the project will be located in or adjacent to):
To assist in identifying the location of the proposal, provide suitable maps, plans, diagrams or photos

Street address	
----------------	--

Tax Map Parcel #	
------------------	--

PAA Land Name	
---------------	--

If the proposal incorporates multiple land parcels please identify these and provide the following information for each land parcel.

Purpose of additional land requirement	
--	--

Street Address	
----------------	--

Tax Map Parcel #	
------------------	--

Land Tenure	(e.g. County Land, State Land, road ending, conserved land, etc).
-------------	---

Note: Suggested word limits are indicative only and proponents will not be disadvantaged if they exceed word limit for individual criteria. Should applicants require additional space in responding to criteria, they should include and reference additional pages as attachments.

2.2 Ecotourism concept

Outline the type of ecotourism concept proposed, including:

- what new or innovative ecotourism experiences and opportunities are to be offered
- the long-term vision of the ecotourism development on the site
- facility size (development footprint) and capacity (maximum number of visitors and/or staff at one time)
- any proposed staging of the ecotourism development and indicative timeframe for each phase.

Response: (approximately 2,000 words)

2.3 Proposed development, site values, requirements and best practice solutions (refer to the Best Practice Ecotourism Development Guidelines (BPEDG))

Provide a description of the intended site development and include approximate development cost. For example:

- describe the type and scale of infrastructure to be constructed
- outline any specific issues associated with construction and the construction phase.

Response: (approximately 600 words)

Indicate any services and/or public utility requirements for the project, for example, vehicle or vessel access, water supply and sewerage, power, waste, etc and outline how these are going to be addressed in the development.

Response: (approximately 600 words)

(BPEDG Criteria 1) Describe the significance of this particular site to the success of the facility. What attributes does this site have that will benefit the project proposal?

For example:

- attractive and/or significant landscape values
- access to iconic site or location
- pre-existing cleared or disturbed areas on the site to facilitate ease of development.

Include Site Suitability Assessment result.

Response: (approximately 1,200 words)

(BPEDG Criteria 2) Describe how the facility design, layout, materials and landscaping fits within the character of the site and/or MPCBPAA public land.

Response: (approximately 1,200 words)

(BPEDG Criteria 3) Describe best practice strategies to minimize the footprint of the facility in terms of:

- known conservation and cultural heritage values
- construction impacts
- power, water and waste
- visitor activities.

Response: (approximately 1,200 words)

List and describe the statutory and regulatory requirements you have identified (and that will need to be addressed) to develop your concept at this site

Response: (approximately 1,200 words)

2.4 How the concept complements park management (refer to the Best Practice Ecotourism Development Guidelines (BGEDG))

(BPEDG Criteria 6) Describe the visitor experience to be offered and how the proposed ecotourism opportunity will encourage appreciation and conservation of MPCBPAA public lands through:

- interpretation
- visitor activities and experience
- sustainability philosophy and features of the facility.

Response: (approximately 600 words)

(BPEDG Criteria 4) Outline how the proposal will contribute to protecting and enhancing the PAA land, for example, through:

- supporting public land management priorities
- rehabilitating degraded areas
- working with local groups and schools.

Response: (approximately 600 words)

(BPEDG Criteria 5) Proposed approaches for engaging, involving and benefiting the regional and local communities.

Response: (approximately 600 words)

Describe your process for achieving third-party certification for the facility through programs such as ecotourism certification and/or LEED for built form elements

Response: (approximately 600 words)

2.5 Destination fit and market segment

Describe the market sector the proposal is seeking to attract, for example, local, intra-state, inter-state or international, high-end international or domestic travelers, seasonal backpackers.

Response: (approximately 600 words)

Outline the target market segment, e.g. connectors, social fun seekers, active explorers, unwinders, stylish travelers, self-discoverers Include target market demographic, for example, age, and income.

Response: (approximately 600 words)

Based on your research and analysis, outline the market demand for the experience to be offered.

Response: (approximately 1,200 words)

3. Applicant's experience

Evaluation criteria

Applicants experience in delivering and operating high quality, tourism infrastructure projects.

List previous experience in the development, timely delivery and operation of high quality ecotourism (or tourism) infrastructure, services, activities and/or attractions.

Response: (approximately 600 words)

4. Funding capacity

Evaluation criteria

Applicants funding capacity to deliver the concept proposal

Demonstrate funding capacity to deliver the concept proposal and outline the funding strategy to implement and operate the proposed ecotourism development. Provide sufficient evidence to allow the PAA to assess the financial viability, strength and capacity to fulfill obligations, responsibilities and liabilities expected to be associated with the delivery of the project concept.

Response: (approximately 600 words)

5. Commercial viability

Evaluation criteria

The commercial viability of the concept

Describe the commercial viability of the concept and how you believe it will provide a commercial return on investment.

Response: (approximately 1200 words)

6. Supporting attachments or documentation

List any attachments, supporting sketch diagrams or concept documents to be considered as part of the assessment.

Attachment number	Attachment name

7. Checklist of Express of Interest (EOI) Information

The PAA for (name of proponent) includes the following:

Response from	Item	Completed
1	EOI response from addressing all evaluation criteria	
2	Proponent details	
3	One original EOI	
4	One electronic copy	

Applicant Signature: _____

Date: _____

Name: _____

Title: _____

Appendix C: Eco-Business Probity Guidelines



Probity Guidelines Express of Interest

Ecotourism Facilities on Middle Peninsula Chesapeake Bay Public Access Land

2017

PROBITY AND ACCOUNTABILITY

The community and potential investors have a right to expect the Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) to conduct their procurement activities with the utmost probity. Probity is the evidence of ethical behavior in a procurement process. The MPCBPAA is committed to ensuring that its procurement expression of interest (EOI) is carried out in accordance with ethics, probity and accountability in procurement guidelines.

MPCBPAA must comply with the following four interlinked principles of probity and accountability in procurement:

Principle 1 – fairness and impartiality

- Material will be available to all interested parties within the same timeframe, and each proponent will have access to the same material (that is not commercial-in-confidence).
- All material communication with the community and potential investors will be carried out in the same timeframe and in the same substantive manner.
- Additional information or clarification arising from individual proponent requests will be provided to all proponents so that they have access to the same information on which to offer.
- Where feasible, information will be provided in writing, whether in hard copy or electronic form.
- Weightings for the evaluation criteria have been documented during the planning stage, prior to the release of the EOI.
- Decisions on the selection of successful proponents will be made by independent and objective evaluation against nominated evaluation criteria and Best Practice Ecotourism Development Guidelines.

Principle 2 – accountability and transparency of process

Record keeping

Dealing with proponents – correspondence (general)

- Copies of all incoming and outgoing material will be held in the nominated file.

Incoming material

- Original will be stamped with the date and time of receipt and record of file number.
- Original of material will be placed on the file.

Outgoing material

- Copy will be retained on the file.

- The copy in the file will indicate the method of dispatch (i.e. posted, couriered, etc).
- All outgoing material will contain the file reference number.

Evaluation panel

To support the PAA an evaluation panel has been established, comprising representatives from the:

- Middle Peninsula Localities
- Middle Peninsula Planning District Commission Staff
- Relevant state agencies and local officials

The composition of the evaluation panel is listed in the evaluation process and probity section in the EOI guidelines

Administration

The project manager will oversee the development and implementation of the evaluation process and liaise with proponents to provide information and clarification prior to, and subsequent to, making submissions.

The executive officer will support the project manager.

Methodology for scoring

The methodology for scoring will be recorded in the selection process methodology document and signed off by the evaluation panel before submissions are received. The consensus scores will be included in the final evaluation report.

Evaluation methodology

A detailed evaluation processes and methodology document will be prepared and signed off by the evaluation panel prior to the closing date of the EOI. The evaluation methodology adopted shall as a minimum incorporate:

- overview of the project
- internal administrative procedures
- proponent enquiries protocol
- office security
- confidentiality
- probity
- establishment and role of evaluation panel
- procedure for evaluation
- evaluation methodology.

The evaluation process and methodology is contained in the EOI guidelines.

Invitation documents

The EOI guidelines shall provide sufficient information to proponents to enable the preparation of relevant and considered submissions. As a minimum:

- project manager contact details
- evaluation criteria
- time and place of closure
- terms and conditions of EOI.

Pre-determined criteria

Assessment criteria shall be agreed and signed off by the evaluation panel prior to the receipt of submissions. These criteria must form the basis upon which the submissions are assessed.

Weightings

The weightings applied to assessment criteria scoring shall be determined and signed off by the evaluation panel prior to the opening of submissions.

Records of meetings

All agreed items discussed and actions will be recorded including:

- meeting details
- attendance
- decisions and recommendations made
- actions agreed
- responsibility and time frame.

Media—public relations

Media releases, public presentations and attendance at functions sponsored by proponents, and similar, are occasions that have the potential to jeopardize the probity of the process. The evaluation panel, advisers and state agencies associated with the project must be mindful of this issue and, to reduce risks, the only spokespeople appointed by the MPCBPAA Board members.

Meetings with proponents and their advisers

All meetings with proponents must have in attendance the contact person (project manager or executive officer) and at least one other person. The meetings are to be based on the principle that they are for discussion purposes only and any request for information or clarification from proponents should be addressed in writing, with only written responses being binding.

A file note is to be maintained by MPCBPAA of all meetings held. All meetings are to be held at the offices of the Middle Peninsula Planning District Commission unless otherwise agreed by the project manager.

Dealing with proponents—verbal enquiries

The enquiries protocol requires all verbal enquiries from applicants be directed to the project manager; however it is requested that enquiries are submitted in writing or

via email. Details of the verbal enquiry and response will be placed in the relevant file after updating the enquiries register.

Dealing with proponents—written enquiries

The enquiries protocol requires that all written enquiries be addressed to the project manager. For all written enquiries received, the enquiries register will be updated and the original enquiry will be placed in the relevant file. All responses will be in writing, signed by the project manager or executive officer, and placed in the relevant file.

The executive officer will produce a written report as appropriate to the project manager, detailing the enquiries received and action taken. Where the enquiry is deemed by the executive officer to be confidential in nature, this enquiry will be immediately referred to the evaluation panel for action.

Dealing with proponents—general advice to all registered proponents

In accordance with the enquiries protocol, each enquiry received from the registered proponents will be reviewed by the executive officer to determine whether the enquiry is of a confidential or general nature. Where there is any ambiguity, this determination will be made in consultation with the probity auditor. Where the enquiry is agreed to be of a general nature, a 'General advice to all registered proponents' will be released as soon as possible.

Where the enquiry is determined as 'general', the proponent raising the enquiry will be advised accordingly and given the opportunity to either confirm or refute the determination made by the executive officer. All 'General advice to registered proponents' will be issued in numeric sequence and signed by the project manager. All advice will go to the project manager prior to issue to registered proponents. A register, summarizing the details of material issued will be maintained.

Principle 3 – confidentiality and security of information and materials

Each person with access to confidential assessment information will sign a confidentiality agreement before being granted access to the information. Attached is a pro forma declaration of confidentiality and conflict of interest agreement.

All members of the panel, and any other persons having authorized access to confidential information, are to sign a declaration document.

Security

General

Security of all information that becomes available and pertaining to this procurement process is the responsibility of all members of the evaluation panel.

All people must take reasonable precautions to prevent the unauthorized disclosure of confidential information.

All files will be established in accordance with the relevant government policies and stored in secured filing cabinets.

All files must be returned to the filing cabinets each night where they will be locked when the office is unattended.

Physical security

It is the personal responsibility of all people privileged to confidential documents to ensure that they are securely

stored and not accessible to others not authorized by the project manager.

Any documents, files or copies of submissions that are given to panel members should be identified by number and signed out by the executive officer to the member.

Principle 4 – effective management of conflict of interest

All members of the panel are to sign a declaration of confidentiality and conflict of interest document to avoid any conflict of interest prior to the commencement of the competitive bid process. The external probity auditor will provide advice to ensure that any issues arising are resolved.

All members of the panel are to be aware of elements of conflict of interest. For example:

- an equity stake
- a debt
- an employment or consulting arrangement (last 3 years)
- a commercial relationship (customer or supplier)
- business or other activity
- a personal and/or family relationship.

Members should not seek or accept favors, gifts or entertainment from any party, which could influence them. All members of the panel are required to keep a record of probity matters. For example, bidders making unsolicited approach to the panel member trying to seek information on the EOI process.



Appendix D: Eco-Business Best Practice Development Guidelines

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY



Best Practices Ecotourism Development Guidelines

2017

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GLOSSARY

Term

Definition

Applicant

An organization or individual that has submitted, or intends to submit, an Application or Detailed Proposal and, where the context allows, includes their representative officers, employees, advisers, contractors and agents.

Application

Stage 1 Application Form and attachments detailing an Applicant's proposed Ecotourism Operation for a particular Site.

Authority

Middle Peninsula Chesapeake Bay Public Access Authority

Best Practice Ecotourism

One of the key tools to assist Applicants to demonstrate that a proposed Ecotourism

Development Criteria

Operation meets the requirements of the MPCBPAA.

Detailed Proposal

The Stage 2 submission in response to the Request for Detailed Proposal (RFDP).

Ecotourism Facility

Nature-based activities that increases visitor appreciation and understanding of natural and cultural heritage, and are managed to be ecologically sustainable. Ecotourism facilities focus on presenting and appreciating an area's natural and cultural values, and do not involve modification of the natural environment for activities contrary to this purpose.

Ecotourism Operation

An Ecotourism Operation includes all built facilities, infrastructure and visitor activities such as tours and interpretation associated with the Ecotourism Facility on MPCBPAA properties.

Landscape Classification System

A management tool that provides the standard classification system for characterizing the biophysical, social and management attributes of sites and areas on MPCBPAA public lands.

Sample Questions

Questions for consideration by Stage 1 Applicants when refining and developing an ecotourism concept in order to prepare a Stage 1 Application.

Site

The MPCBPAA properties for a proposed Ecotourism Operation

Site Suitability Assessment

A basic self-assessment tool to test Site suitability for a proposed Ecotourism Operation in Stage 1.

Site Suitability Matrix

A graphic representation of the potential suitability of a proposed Ecotourism Operation for a Site based on the nature and scale of the proposed Ecotourism Operation, and the Landscape Classification Value of the Site.

To be used as the final step in completing the Site Suitability Assessment.

Sub Criteria

Sub Criteria of the Best Practice Ecotourism Development Criteria. Relevant to Stage 1 and 2 Applicants.

Sub Criteria Considerations

Questions for consideration by Stage 2 Applicants when developing a Stage 2 Detailed Proposal.

INTRODUCTION

The Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) is working towards its vision to make the Middle Peninsula of Virginia a national leader in Ecotourism. Already a popular destination for tourists, Middle Peninsula boasts more than 1000 acres of public land that conserve a diverse array of species, ecosystems, landscapes and public access. The Middle Peninsula Region also has a rich maritime cultural heritage which is based on the region's proximity to the water.

The MPCBPAA and the tourism industry are working in partnership to capitalize on this unique competitive advantage and ensure world class recreation and tourism experiences are provided to visitors. However, a balanced approach between development and conservation is essential. Ecotourism Operations on MPCBPAA public lands must: be conducted with an understanding of how the public land functions as an ecosystem; conserve the cultural and heritage values; improve the visitor experience; and be integrated into the MPCBPAA public lands.

The *Best Practice Ecotourism Development Guidelines* (the Best Practice Guidelines) assist ecotourism Applicants to develop Ecotourism Facilities and experiences on MPCBPAA public lands that are in the public interest, are ecologically sustainable and ensure, to the greatest possible extent, the preservation of the land's natural condition and protection of its cultural values and resources. To make an application for an Ecotourism Facility, Applicants are required to use these guidelines to prepare responses to the application form and refine the concept for an Ecotourism Operation. The Best Practice Guidelines provide background information and tools to direct Applicants through key considerations that must be addressed as a first step in achieving best practice for ecotourism in the Middle Peninsula on MPCBPAA public lands.

Best practice in ecotourism is achieved by developing a unique visitor experience that is integrated into the MPCBPAA network of properties in consideration of:

- site values and constraints and awareness of public land management priorities
- site layout and design that blends into the landscape
- construction methods that have minimal impact
- energy, water and waste systems that promote the conservation of resources
- well-informed visitor interpretation and activities that raise awareness of the critical importance of MPCBPAA public lands
- long term community partnerships, cultural awareness and shared economic benefits.

The MPCBPAA uses a two-stage process for assessing new or expanded ecotourism opportunities on MPCBPAA public lands. These stages include:

- Stage 1 - Application
- Stage 2 - Request for Detailed Proposal (Detailed Proposal).

The Stage 1 Application is intended to limit the Applicants investment, in terms of time and resources, in developing a preliminary ecotourism concept. The completed Application will provide enough information to enable the MPCBPAA to assess and qualify Applications by determining if the ecotourism concept is acceptable for the proposed Site as well as whether the Applicant has the experience and capacity to finance and run the proposed Ecotourism Operation.

The Stage 2 Detailed Proposal requires significantly more investment and investigation by the Applicant. This stage involves a more iterative process and will require discussions and negotiations between the MPCBPAA and the Applicant. The requirements and contents of a Detailed Proposal will be determined on a case-by-case basis, informed by the assessment of Stage 1.

The assessment process for these stages is outlined in the *Ecotourism Facilities on MPCBPAA Public Lands- Implementation Framework* (Implementation Framework). Applicants should refer to both the Implementation Framework and the Best Practice Guidelines when developing either a Stage 1 Application or a Stage 2 Detailed Proposal.

How to use the Best Practice Guidelines

The Best Practice Guidelines are designed to be used by Applicants preparing either a Stage 1 Application or a Stage 2 Detailed Proposal. These guidelines have been divided into two parts:

- Part A - Information for Applicants preparing a Stage 1 Application
- Part B - Information for Applicants developing a Stage 2 Detailed Proposal.

The Best Practice Guidelines include case studies of best practice Ecotourism Operations from Virginia and overseas as well as a hypothetical example of how these guidelines can be applied in Stage 1. These examples are provided to assist Applicants to use the Best Practice Guidelines.

Guidance on how to use Parts A and B is provided below.

How to use Part A—Information for Applicants preparing a Stage 1 Application

The MPCBPAA must ensure that all Ecotourism Facilities and related activities authorized on MPCBPAA public lands are in the public interest, are ecologically sustainable, and to the greatest possible extent preserve the land's natural condition and protect its cultural values and resources. The Best Practice Ecotourism Development Criteria (Best Practice Criteria) will be used as a basis to evaluate Stage 1 Applications.

Applicants are required to complete the following steps to enable the MPCBPAA to undertake assessments:

Step 1—Understand the relevant framework, the MPCBPAA's intention for ecotourism on MPCBPAA public lands, and the purpose of the Best Practice Criteria as the first step in developing a Stage 1 Application. This information is available on pages 6–9 of the Best Practice Guidelines.

Step 2—Complete an indicative Site Suitability Assessment to assist in determining whether the nature and scale of the proposed Ecotourism Operation is potentially suitable for the Site. This assessment must be presented in the Stage 1 Application form. For a basic self-assessment tool to test Site suitability for a proposed Ecotourism Operation refer to pages 10–12 of these guidelines.

Step 3—Address the six Best Practice Criteria in the Stage 1 Application form. Table 3 of the Best Practice Guidelines presents the Best Practice Criteria along with Sub Criteria and Sample Questions for consideration relevant to the preliminary concept development of Stage 1.

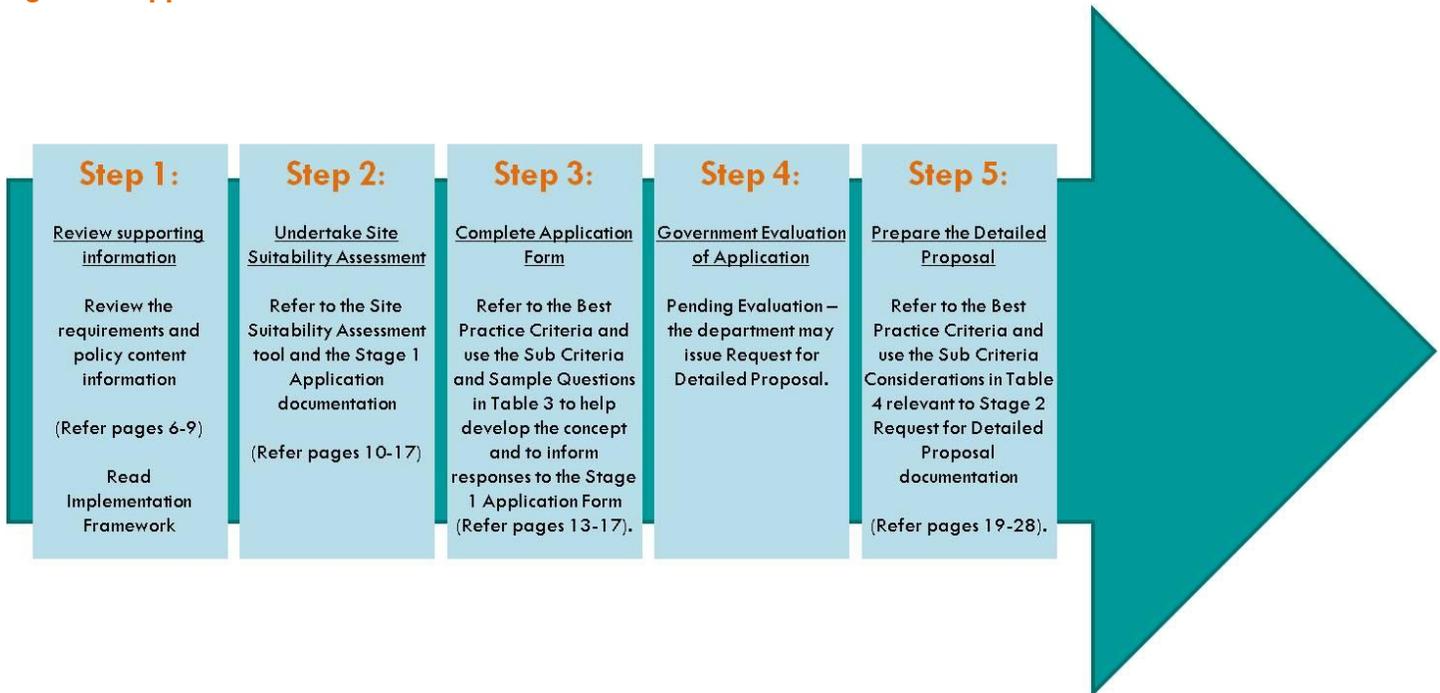
How to use Part B—Information for Applicants developing a Stage 2 Detailed Proposal

The MPCBPAA will use the Best Practice Criteria to inform the evaluation process for Stage 2 Detailed Proposal. If an Applicant is invited to progress to a Stage 2 Detailed Proposal, as a minimum, they will be required to provide a more informed and detailed consideration of the six Best Practice Criteria across the entire lifecycle of the proposed Ecotourism Operation.

Page 18 of the Best Practice Guidelines provides Applicants with an overview of lifecycle components of an Ecotourism Operation. Table 4 provides Applicants with the full range of Sub Criteria Considerations relevant to each Best Practice Criteria. To develop a Detailed Proposal, Applicants will need to select which Sub Criteria Considerations are most relevant to the design, construction, operation, renewal, decommissioning and rehabilitation of the proposed Ecotourism Operation. These Sub Criteria Considerations will determine the type of details an Applicant must incorporate in the Detailed Proposal. Any commitments made by Applicants during this stage would need to be implemented for the lifecycle of the project.

Figure 1 is an overview of the application of the Best Practice Guidelines during the development of a Stage 1 Application and Stage 2 Detailed Proposal.

Figure 1: Application of Best Practice Guidelines



Part A—Information for Applicants preparing a Stage 1 Application

Policy context

The MPCBPAA will allow:

- the use and enjoyment of protected areas by the community
- the social, cultural and commercial use of protected areas in a way that is consistent with the natural and cultural and other values of the areas.

The MPCBPAA will also allow for the authorization of privately owned, low-impact, permanent Ecotourism Facilities on MPCBPAA public land where use of the land for this purpose:

- is in the public interest
- is ecologically sustainable
- will provide, to the greatest possible extent, for the preservation of the land's natural condition and protection of cultural values and resources.

Guiding principles

The MPCBPAA has established seven principles to guide considerations for the development of Ecotourism Facilities on MPCBPAA public lands as outlined in the Implementation Framework. These principles guide the MPCBPAA's assessment process, the types of matters that will be considered and the approval arrangements. These seven guiding principles are:

- **Principle 1:** Ecotourism Facilities on MPCBPAA public lands are located, designed and managed sensitively to ensure compatibility with the natural and cultural values of the land.
- **Principle 2:** Ecotourism Facilities on MPCBPAA public land should offer unique or innovative visitor experiences.
- **Principle 3:** Diverse experiences and settings are promoted.
- **Principle 4:** Facilities will provide for the public interest.
- **Principle 5:** Successful Ecotourism Operations are characterized by commercial operators who have commitment to environmental best practice.
- **Principle 6:** The authorization of Ecotourism Facilities will be consistent and transparent while protecting the intellectual property of the Applicant.
- **Principle 7:** The type and duration of authorities granted will recognize the level of investment and rate of return on investment.

Best Practice Criteria

The Best Practice Guidelines build on both MPCBPAA requirements and the Implementation Framework guiding principles to assist ecotourism Applicants to develop Ecotourism Facilities. The Best Practice Guidelines outline six Best Practice Criteria for Ecotourism Operations:

- **Best Practice Criteria 1:** The Ecotourism Operation is compatible with the natural and cultural values of the MPCBPAA public lands.
- **Best Practice Criteria 2:** The Ecotourism Operation design and layout fits within the character of the MPCBPAA public lands.
- **Best Practice Criteria 3:** The Ecotourism Operation minimizes its footprint on the Site.
- **Best Practice Criteria 4:** The Ecotourism Operation contributes to protecting and positively enhancing the MPCBPAA network of lands.
- **Best Practice Criteria 5:** The Ecotourism Operation engages, involves and benefits local communities.
- **Best Practice Criteria 6:** The Ecotourism Operation encourages visitors to appreciate and want to protect and conserve the MPCBPAA public access lands.

Best Practice Criteria

The Best Practice Criteria are intended to assist Applicants to demonstrate that the proposed Ecotourism Operation meets the requirements of the MPCBPAA. Application of the Best Practice Criteria should ensure that an Ecotourism Operation will contribute to and be compatible with the MPCBPAA land. Best practice Ecotourism Operations should provide benefits across each of the six Best Practice Criteria. In preparing an Application for Stage 1, Applicants should consider each criterion as is appropriate to scale, nature and Site of their individual ecotourism concept. Further guidance on this is provided on page 13.

The Best Practice Criteria are described in more detail in Table 1 below, providing key considerations for achieving social, environmental and economic sustainability outcomes for an Ecotourism Operation. The Best Practice Criteria have been developed to be relevant to a wide range of Ecotourism Facilities and activities and are presented in the form of a statement followed by key considerations.

Table 3 expands on the Best Practice Criteria by outlining Sub Criteria and Sample Questions that focus on the conceptual or planning phase for Stage 1 (see page 13-17).

Table 1: Best Practice Criteria

No.	Best Practice Criteria	Values
1	The Ecotourism Operation is compatible with the natural and cultural values of the MPCBPAA public land. <i>The natural and cultural values of the Site are known and unique elements highlighted. Any constraints or stressors on the system are identified and development and activities on sensitive and vulnerable areas are avoided.</i>	Environmental
2	The Ecotourism Operation is designed to fit within the character of the MPCBPAA public land <i>The design and layout of the Ecotourism Operation is in harmony with the landscape and natural features. The design and layout maximize Ecotourism Facility sustainability and visitor comfort by considering factors such as aspect and orientation. The Site is landscaped with endemic native species.</i>	Environmental
3	The Ecotourism Operation minimizes its footprint on the Site <i>Impacts on the Site from construction and operation of the Ecotourism Facility are minimized. The Ecotourism Operation promotes water and energy conservation and a 'leave no trace' philosophy is applied in relation to visitor activity. Waste and pollution is minimized.</i>	Environmental
4	The Ecotourism Operation contributes to protecting and positively enhancing the MPCBPAA public land <i>The long term viability of the MPCBPAA public land is supported by the Ecotourism Operation working in partnership with park management and local groups to, for example, rehabilitate disturbed areas of the MPCBPAA public land and educate staff and visitors regarding intrinsic park values.</i>	Environmental Social
5	The Ecotourism Operation engages, involves and benefits local communities <i>The importance of the MPCBPAA public lands to the cultural and economic priorities of local communities is identified and long term partnerships pursued.</i>	Social Economic
6	The Ecotourism Operation encourages visitors to appreciate and want to protect and conserve the MPCBPAA public lands <i>The natural and cultural values of the Site are appropriately interpreted and visitor activities and experiences support the protection and conservation of these values.</i>	Social Economic Environmental

Appropriate nature and scale of Ecotourism Facilities on MPCBPAA public lands

Any new or expanded Ecotourism Facilities must align with the MPCBPAA's directives regarding appropriate nature and scale of Ecotourism Facilities on MPCBPAA public lands. As specified in the Implementation Framework, Ecotourism Facilities must be purpose built, low impact and consistent with the MPCBPAA definition of an Ecotourism Facility. The MPCBPAA requires that an Ecotourism Facility does not significantly change the land's natural condition or adversely affect its cultural resources and values. Examples of facilities that are inconsistent with this definition are golf courses, amusement parks, casinos, and high-rise resorts.

Figure 2 provides an illustrative example of the types of facilities of a nature and scale that would be considered inconsistent with the MPCBPAA definition of an Ecotourism Facility.

Figure 2: Facilities considered inconsistent with the MPCBPAA definition of an Ecotourism Facility

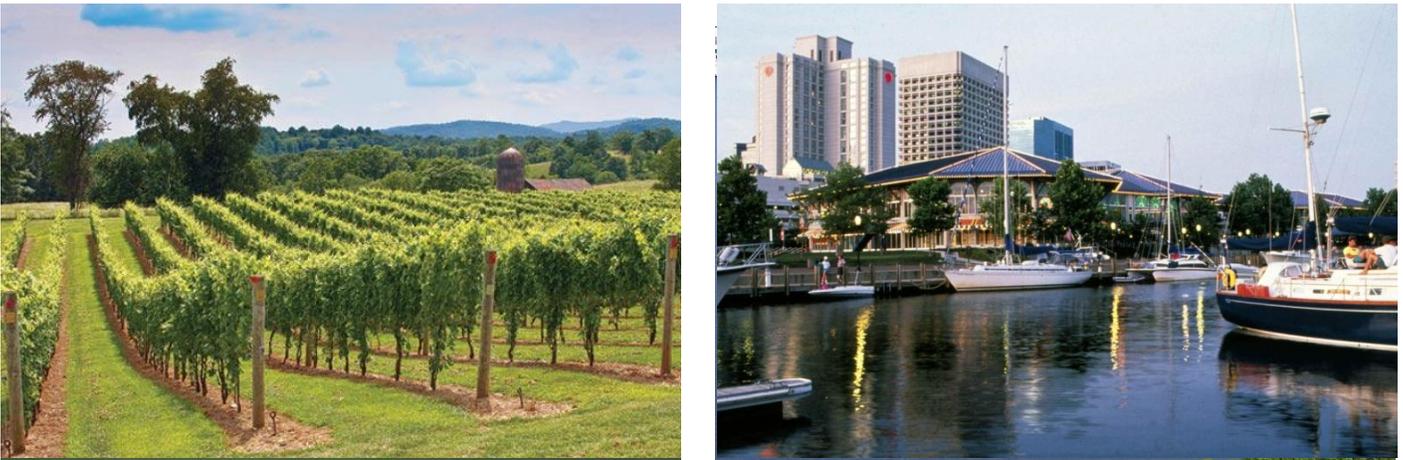


Image credits clockwise from top left: Bray Links Course at Kingsmill Golf Club & Resort, Tides Inn in Irvington, Three Fox Vineyards in Delaplane, VA, and City of Hampton

Examples of Ecotourism Facilities that are of a nature and scale consistent with the MPCBPAA definition range from relatively small, simple structures, such as safari tents or walker’s huts to larger campgrounds or eco-lodges. The MPCBPAA encourages the adaptive re-use of redundant or under-utilized MPCBPAA public lands to provide memorable, unique experiences with a point of difference.

Figure 3 provides an illustrative example of the types of Ecotourism Facilities that would be considered to be of an appropriate nature and scale for MPCBPAA public lands. Refer also to the case studies section for more information.

Figure 3: Ecotourism Facilities of nature and scale considered appropriate for MPCBPAA Public Lands

Nature based experiences	Eco-loges and high-end camping	Adaptive re-use of existing assets.
 <p data-bbox="94 968 537 1003">Big Island - Gloucester County, VA</p>	 <p data-bbox="570 957 1063 1024">Deluxe Glamping Cabins River Farm – Syria, Virginia</p>	 <p data-bbox="1170 972 1458 999">Queensland, Australia</p>
 <p data-bbox="115 1388 513 1451">Zoar State Park - King William County, VA</p>	 <p data-bbox="610 1402 1027 1436">Glamping Hut - Machipongo, VA</p>	 <p data-bbox="1170 1402 1458 1436">Queensland, Australia</p>

Site suitability

To assist Applicants stay within the intent of the MPCBPAA, the Best Practice Guidelines provide a basic self assessment tool to test Site suitability for an ecotourism concept. Applicants will need to undertake a Site Suitability Assessment as part of the Stage 1 Application. This self-assessment will provide a guide to the potential suitability of the ecotourism concept for the selected Site. To ensure a proposed concept does not materially change between a Stage 1 Application and a Stage 2 Detailed Proposal the self-assessment also provides a useful reference point for the nature and scale of the proposed Ecotourism Operation.

Applicants are encouraged to target Sites that are suited to the concept's proposed level of development and activity. The Site Suitability Assessment will assist to gauge whether the proposed concept is likely to have an acceptable level of change or impact on the Site and be considered suitable. Impacts that are considered unacceptable on MPCBPAA public lands context include significant modification to the landscape and or unacceptable impact on ecosystems and cultural resources.

The location of an Ecotourism Operation combined with the nature and scale of ecotourism activities to be undertaken at the Site are important decisions to be made. These decisions will influence the likely level of

impact of the proposed Ecotourism Operation on the Site and whether beneficial social, environmental and economic outcomes are achievable.

How to undertake a Site Suitability Assessment

Site Suitability Assessment is undertaken in three steps:

1. determine the likely nature and scale of the proposed Ecotourism Operation (small, medium or large)
2. determine the current landscape classification value of the proposed Site (on a scale ranging from totally natural through to not natural)
3. use the Site Suitability Matrix (Figure 4) to gauge the potential suitability of the concept for the Site.

Further explanation is provided below.

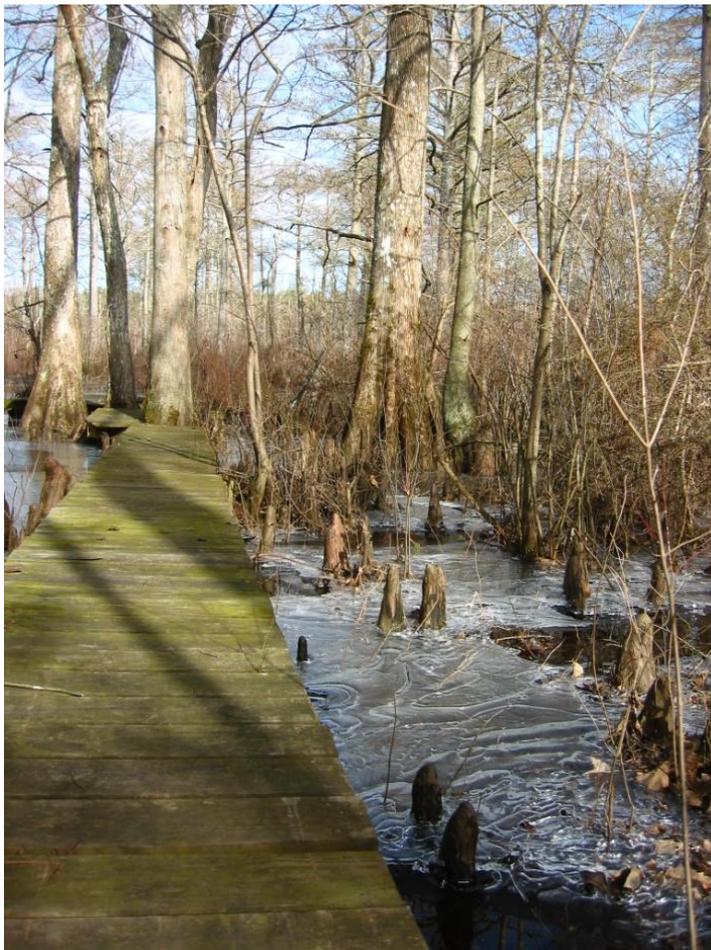
Step 1: Determine nature and scale of proposed Ecotourism Operation

Ecotourism Operations may be small in scale and nature and only accommodate a limited number of participants, for example a medium to large providing facilities and accommodation for a range of visitor experiences and activities, such as a medium scale eco-lodge. There will be several factors that determine the nature and scale of an Ecotourism Operation, including:

- size and layout of the Ecotourism Facility and area of land required for the entire Ecotourism Operation
- visitation numbers and the types of activities or experiences offered to visitors
- impact of the Ecotourism Facility, its operations, and activities on the values of the Site
- access and infrastructure requirements (if any) such as service and access roads or connection to utilities.

As a broad guide to determining scale, Applicants should consider that small-scale Ecotourism Operations may require a small area of land to accommodate a limited number of visitors. These Ecotourism Operations may be accessible using existing walking tracks and access routes and provide on-site water and electricity through water tanks and solar power. As Ecotourism Operations increase in scale they also increase in size and complexity.

Image credits: MPCBPAA Clay Track, 2010.



Step 2 – Determine landscape classification value of proposed Site

There is considerable variation in the naturalness of landscapes across MPCBPAA public lands. In some sites there is significant evidence of previous use and human modification of the environment. At other sites the natural condition may appear unaltered. By understanding the naturalness of a proposed Site, it may provide an insight into the sensitivity of that Site to some forms of development and activity.

The MPCBPAA's *Landscape Classification System (LCS) for Visitor Management Operational Policy* provides the mechanism to develop this understanding. The LCS provides the standard classification system for characterizing the biophysical, social and management attributes of sites and areas on MPCBPAA public lands. The LCS assesses the naturalness of landscape settings from a visitor use and management perspective and can be used to gauge the level of change that will result from increasing infrastructure and visitation.

Table 2 provides an abridged summary of the LCS with the full version available from the MPCBPAA's website (<http://www.virginiaaccess.net/MPPAA.html>). Applicants should consider the proposed Site of the Ecotourism Operation in terms of the LCS and determine at an indicative level, the landscape classification value (or values) that most likely applies. The evaluation of the landscape class of a given Site or area should be taken from a representative location such as the proposed Site and the surrounds and is not intended to apply to the whole MPCBPAA private land network.

Table 2: Landscape Classification System for Visitor Management (abridged)

	Totally natural (LCS level 1-2)	Very natural (LCS level 3-4)	Somewhat natural (LCS level 5-6)	Not natural (LCS level 7-9)
Visitor impacts	No impact on natural condition	Minor to moderate impacts evident. Recovery to pre-impact conditions unlikely Impacts persist along walking tracks Local native fauna behavior is unaffected by use.	Physical change as a result of visitor use obvious, widespread and permanent. Significant portion of native wildlife/fish life displaced Vegetation altered Native fauna behavior and population changes are obvious. The natural condition is unlikely to recover	Physical change as a result of visitor use obvious, widespread and permanent. Vegetation significantly altered Native fauna populations significantly changed due to human interaction Natural condition non-existent
General Landscape appearance	A wild, totally natural site or landscape	A very natural site or landscape/seascape. Modifications are semi-permanent, small/minor and restricted to a few dispersed activity areas.	A somewhat natural appearing site or landscape/seascape. Natural elements just dominate over other elements in the landscape/seascape.	Managed parkland with small to large areas of open space. Built structures and other modifications to the natural landscape/seascape dominate
Evidence of other people	No evidence of human habitation, visitation or use. Communications with other parties extremely rare.	Some permanent evidence and along main routes	Apparent evident of use (i.e. sights, sounds and smells) pervades main routes and their surrounds.	Widespread, all-encompassing and permanent. Site dominated by human habitation, visitation or use.

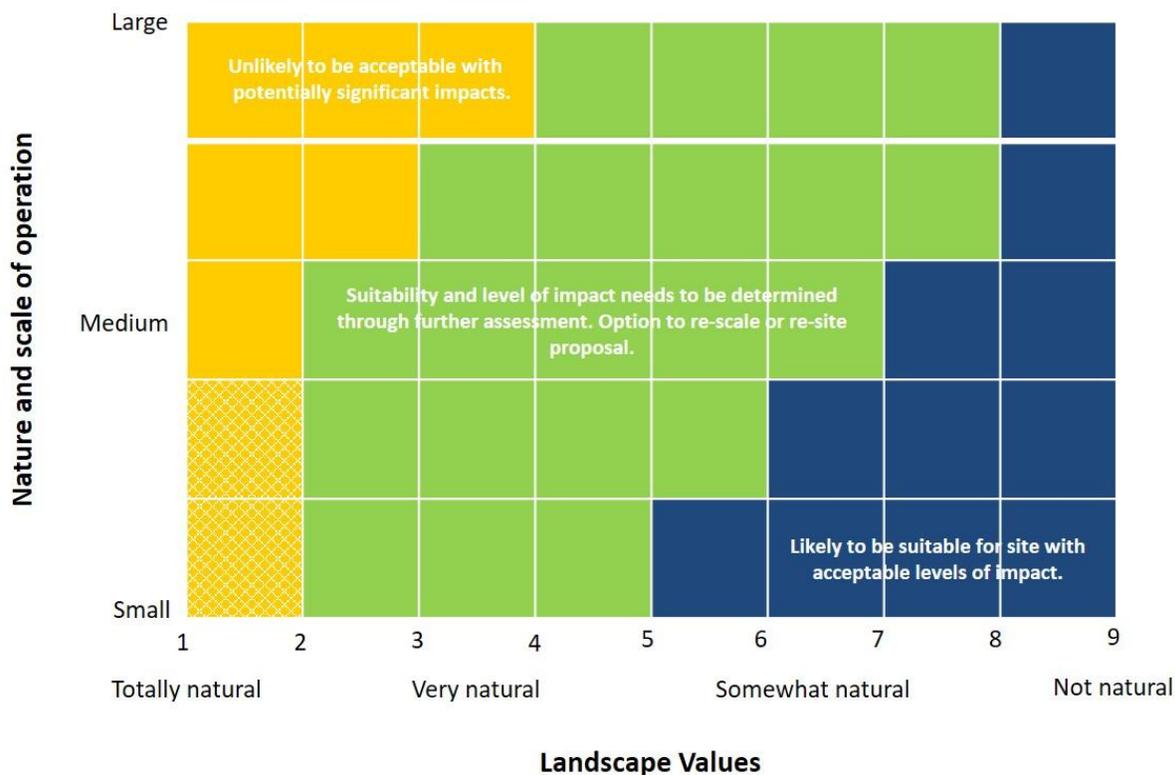
Step 3 - Apply finding to the Site Suitability Matrix

By applying the findings from Steps 1 and 2 to the Site Suitability Matrix provided in Figure 4, it will assist to identify where a proposed Ecotourism Operation is likely to be positioned based on nature, scale and landscape values.

Applicants will need to present an understanding of the potential benefits, challenges, impacts or risks that may be associated with a proposed Ecotourism Operation on the specific Site in the Stage 1 Application.

Applicants should note that, irrespective of whether a proposed Ecotourism Operation is self-assessed as potentially 'acceptable' using the Site Suitability Matrix, suitability will be confirmed through the formal Stage 1 evaluation process. The concept's Site suitability will be further assessed through the Detailed Proposal phase. This may also involve detailed impact assessment of matters such as heritage, flora and fauna, as well as requiring significant public consultation.

Figure 4: Site Suitability Matrix



All Applications for Ecotourism Operations in all settings would need to demonstrate a genuine commitment to best practice sustainability outcomes to be considered as potentially suitable for the Site.

Yellow: Most Ecotourism Operations are unlikely to be suitable for these locations and would need to demonstrate exceptional levels of innovation to avoid unacceptable impacts on the values of the Site and significant modification to the landscape values of that area. Some locations may be suitable for guided tours and small-scale Ecotourism Operations where reversibility can be demonstrated (refer orange hashed area).

Green: Ecotourism Operations of various scales may be suitable for these locations. Further assessment would be required to determine whether impacts are acceptable and whether the development would significantly modify the landscape values for that area. Land in this setting may be suitable for bush camping, new camp grounds or a range of built structures and facilities such as accommodation and venues and nature-based activities such as canopy walks and zip lines.

Blue: Ecotourism Operations of various scales may be suitable for these locations with the additional opportunity for reuse and adaptation of existing buildings and facilities. Ecotourism Operations are unlikely to affect the landscape values for that area. Opportunities to reinstate natural and cultural values particularly in areas significantly modified by human interaction may bring additional value to park management and the local community.

Applying the Best Practice Criteria to the preparation of a Stage 1 Application

Following completion of a Site Suitability Assessment, Applicants will need to address all six Best Practice Criteria in the Stage 1 Application to the extent that is relevant to the proposed Site and the nature and scale of the proposed Ecotourism Operation.

The Best Practice Criteria, Sub Criteria and Sample Questions outlined in Table 3 represent the key factors that Stage 1 Applications for Ecotourism Operations need to address. The Sub Criteria are relevant to the concept planning stage of an Application and the Sample Questions may assist Applicants in refining and developing the ecotourism concept. The Sample Questions are not intended to be an exhaustive list of examples and Applicants are encouraged to be innovative in the response to the Best Practice Criteria. Some questions may require more detailed understanding of the Site and ecotourism concept than Applicants may have available at this stage. These questions have been included to encourage whole of project planning at an early planning stage.

Note: The Sample Questions outlined in this Table are intended to assist Applicants in responding to the Best Practice Criteria. Commensurate with nature and scale of development only certain questions apply. Applicants are not required to respond to each of these Sample Questions, but are encouraged to consider them as guides for practical application of the Best Practice Criteria.

Best Practice Criteria	Sub Criteria	Sample Questions
1. The Ecotourism Operation is compatible with the natural and cultural values of MPCBPAA public lands	1.1 Protecting and conserving natural and cultural values	<ul style="list-style-type: none"> • What are the natural values of MPCBPAA public lands taking into consideration listed and protected species and habitat? • What are the cultural values of MPCBPAA public lands taking into consideration cultural heritage, artifacts and non-physical values? • What is the capacity of natural and cultural values to sustain development impacts and visitor activity over time? Are there any specific constraints or vulnerabilities? (e.g. refer to any management plans for the land if available) • Would construction and operation of the Ecotourism Facility impact the MPCBPAA public land's natural values? Could impacts be adequately mitigated? • Would it be possible to achieve no net impact or no degradation to natural values of the Site? • Would strategies be required to protect sensitive habitat areas and/or avoid activity in vulnerable or highly valued areas?
	1.2 Site access and suitability	<ul style="list-style-type: none"> • Would the Ecotourism Operation utilize previously disturbed areas where possible? • Would access to the Site be provided using existing roads and tracks where possible? • Would the development and activity be located on lower value habitat as opposed to high conservation areas? • Would the Ecotourism Facility and associated activity avoid high conservation areas, riparian zones and narrow and steep slopes? • Would there be a clear demarcation of the development footprint, including appropriate barriers to limit activity to stabilized and designated areas?

<p>2. The Ecotourism Operation is designed to fit within the character of MPCBPAA public lands</p>	<p>2.1 Site layout is compatible with the landscape</p>	<ul style="list-style-type: none"> • In planning Site layout would landscape features predominate and would the Ecotourism Facility blend into the surrounding environment? • Would the Ecotourism Facility design and layout maximize use of landscape features and natural geological formations of the Site? • Would natural sights, sounds and scents prevail throughout the Ecotourism Facility? • Would consideration be given to either dispersing or concentrating the Ecotourism Facility to achieve minimal environmental impact? • Would consideration be given to the microclimate of the Site and how factors such as aspect, exposure, elevation and wind can be utilized to maximize visitor comfort without depending on mechanical systems?
	<p>2.2 Ecotourism Facility design and appearance is compatible with the landscape and local conditions</p>	<ul style="list-style-type: none"> • Would the Ecotourism Facility use aspect and orientation to provide insulation, ventilation, passive heating and cooling? • Would landscape features be reflected in design through scale, form, color and texture of the Ecotourism Facility? • Would the architectural style and materials of the Ecotourism Facility be reflective of aspects of local Indigenous culture (if appropriate)? • Would the overarching design philosophy of the Ecotourism Facility be based on climate sensitive design and a strong 'sense of place'? • Would the Ecotourism Facility be designed so that it does not dominate landscape features? Have 'biomimicry' concepts been utilized such as tree-house style accommodation, or cabins the color and shape of surrounding boulders? • Would future landscaping use local species which require minimal maintenance and are essentially self-sustaining? • Would the Ecotourism Facility aim for smaller is better, optimizing use and flexibility of spaces so building size and associated resources required for construction are minimized? • Would sustainability features such as recycled materials, efficient water and energy systems and waste minimization practices be visible throughout the Site? • Would adaptive re-use of existing structures be considered to reflect part of the story of the Site?

<p>3. The Ecotourism Operation minimizes its footprint on the Site</p>	<p>3.1 Ecotourism Facility construction methods are low impact</p>	<ul style="list-style-type: none"> • Would disturbance and clearing of habitat during construction be minimized through best practice technologies for environmentally and culturally sensitive areas? • Would the development footprint be contained during construction with impacts on surrounding areas and habitat avoided? • Would consideration be given to modular, pre-fabricated and easy to assemble construction technologies to reduce construction related impacts? • Would locally sourced and lightweight yet durable materials and construction practices be considered? • Would renewable, durable, non-toxic and environmentally sustainable materials be used throughout the Ecotourism Facility? • Would strategies be developed to limit pollutants and toxins brought on site during construction? • Would waste streams be managed during construction through re-use of on-site materials that are within the development zone (e.g. soils, vegetation, fabricated materials)?
	<p>3.2 Energy conservation practices are employed</p>	<ul style="list-style-type: none"> • Would an energy efficiency strategy be developed for the construction and operation of the Ecotourism Facility—minimizing energy requirements, using energy efficient appliances and generating on-site renewable energy? • Would consideration be given to use of passive energy technologies for natural heating and cooling through the design of the Ecotourism Facility e.g. natural ventilation, shading and solar heating? • Would integration of energy awareness, conservation and efficiency practices into the operation of the Ecotourism Facility and visitor experience be considered? • Would the use of renewable energy technologies that are best suited to the Site and have whole of lifecycle benefits be considered (e.g. no major adverse impacts from installation or high maintenance costs)?
	<p>3.3 Water conservation practices are employed</p>	<ul style="list-style-type: none"> • Would water required by the Site be minimized for the needs of visitors and Ecotourism Facility operation? • Would water sensitive urban design practices such as rainwater tanks, onsite recycling of water/wastewater, swales and bio-retention basins for water treatment and water efficient appliances be considered? • Would strategies to protect surface and groundwater through best practice approaches to managing pollutants and debris in stormwater run-off and sediment transport be considered e.g. have bio-filtration technologies and sediment traps been considered? • Would water awareness, conservation and efficiency practices be integrated into the operation of the Ecotourism Facility and visitor experience?
	<p>3.4 Waste generation is minimized</p>	<ul style="list-style-type: none"> • Would a 'towards zero waste strategy' be viable for the Ecotourism Operation with the ultimate objective that nothing is brought into the Ecotourism Facility that is not durable, biodegradable or recyclable? • Would the Ecotourism Facility 'avoid, reduce, reuse or recycle'—identifying activities and services associated with the Ecotourism Facility that can generate less waste? • Would the ecotourism operator partner with the local community to implement best practice waste separation and management including composting of biodegradable waste (if appropriate)? • Would the Ecotourism Facility provide on-site waste management facilities for processing reusable and recyclable resources, and ensuring hazardous wastes are not released into the environment? • Would the Ecotourism Facility propose to manage sewerage and effluent to best practice standards with no impacts on the Site?

4. The Ecotourism Operation contributes to protecting and positively enhancing MPCBPAA public lands	4.1 Contributions to onsite rehabilitation and restoration	<ul style="list-style-type: none"> • Would strategies be developed to rehabilitate previously impacted and degraded areas, and areas currently landscaped with exotic species where appropriate? • Would strategies be developed to progressively rehabilitate areas impacted by the construction and operation of the Ecotourism Facility? • Would land be available for resting and rehabilitating heavy use or impacted areas over time?
	4.2 Contributions to park management	<ul style="list-style-type: none"> • Would there be a commitment to partnering with park management and Traditional Owners to deliver shared park outcomes e.g. assistance with preserving and restoring impacted areas of the natural or protected area, research and monitoring, attracting specialist studies, working with volunteers and providing funding? • Would there be a commitment to undertaking or contributing to research/ monitoring of 'acceptable limits of change' for near threatened, vulnerable and endangered species impacted by visitation and the Ecotourism Facility operations? • Would Ecotourism Operation management undertake self-monitoring for continuous improvement in minimizing impact of operations using environmental management systems?
5. The Ecotourism Operation engages, involves and benefits local communities	5.1 Sharing ecotourism benefits with neighboring communities	<ul style="list-style-type: none"> • Would an ongoing dialogue with neighboring residents and community organizations be undertaken to understand their attitudes to the Site and impacts (positive and negative) and to inform continual improvement? • Would the proposed Ecotourism Operation fit with existing uses of the area (and adjacent areas) such as recreation, water production, landscape amenity, grazing and residential? • Would the Ecotourism Operation be compatible with existing tourism activities on MPCBPAA public lands and community use of the Site? • Would the Ecotourism Operation provide for improved community access and enjoyment of MPCBPAA public lands?
	5.2 Local and regional economic development	<ul style="list-style-type: none"> • Would economic benefits for surrounding communities be identified e.g. local procurement of food and materials, construction, repairs and maintenance, local Indigenous arts and craft for purchase by visitors (if appropriate)? • Would employment and training opportunities be provided for the local community? • Would partnering with the community to maximize the benefit from tourism including shared activities around festivals and events, and tours of local business/industry be undertaken?

6. The Ecotourism Operation encourages visitors to appreciate and want to protect and conserve MPCBPAA public lands	6.1 Appropriate interpretation of natural and cultural values	<ul style="list-style-type: none"> • Would well-researched information on the Site be shared with visitors through appropriately qualified guides? • Would the special or unique environmental and cultural features of the Site be identified and be built into the visitor experience through responsible tourism practices e.g. wildlife viewing that doesn't interfere with foraging or breeding patterns? • Would there be any development of educational opportunities and programs relating to aesthetic, scientific and cultural values of the Site using interpretative techniques such as face-to-face Indigenous cultural education or active visitor involvement in Site restoration? • What strategies will be employed to inform visitors of local Indigenous and non-Indigenous customs and expectations regarding use of the Site particularly in relation to cultural resources?
	6.2 Sensitive and responsible visitor experiences and activities	<ul style="list-style-type: none"> • Would strategies be in place to prevent deliberate and regular intrusion of wildlife habitat? • Has consideration been given to activity zones and buffers to protect sensitive habitat areas and manage visitor use and overcrowding of sites? • Would staff awareness and education on the natural and cultural values of the Site be provided and appropriate visitor activities to support conservation outcomes?



Image credits: Billup's Creek, VA

Part B—Information for Applicants developing a Stage 2 Detailed Proposal

Applying the Best Practice Criteria to the development of a Stage 2 Detailed Proposal

The information contained in this section is intended to apply primarily to Stage 2 Applicants. However, Stage 1 Applicants may also wish to consider the information below to refine an ecotourism concept.

Applicants will need to adopt a whole of project or lifecycle approach when developing a Stage 2 Detailed Proposal. Potentially negative impacts associated with each stage of a proposed project should be identified at the outset in order to ‘design out’ those impacts.

Ecotourism Operations on MPCBPAA public lands should also be designed, constructed and operated to ‘leave no trace’, should decommissioning and rehabilitation be required. Ecotourism Operations should enhance the long term viability of MPCBPAA public lands and minimize impacts through each phase in the development lifecycle.

Figure 5 provides an overview of lifecycle components for an Ecotourism Operation and the Best Practice Criteria will assist to inform planning and works activities associated with each phase in the development. Applicants will need to submit sustainable environmental solutions in terms of each phase in the lifecycle and provide supporting documentation for those solutions.

Figure 5: Ecotourism Operation lifecycle components



Table 4 presents the Best Practice Criteria, Sub Criteria and Sub Criteria Considerations relevant to a Stage 2 Detailed Proposal. Applicants will need to select the Sub Criteria Considerations that are relevant to the nature, scale, and Site of the proposed Ecotourism Operation. As operations increase in size, complexity and potential impacts, a broader range of Sub Criteria Considerations would be relevant. The table also enables considerations to be selected according to each phase in the project lifecycle.

In developing a Stage 2 Detailed Proposal, Applicants should apply the table by reviewing all criteria relevant to each phase of the project (starting with design, and then moving on to construction and commissioning, etc) and identify which Sub Criteria Considerations are most relevant to the proposed Ecotourism Operation.

Applications will need to demonstrate genuine commitment to best practice design, construction, operation and decommissioning as part of the Detailed Proposal.

Certification

As specified in the Implementation Framework, Applicants should note that if they are approved by the MPCBPAA they will be required to obtain certification under an accredited certification scheme. Industry certification provides assurance that an Ecotourism Operation has an on-going commitment to best practice through the lifecycle of the Ecotourism operation. Applicants are encouraged to aim for the highest level of certification offered by industry providers and an informed consideration of, and response to the Best Practice Criteria at the early planning stage should assist to achieve industry certification. The MPCBPAA will advise of providers that are accredited to provide eco certification.

Table 4: Best Practice Criteria for Stage 2

Best Practice Criteria 1: The Ecotourism Operation is compatible with the natural and cultural values of MPCBPAA public lands.						
<i>The natural and cultural values of the Site are known and unique elements highlighted. Any constraints or stressors on the system are identified and development and activities on sensitive and vulnerable areas are avoided.</i>						
Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & Rehabilitation	
1.1 Protecting and conserving natural and cultural values	1.1.1 What are the natural values of the MPCBPAA public land taking into consideration listed and protected species and habitat? What are the unique natural features of the MPCBPAA public land that may be incorporated into the visitor experience offered by the Ecotourism Operation?	✓				
	1.1.2 What are the cultural values of the MPCBPAA public land taking into consideration cultural heritage, artifacts and non-physical values? What are the unique cultural features of the MPCBPAA public land that may be incorporated into the visitor experience offered by the Ecotourism Operation?	✓				
	1.1.3 What is the capacity of natural and cultural values to sustain development impacts and visitor activity over time? Are there any specific constraints or vulnerabilities? (E.g. refer to any management plans for the land if available).	✓				
	1.1.4 Would the construction and operation of the Ecotourism Facility and associated activities be expected to impact MPCBPAA public land's natural and/or cultural values? Could impacts be adequately mitigated? Would it be possible to achieve no net impact or no degradation to natural and/or cultural values of the Site?	✓				
	1.1.5 Would strategies be required to protect sensitive habitat areas and/or would activity be avoided in vulnerable or highly valued areas?	✓				
	1.1.6 Would the Ecotourism Operation result in cumulative impacts on the natural and cultural values of the Site? Have impacts from existing use and development been taken into consideration?	✓				
	1.1.7 Would baseline ecological values be documented in an Environmental Management System with monitoring and reporting of any changes to the site to land management?				✓	
	1.1.8 Would previously impacted landforms be restored and areas with exotic weed species rehabilitated?				✓	
	1.1.9 Would the decommissioning of the Ecotourism Facility and rehabilitation of the Site leave no trace of negative impacts to ecosystems, biodiversity and water resources?					✓
	1.1.10 Would the latest climate variability predictions for the region be reviewed? Would an assessment be undertaken to determine whether considerations such as additional buffers for protection of wildlife are required?	✓				

Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & Rehabilitation
1.2 Site access and suitability	1.2.1 Would the Ecotourism Operation use previously disturbed areas where possible?	✓			
	1.2.2 Would access to the Site be provided using existing roads and tracks where possible?	✓			
	1.2.3 Would an effort be made to locate development and activity on lower value habitat as opposed to high conservation value areas?	✓			
	1.2.4 Would the Ecotourism Operation avoid high conservation value areas, riparian zones and narrow and steep slopes etc?	✓			
	1.2.5 Would there be an intention to clearly demarcate the development footprint, including appropriate barriers to limit activity to stabilized and designated areas?	✓			

Best Practice Criteria 2: The Ecotourism Operation is designed to fit within the character of MPCBPAA public lands.

The design and layout of the Ecotourism Operation is in harmony with the landscape and natural features. The design and layout maximize Ecotourism Facility sustainability and visitor comfort by considering factors such as aspect and orientation. The Site is landscaped with endemic native species.

Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & Rehabilitation
2.1 Site layout is compatible with the landscape	2.1.1 In planning Site layout would landscape features predominate and would the Ecotourism Facility blend into the surrounding environment?	✓			
	2.1.2 Would the Ecotourism Facility design and layout maximize use of landscape features and natural geological formations of the Site?	✓			
	2.1.3 Would natural sights, sounds and scents prevail throughout the Ecotourism Facility?	✓			
	2.1.4 Would consideration be given to either dispersing or concentrating the Ecotourism Facility to achieve minimal environmental impact?	✓			
	2.1.5 Would consideration be given to the microclimate of the Site and how factors such as aspect, exposure, elevation and wind can be utilized to maximize visitor comfort without depending on mechanical systems?	✓			

Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & Rehabilitation
2.2 Ecotourism Facility design and appearance is compatible with the landscape and local conditions	2.2.1 Would the overarching design philosophy of the Ecotourism Facility be based on climate sensitive design and a strong 'sense of place'?	✓			
	2.2.2 Would aspect and orientation be used to provide insulation, ventilation, and passive heating and cooling?	✓			
	2.2.3 Would landscape features be reflected in design through scale, form, color and texture of the Ecotourism Facility?	✓			
	2.2.4 Would the architectural style and materials of the Ecotourism Facility be reflective of aspects of local Indigenous culture (if appropriate)?	✓			
	2.2.5 Would the Ecotourism Facility be designed so that it does not dominate landscape features? Would 'biomimicry' concepts be utilized such as tree-house style accommodation or cabins the color and shape of surrounding boulders?	✓			
	2.2.6 Would local species which require minimal maintenance and are essentially self-sustaining be used for landscaping?	✓			
	2.2.7 Would the Ecotourism Facility aim for smaller is better, optimizing use and flexibility of spaces so building size and associated resources required for construction are minimized?	✓			
	2.2.8 Would sustainability features such as recycling, efficient water and energy systems and waste minimization practices be visible and/or promoted to visitors throughout the Site?	✓			
	2.2.9 Would adaptive re-use of existing structures be considered to reflect part of the story of the Site?	✓			
	2.2.10 Would external lighting be limited to minimum requirements to, for example, illuminate pathways for orientation and safety but not act as spotlights or floodlights into the surrounding environment? Would movement sensors and portable lights be used to avoid excess lighting?	✓			

Best Practice Criteria 3: The Ecotourism Operation minimizes its footprint on the Site.

Impacts on the Site from construction and operation of the Ecotourism Facility are minimized. The Ecotourism Operation promotes water and energy conservation and a 'leave no trace' philosophy is applied in relation to visitor activity. Waste and pollution is minimized.

Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & Rehabilitation
3.1 Ecotourism Facility construction methods are low impact	3.1.1 Would disturbance and clearing of habitat during construction be minimized through use of best practice technologies for environmentally and culturally sensitive areas?		✓		
	3.1.2 Would strategies be developed to contain the development footprint during construction with impacts on surrounding areas and habitat avoided?		✓		
	3.1.3 Would consideration be given to modular, pre-fabricated and easy to assemble construction technologies to reduce construction related impacts?	✓			
	3.1.4 Would locally sourced and lightweight yet durable materials be considered?	✓			
	3.1.5 Would renewable, durable, non-toxic and environmentally sustainable materials be used throughout the Ecotourism Facility?	✓			
	3.1.6 Would strategies be developed to limit pollutants and toxins brought on site during construction?		✓		
	3.1.7 Would waste streams be managed during construction through re-use of on-site materials that are within the development zone (e.g. soils, vegetation, fabricated materials)?		✓		
	3.1.8 Would construction materials and methodologies enable the Ecotourism Facility to be removed 'without a trace' on completion of the authority term or due to other circumstances?	✓			
	3.1.9 Would breeding patterns and habitat movements of vulnerable and protected species be respected in construction plan phasing?		✓		
	3.1.10 Would decommissioning plans be developed and have decommissioning and dismantling methodologies been considered? Has the Ecotourism Facility been designed to allow for renewal/renovation to achieve best practice standards?				✓

Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & Rehabilitation
3.2 Energy conservation practices are employed	3.2.1 Would energy requirements of the Ecotourism Facility be minimized?	✓			
	3.2.2 Would an energy efficiency strategy be developed for the construction and operation of the Ecotourism Facility—minimizing energy requirements, using energy efficient appliances and generating on-site renewable energy?	✓			
	3.2.3 Would consideration be given to use of passive energy technologies for natural heating and cooling through the design of the Ecotourism Facility (e.g. natural ventilation, shading and solar heating)?	✓			
	3.2.4 Would energy awareness, conservation and efficiency practices be integrated into the operation of the Ecotourism Facility and visitor experience?			✓	
	3.2.5 Would renewable energy technologies that are best suited to the Site and have whole of lifecycle benefits be considered (e.g. no major adverse impacts from installation or high maintenance costs)?	✓			
	3.2.6 Would consideration be given to energy minimization technologies such as energy efficient lighting including zoning, sensor control and smart metering, selecting the highest efficiency rating?	✓			
	3.2.7 Would on-site transport needs be met through solar powered or electric vehicles, bus access, bicycle and pedestrian pathways?			✓	
	3.2.8 Would an energy conservation plan with measurable targets and monitoring and reporting requirements be included in the Environmental Management System?			✓	
	3.2.9 Would log books of vehicle use be kept to allow review and auditing of vehicle use and promotion of continual improvement?			✓	
3.3 Water conservation practices are employed	3.3.1 Would consideration be given to how water can be minimized for the needs of visitors and Ecotourism Facility operation?	✓			
	3.3.2 Would water sensitive urban design practices such as installation of rainwater tanks, onsite recycling of water/wastewater, use of swales and bioretention basins for water treatment and installation of water efficient appliances be considered?	✓			
	3.3.3 Would strategies to protect surface and groundwater through best practice approaches to managing pollutants and debris in stormwater run-off and sediment transport (e.g. bio-filtration technologies and sediment traps) be considered?	✓			
	3.3.4 Would water awareness, conservation and efficiency practices be integrated into the operation of the Ecotourism Facility and visitor experience?			✓	
	3.3.5 Would water minimization technologies be employed throughout the Ecotourism Facility via the installation of water efficient taps, showers, toilets, dishwashers and washing machines? Would these technologies achieve the highest efficiency ratings?	✓			
	3.3.6 Would the Ecotourism Facility collect and treat water required for its operation on Site?	✓			
	3.3.7 Would biological and non-mechanical systems be considered where possible including composting or water-efficient toilets and alternative disinfection systems?	✓			
	3.3.8 Would a water minimization plan with measurable targets and monitoring and reporting requirements be developed for inclusion in the facility Environmental Management System?			✓	

Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & rehabilitation
3.5 On-site hazardous materials is minimized	3.5.1 Would on-site chemical requirements be minimized through use of non-toxic and biodegradable materials, finishes and cleaning agents wherever possible?			✓	
	3.5.2 Would on-site maintenance of grounds and landscaping be minimized through natural landscaping using endemic species?			✓	
	3.5.3 Would there be a strategy to avoid herbicides and pesticides through natural control measures and environmentally benign alternatives?			✓	
	3.5.4 Would fuel storage techniques reflect best practice approaches with an appropriate level of impermeability, restricted access, signage, spill response and regular monitoring as required?			✓	
	3.5.5 Would there be a strategy to monitor soils and ground and surface water on a regular basis for any fuel or chemical contamination for inclusion in the Environmental Management System?			✓	
	3.5.6 Would vehicles be maintained off-site?			✓	
	3.5.7 On closure and dismantling of the Ecotourism Facility would fuel and chemical contamination leave no trace of negative impacts to the Site?				✓
3.6 Noise and air emissions are minimized	3.6.1 Would power generation, toilet and waste systems employed throughout the Ecotourism Facility be low emission and low pollutant?	✓			
	3.6.2 Would dust suppression procedures be in place during construction?		✓		
	3.6.3 Would services, utilities and maintenance facilities be sound-proofed through use of appropriate material or vegetation buffering? Would these facilities be located away from key habitats, neighbors, accommodations and quiet areas?	✓			
	3.6.4 Would natural acoustic conditions predominate and would noise levels from site activities be on par with existing background noise?	✓			
	3.6.5 Would there be an intention to quantify, avoid, reduce and offset greenhouse gas emissions generated through the operation of the Ecotourism Facility and associated activities?			✓	
	3.6.6 Would non-toxic materials and finishes be used in the design of the Ecotourism Facility to maximize indoor and outdoor air quality?	✓			

Best Practice Criteria 4: The Ecotourism Operation contributes to protecting and positively enhancing MPCBPAA public lands.

The long term viability of MPCBPAA public land is supported by the Ecotourism Operation working in partnership with land management and local groups to, for example, rehabilitate disturbed areas of the public land and educate staff and visitors regarding intrinsic land values.

Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & rehabilitation
4.1 Contributions to on-site rehabilitation and restoration	4.1.1 Where appropriate, would strategies be developed to rehabilitate previously impacted and degraded areas, and areas currently landscaped with exotic species?			✓	
	4.1.2 Would strategies be developed to progressively rehabilitate areas impacted by the construction and operation of the Ecotourism Facility?			✓	
	4.1.3 Would there be land available for resting and rehabilitating heavily used or impacted areas over time?			✓	
	4.1.4 Would site rehabilitation be included as part of the visitor experience to the Site, or as an experience offered specifically to conservation volunteers in partnership with conservation organizations?			✓	
4.2 Contributions to park management	4.2.1 Would the business model of the Ecotourism Operation be viable such that it would not result in a burden to park management or the government over time, for example, through not meeting environmental conditions?	✓			
	4.2.2 Would strategies be in place to avoid Site mismanagement (or short cutting) over time and ensure that sustainability features of the Ecotourism Facility design and operation are always maintained to a high standard?	✓			
	4.2.3 Would there be a commitment to partnering with park management and Traditional Owners to deliver shared park outcomes e.g. assistance with preserving and restoring impacted areas of the natural or protected area, research and monitoring, attracting specialist studies, working with volunteers and/or providing funding?			✓	
	4.2.4 Would there be a commitment to undertaking or contributing to research/monitoring of 'acceptable limits of change' for near threatened, vulnerable and endangered species impacted by the operation?			✓	
	4.2.5 Would Ecotourism Operation management undertake self-monitoring for continuous improvement in minimizing impact of operations using environmental management systems that comply with relevant standards?			✓	
	4.2.6 In partnership with park management would a strategy be developed for ongoing management of areas for which the operator took responsibility (i.e. maintenance of designated area, or monitoring of particular vulnerable species) on closure and decommissioning of the Ecotourism Facility?				✓

Best Practice Criteria 5; The Ecotourism Operation engages, involves and benefits local communities.

The importance of MPCBPAA public land to the cultural and economic priorities of local communities is identified and long term partnerships pursued.

Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & rehabilitation
5.2 Sharing ecotourism benefits with neighboring communities	5.2.1 Would ongoing dialogue with neighboring residents and community organizations be undertaken to understand their attitudes to the Site and impacts (positive and negative) and promote continual improvement?	✓			
	5.2.2 Would consideration be given to how the proposed Ecotourism Operation fits with existing uses of the area such as recreation, water production, landscape amenity, grazing and residential?	✓			
	5.2.3 Would consideration be given to whether the Ecotourism Operation is compatible with existing tourism activities on MPCBPAA public lands and community use of the Site?	✓			
	5.2.4 Would the Ecotourism Operation provide for improved community access and enjoyment of MPCBPAA public lands/research/monitoring of 'acceptable limits of change' for near threatened, vulnerable and endangered species impacted by the operation?	✓			
	5.2.5 Would universal design that facilitates access for a range of abilities to the Site and surrounds be incorporated?	✓			
	5.2.6 Would adaptive re-use of existing buildings and structures be considered to reflect and retain part of the story of the Site?	✓			
	5.2.7 Would the Ecotourism Operation attract local schools, researchers and specialist interest groups to raise awareness of the cultural resources and values of MPCBPAA public lands and the local culture?			✓	
5.3 Local and regional economic development	5.3.1 Would economic benefits for surrounding communities be identified e.g. local procurement of food and materials, construction, repairs and maintenance, local Indigenous arts and craft for purchase by visitors (if appropriate)?	✓			
	5.3.2 Would employment and training opportunities for the local community be provided?			✓	
	5.3.3 Would partnering with the community to maximize the benefit from tourism including shared activities around festivals and events, and tours of local business/industry be undertaken?			✓	
	5.3.4 Would the development preclude or obstruct current or future Site access to designated easements such as power, telecommunications or water and sewerage (or other designated uses)?	✓			

Best Practice Criteria 6: The Ecotourism Operation encourages visitors to appreciate and want to protect and conserve MPCBPAA public land.

The natural and cultural values of the site are appropriately interpreted and visitor activities and experiences support the protection and conservation of these values.

Sub Criteria	Sub Criteria Considerations	Design	Construction & commissioning	Operation	Decommissioning & rehabilitation
6.1 Appropriate interpretation of natural and cultural values	6.1.1 Would well researched information on the Site be shared with visitors through appropriately qualified guides?			✓	
	6.1.2 Would the special or unique environmental and cultural features of the Site be identified and build understanding into the visitor experience through responsible tourism practices e.g. wildlife viewing doesn't interfere with foraging, territorial or breeding patterns?	✓			
	6.1.3 Would there be any development of educational opportunities and programs relating to aesthetic, scientific and cultural values of the Site using interpretative techniques such as face-to-face Indigenous cultural education or active visitor involvement in Site restoration?			✓	
	6.1.4 Would a range of unique and different experiences be provided for visitors reflecting the degrees in ability and mobility?	✓			
	6.1.5 Would passive and quiet areas be provided where visitors can reflect and meditate on the natural scene?			✓	
	6.1.6 On closure of the Ecotourism Facility, would any interpretation and education materials and resources be provided to local interest groups/schools?			✓	✓
6.2 Sensitive and responsible visitor experiences and activities	6.2.1 Would strategies to prevent deliberate and regular intrusion on wildlife habitat be implemented?			✓	
	6.2.2 Would consideration be given to activity zones and buffers to protect sensitive habitat areas and manage visitor use and overcrowding of sites?	✓			
	6.2.3 Would there be a commitment to providing staff awareness and education on the natural and cultural values of the Site and appropriate visitor activity to support conservation outcomes?			✓	
	6.2.4 Would opportunities for visitor participation in the conservation and protection of the Site (e.g. weeding and planting to rehabilitate habitat) be identified?			✓	
	6.2.5 Would a risk management plan be developed for managing risks associated with the Site including regular monitoring and reporting in the Environmental Management System?			✓	
	6.2.6 Would strategies and contingencies be developed to protect visitor safety including an induction process for visitors?			✓	
	6.2.7 Would an emergency management plan be developed that includes first aid response, fully functioning emergency communication equipment and processes?			✓	
	6.2.8 Would a process for continual improvement based on visitor feedback be undertaken covering items such as value for money, cleanliness and comfort, staff competency and manner, interpretation activities, natural and cultural heritage focus and sensitivity of the Ecotourism Operation to the Site?			✓	

Case studies and hypothetical example of applying the Best Practice Guidelines

This section includes six case studies that provide Applicants with practical information on the features of existing best practice Ecotourism Operations.

It also includes an example process for applying the Best Practice Guidelines during the development of a Stage 1 Application (refer to pages 36-37).

Case studies

The following six case studies cover a selection of best practice Ecotourism Operations from across Virginia, the USA and overseas. Each case study represents an Ecotourism Operation that has considered the natural and cultural values of the MPCBPAA public lands and sought to protect, conserve and reflect these values through the design, construction and operation phases. The case studies are not an exhaustive list of best practice Ecotourism Operations and there are other similar successful enterprises in operation. The information presented has been sourced from publicly available information.

The six case studies are:

- **Case study 1:** James River Park System – Richmond, Virginia
- **Case study 2:** Camp Karma Primitive Camp – Bedford, Virginia
- **Case study 3:** Holly Rock Tree House – West Virginia
- **Case study 4:** Wilsons Promontory Wilderness Retreats, Victoria—An Australian example of best practice in design and operation as well as involvement of the local community
- **Case study 5:** Lapa Rios, Osa Peninsula, Costa Rica— An international example of best practice in local community involvement and benefits adjacent to a national park
- **Case study 6:** Damaraland Camp, Huab River Valley, Namibia—An international example of best practice in local community ownership and management and restoration of ecological values in a protected area.

Case study 1—James River Park System

Located directly in the heart of Richmond, Virginia James River Park is a spectacular ecotourism destination with 550 acres of shoreline. Adventure-seekers can partake in whitewater rafting, mountain biking, rock climbing, trail running, picnicking, fishing, hiking and much more.

James River Park System is a series of natural areas which borders rocks and rapids along the Falls of the James. In the 21st century the Park routinely wins accolades for its multi-use trails.

The information below outlines examples of how the case study meets a selection of the Best Practice Criteria:

Best Practice Criteria 1: The Ecotourism Operation is compatible with the natural and cultural values of the land

- The James River was once an avenue of commerce, but with dismal water quality, several area citizens worked to improve water quality and public access to the river and their work led the creation of James River Park System.
- The Park System includes signs and placards to identify historical and cultural events that occurred on the James River.
- The James River Park System encourages visitors to access the river and enjoy the rocks that naturally line the shoreline.

Best Practice Criteria 3: The Ecotourism Operation minimizes its footprint on the Site

- The James River Park System has dirt trails and boardwalks that limits visitors footprint to the Park.



Best Practice Criteria 4: The Ecotourism Operation contributes to protecting and positively enhancing the land

- The James River Park has protected 550 acres of shoreline. This river buffer helps reduce overall water pollution from stormwater runoff. This Park also restricts development.

Best Practice Criteria 5: The Ecotourism Operation engages, involves and benefits local communities

- This Park encourages outdoor activity which ultimately improves the quality of life for city dwellers.
- The James River Park is also the location of running, kayaking and mountain competitions which brings local community together. This also has local economy benefits.

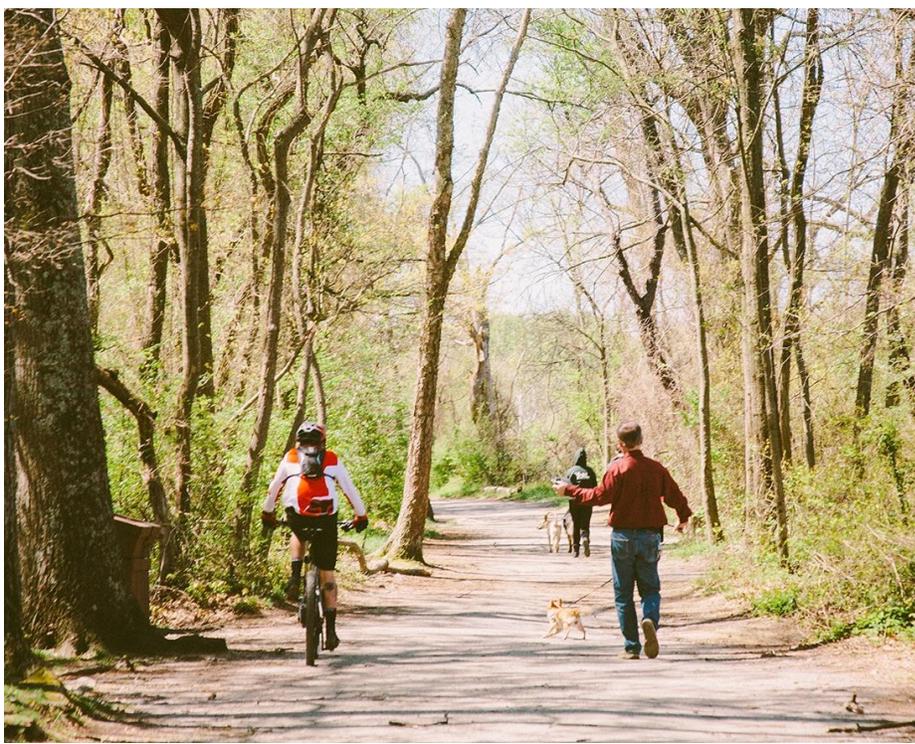


Image credits from top to bottom: James River through Richmond, VA. James River Trail system, Richmond, VA.

Case study 2—Camp Karma Primitive Camp

Camp Karma is an upscale primitive campground located on 42 acres in Bedford, Virginia, which is only 5 miles from the George Washington and Jefferson National Forest and only 8 miles from Smith Mountain Lake.

Camp Karma offers 36 primitive campsites for tenet campers, small trailers, and pop ups up to 25 to 28 feet. The tents are already set up for visitors, including chairs, silverware, pots & pans, etc.

Additional amenities include fishing, swimming, hiking trails, outhouse, private bathrooms, 20/30 amp electric hookup, picnic tables and graveled parking. There is also a camp store on site that has firewood, ice and drinking water.



Best Practice Criteria 2: The Ecotourism Operation is designed to fit within the character of the land

- The tents are set up and does not cause land disturbance. They are placed within the natural clearings of trees.
- The tents are designed to expose guests to the view and sounds of the natural surroundings.

Best Practice Criteria 3: The Ecotourism Operation minimizes its footprint on the Site

- The tents are set up and does not cause land disturbance. They are placed within the natural clearings of trees.

Best Practice Criteria 6: The Ecotourism Operation encourages visitors to appreciate and want to protect and conserve the land

- Guests are informed about their surrounding environment and encourages travel to local natural amenities including Smith Mountain Lake, Goose Creek, Fall Creek Park as well as the George Washington and Jefferson National Forest. At these locations guests can hike, bike and kayak/boat.



Case study 3- Holly Rock Tree House

County Road Cabins in West Virginia has opened Holly Rock Tree House on a 91.3 acres tract of land. Anchored 15 feet in the air and built around a 75-foot-tall chestnut oak tree, the Holly Rock is a unique one-of-a-kind lodging experience. It is accessed a packed gravel road access

One enters the tree house by the adventurous 37-foot cable bridge. Experience nature up close and personal from the canopy on the wrap around deck.

The Octagonal –shaped tree house has large windows and a double French Door entryway to let you be as close to nature as possible, but also features high-end modern amenities, including a hot shower, ultra high inverter heating and cooling system, big screen TV & DVD player, a comfy queen size bed with crisp linens and a kitchenette.

The information below outlines examples of how the case study meets a selection of the Best Practice Criteria:

Best Practice Criteria 1: The Ecotourism Operation is compatible with the natural and cultural values of the land

- The Tree House coincides with existing canopy

Best Practice Criteria 2: The Ecotourism Operation is designed to fit within the character of the land

- The tree house and bridge walk was designed to blend in with the surrounding forest and minimize environmental impact.

Best Practice Criteria 3: The Ecotourism Operation minimizes its footprint on the Site

- The cabin was built largely by hand. A packed gravel road provides access to the foot bridge



Case study 4—Wilson's Promontory Wilderness Retreats, Victoria

Wilson's Promontory Wilderness Retreats at Wilson's Promontory National Park ('The Prom') are owned and managed by Parks Victoria and aim to provide a 'close to nature' experience of bush camping with the conveniences of modern cabins. The Prom is framed by granite headlands, mountains, forests and fern gullies. The Prom can easily be explored by foot, with a range of walks from short strolls to overnight hikes. The Wilderness Retreats have been eco-certified to Advanced Ecotourism level by Ecotourism Australia.



The information below outlines examples of how the case study meets a selection of the Best Practice Criteria:

Best Practice Criteria 2: The Ecotourism Operation is designed to fit within the character of the land

- External colors have been specially selected to complement the colors of the landscapes.
- The tents sit on an innovative modular galvanized steel frame which does not require concrete footings.
- The tents are not permanent structures and can be shifted between locations if required.
- Care has been taken with the fit out of the tent to ensure the stay has a minimal environmental impact and complements the park environment.

Best Practice Criteria 3: The Ecotourism Operation minimizes its footprint on the Site

- Low flow fixtures are fitted to the shower and the vanity basin.
- The furniture has been made from locally and sustainably grown hardwood.
- Hand-made chemical-free shampoo, conditioner and liquid soap is supplied in each tent via a dispenser unit to ensure packaging and waste is minimized.

- There is a recycling station at the western end of the Wilderness Retreat precinct to minimize the amount of rubbish sent to landfill. There is also a recycling bin inside the kitchen tent.
- All tents are fitted with an instant gas hot water unit to minimize the energy used to heat water for showers and washing dishes.
- A solar hot water booster unit has been fitted to the roof of the neighboring amenities block to assist in the heating of the water for the precinct. The efficiencies gained by the installation of the solar booster offset the consumption of LPG gas.
- The inside tent lighting and path lighting has been fitted with low wattage lights.

Best Practice Criteria 4: The Ecotourism Operation contributes to protecting and positively enhancing the land

- Revegetation of the Wilderness Retreat precinct will include propagation and planting of more than 1700 Indigenous plants by volunteers. The plant species have been grown from Indigenous cuttings and seeds that were approved for collection from around the surrounding area.

Best Practice Criteria 6: The Ecotourism Operation encourages visitors to appreciate and want to protect and conserve the land

- To enhance the natural experience for all guests, and allow wildlife to roam safely, no cars are allowed inside the Wilderness Retreat area.





Case study 5—Lapa Rios, Osa Peninsula, Costa Rica

Lapa Rios Eco Lodge is a privately owned operation set in a private nature reserve spread over 1,000 acres of Central America's last remaining lowland tropical rainforest in Costa Rica's Osa Peninsula adjacent to Corcovado National Park. The operation has 16 private bungalows that line three ridges overlooking the area where the Golfo Dulce meets the Pacific Ocean. The bungalows are situated 350 feet above sea level. Walking paths and stairs through the rainforest connect the main lodge with all bungalows.

The facility is made from locally harvested material, and was designed to operate in harmony with the surrounding environment. According to the company website, Lapa Rios has a reputation as a model ecotourism project and a sustainable tourism pioneer. The operation has won many awards for social and environmental excellence.

The case study is an example of how remote or regional communities can benefit from Ecotourism Operations through employment and provision of goods and services.

The information below outlines examples of how the case study meets a selection of the Best Practice Criteria:

Best Practice Criteria 2: The Ecotourism Operation is designed to fit within the character of the land

- The bungalows are open-air with screens that allow guests to experience the sounds, sights and smells of the rainforest and the ocean. All bungalows offer guests stunning views of the Pacific Ocean or Golfo Dulce.

Best Practice Criteria 5: The Ecotourism Operation engages, involves and benefits Traditional Owners and local communities

- Lapa Rios helped build the Carbonera School next to the nature reserve in the early 1990's and has supported the education of elementary school children in this very remote part of Costa Rica for more than two decades.
- The operation continues to support the school through donations, organization of summer schools as well as through provision of environmental education programs.
- Lapa Rios offers scholarships to employees' children at a private school in Puerto Jimenez and offers help with college education to its staff members.
- Lapa Rios buys and hires local; purchasing local produce and products to support local producers, commerce, and retail. Any goods and services that are unavailable at Osa Peninsula are purchased in nearby Costa Rica.
- The operation hires a local workforce, including top management positions.

- Lapa Rios support local transportation companies for boat, air and ground transfers and allow local dance groups and artisans to perform and sell their crafts at the lodge.

Best Practice Criteria 6: The Ecotourism Operation encourages visitors to appreciate and want to protect and conserve the land

- Educational hiking tours are led by trained, experienced local guides offering an authentic local interpretation which supports the local community by providing employment opportunities.



Case study 6—Damaraland Camp, Huab River Valley, Namibia

Damaraland Camp is owned and operated by the local community and is considered a rare venture which integrates communities, the environment and sustainable wildlife interactions. It has been rated as the most successful ecotourism venture in Namibia. The 80,000 hectare Torra Wildlife Conservancy has been proclaimed as a result of the partnership between private ecotourism operator Wilderness Safaris and the local community. It is located on the north bank of the Huab River Valley, 90 kilometres inland from Torra Bay on Namibia's Skeleton Coast and consists of ten thatch style adobe tents and a main lodge.

Damaraland Camp is an example of how Ecotourism Operations can benefit local communities and Traditional Owners particularly in rural or remote areas and how ecotourism can be used to re-establish ecological values on previously denuded land.



The information below outlines examples of how the case study meets a selection of the Best Practice Criteria:

Best Practice Criteria 2: The Ecotourism Operation is designed to fit within the character of the land

- The eco-friendly construction of Damaraland Camp has merged new technology with ancient methodology. Accommodation at Damaraland Camp consists of 10 adobe-styled, thatched units each raised on individual wooden decking—part of which extends out to form a large viewing deck. The main living area is made from local rock and canvas.

Best Practice Criteria 4: The Ecotourism Operation contributes to protecting and positively enhancing the land

- The ecological values of the area have been re-established with measurable increases in wildlife numbers. The rare desert-adapted elephant, black rhino and plains game are flourishing again.

Best Practice Criteria 5: The Ecotourism Operation engages, involves and benefits Traditional Owners and local communities

- Wilderness Safaris and the local Torra community in Damaraland have formed a highly successful partnership, with the community acting as landlord. It has resulted in a 352,000-hectare Community Wildlife Conservancy being proclaimed in what was once barren denuded land.
- Revenues flow from Damaraland Camp to the community through significant bed-night levies, the provision of services, secondary businesses and salaries; thus the very existence of the camp has been instrumental in alleviating poverty in the region. The community earns a percentage of the

camp's accommodation revenue and its Trust is one of the most successful community trusts in Namibia.

Best Practice Criteria 6: The Ecotourism Operation encourages visitors to appreciate and want to protect and conserve the land

- Activities offered focus on appreciating the natural values of the area and include drives into the Huab River System in search of desert elephants and other specially adapted flora and fauna.
- The natural environment is appreciated through all visitor activities. For example, evening meals at Damaraland Camp are often prepared over an open fire and served out in the open in an area near to the camp.



Hypothetical example of applying the Best Practice Guidelines to the development of a Stage 1 Application

Scenario

An Applicant has identified a Site that has potential to be used for an Ecotourism Operation. The Site is an existing camp ground of about 100 square meters in size and has access to a small beach. There is a walking track to access the Site from the main road, which is about one kilometer in length. Composting toilets and tank water facilities are available at the Site already. The Applicant is not sure what type of Ecotourism Facility and activities to offer and only has general ideas and concepts about the development.

The Applicant has identified three potential opportunities that appear to suit the environmental and cultural values of the Site while delivering an experience that would attract enough visitors to make the operation commercially viable:

- **Option 1:** Offer a safari camp experience. This would involve six semi-permanent safari tents which could accommodate a maximum of 12 people and would not require any additional infrastructure or clearing. The camp ground would no longer operate as a public site.
- **Option 2:** Offer a 'glamping' style experience. This would involve 10 tents each with amenities such as a toilet and shower facilities as well as a tented restaurant and administration area. The Site would accommodate about 20 people plus five staff. Private beach access from the Site would be preferred and four-wheel-drive access to the Site would be gated at the entrance to avoid unauthorized vehicles. Activities offered would include guided walks. A small area of additional clearing would be required.
- **Option 3:** Offer an all-inclusive eco-lodge experience with a restaurant, swimming pool, day spa and luxury accommodation. Activities offered would include Indigenous cultural experiences, guided walks and fauna studies and crocodile experiences. Transport would also be provided to and from other tourism experiences in the region. The Ecotourism Facility would include eco-cabin style accommodation for up to 12 groups as well as an administration / restaurant / day spa facility. A large area of additional clearing would be required along with access to power and water. A sealed access road would be required.

The Best Practice Guidelines were applied as follows:

Step 1: General review of the Best Practice Guidelines

The Applicant read through the Best Practice Guidelines to understand the MPCBPAA's intention for ecotourism development on MPCBPAA public lands, focusing in particular on the Appropriate nature and scale of Ecotourism Facilities on MPCBPAA public lands and Case studies sections. The Applicant noted that it was not just the Ecotourism Facility design and layout that was important but also the interpretative experience offered to visitors and the fact that a cohesive theme was required that linked the Ecotourism Facility, activities and the Site. The Applicant noted that the natural and cultural values of the Site would help determine what this overarching theme or experience could be.

The Applicant gained an understanding of the key concepts and factors that would be important in the assessment of the Application, such as scale and nature, site suitability,

impacts on natural and cultural values, and Best Practice Criteria.

The Applicant also read the Implementation Framework to obtain an understanding of the two stage assessment process.

Step 2: Undertake Site Suitability Assessment

The Applicant reviewed the nature and scale of the three options presented above and concluded that they were likely to be small, medium and large respectively. The Applicant reviewed the abridged LCS values for the Site and determined that while the Site is currently cleared for use by campers, beyond the Site and in the immediate surrounds there did not appear to be any sign of visitor impact. The Applicant concluded that the LCS value was likely to be 3 – 5 (or very natural) due to the existence of the campground and walking track access.

Using the Site Suitability Matrix, the Applicant determined that the eco-lodge experience on that Site was likely to be a risky proposition, whereas glamping and safari tent options may be more appropriate. The Applicant decided to focus on these two options going forward.

Step 3: Apply Best Practice Criteria and complete Stage 1 Application Form

The Applicant reviewed the Best Practice Criteria and Sample Questions on pages 13-17 that may be relevant to the two options. Through this process, the Applicant identified the following:

- Precluding access to the Site and beach to the public could be an issue as it may compromise the public interest requirements would likely be required.
- Commitment to integrating the Ecotourism Facility into the landscape would need to be demonstrated in the application. The layout of the Site would need to incorporate climate sensitive design features such as capturing sea breezes and providing shading from the full sun.
- Clearing would need to be minimized and undertaken without large excavators. There may be the opportunity to purchase or locally construct pre-fabricated tents off site and then transport for assembly on site.
- There are opportunities to link in with existing regional tourism operations. There could be partnerships around the protection of cassowary and the opportunity to attract visitors to the Site
- Power, energy, water and waste would need to be provided on-site and there were tested technologies available as well as case study examples of how this could be achieved to best practice standards.
- In terms of a unique visitor experience, the Applicant considered the Ecotourism Operation would offer eco-accommodation in a rainforest, opportunities to learn about iconic wildlife such as cassowary and crocodiles, and guided walks of the surrounding area. Protection of the cassowary could be an interpretative theme for the operation including safety messages for visitors.

The Applicant sought initial advice on the likely approvals required for their proposed development. They then weighed up the best practice considerations against the commercial business model for the Site and determined that the project would proceed in two stages: commencing with the safari style tents and then, within 10 years, applying to the MPCBPAA to develop the glamping option as the business grew.

The Applicant presented this information to the MPCBPAA as part of the Stage 1 Application Form.

Appendix E: Eco-Business Facilities and Implementation Framework



Implementation Framework

Ecotourism Facilities on Middle Peninsula Chesapeake Bay Public Access Authority Public Land

2017

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INTRODUCTION

Experiencing nature is a primary motivator for visitors in the Middle Peninsula, Virginia. The Region has a natural competitive advantage in providing visitors with high quality ecotourism experiences because of a network of Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) properties throughout the region and their close proximity to water as well as open space access.

MPCBPAA properties are central to a thriving ecotourism industry. Underpinned by Middle Peninsula's unique natural diversity and the core values of leadership, authenticity, custodianship, innovation and conservation, the Commonwealth of Virginia welcomes visitors to experience freedom, a sense of adventure, and a personal connection with special places and people in nature.

In order to further leverage our competitive advantage the MPCBPAA is allowing low impact privately-owned ecotourism facilities to be established on the network of MPCBPAA properties. Recognizing the importance of ecotourism to the Middle Peninsula future in the highly competitive tourism marketplace, ecotourism facilities on MPCBPAA land must be constructed and operated to the highest environmental standards and industry practices. Ecotourism facilities on MPCBPAA lands will showcase and preserve the unique natural landscapes, cultural heritage and wildlife of MPCBPAA public lands by providing nature-based experiences delivered by tourism operators committed to and passionate about these unique areas. MPCBPAA is interested in growing and supporting local employment and desires to make the portfolio of holdings more accessible to small business development. Additionally the MPCBPAA is focused on the job creation aspects of implementing this eco-business program, particularly as the Middle Peninsula region of Virginia ranks last in the Commonwealth for average wage and has 71% of its workforce commute out of the region each day.

“Special experiences in special places”

MPCBPAA land is most special places and there is dual focus on both their conservation and the provision of world class recreation and ecotourism experience for visitors. The MPCBPAA wants to engage with ecotourism partners, who will help in providing these “special experiences in special places”.

MPCBPAA is looking for:

“Special Experiences”

Experiences and facilities that:

- enhance both the visitor experience opportunity and visitor appreciation for the values
- engage and benefit the local community and traditional owners
- deliver best practice in ecotourism
- are ecologically and economically sustainable.

“In Special Places”

Experiences and facilities that:

- reflect and rely on the site's unique values
- conserve the ecological and cultural values of the site
- are appropriate in scale and nature to the condition of the site
- contribute back to the MPCBPAA property they are located within, and provide a fair and reasonable return to the MPCBPAA land
- complement public use.

Ecotourism means that the environmental values of MPCBPAA public lands are protected and preserved while being enjoyed. This document provides a framework to guide the consideration of proposals for ecotourism facilities that will both protect MPCBPAA public lands and offer new ecotourism experiences.

BACKGROUND

The MPCBPAA has developed a range of policy to improve opportunities for sustainable ecotourism activities and visitor use in MPCBPAA public land network.

Each approved facility will be designed and managed sensitively to ensure it is compatible with the nature and character of the site and complements the management of the MPCBPAA public land in which it is located.

The nature and scale of ecotourism facilities may vary from relatively small, simple structures— such as walker’s huts—to larger campgrounds or low impact eco-lodges. Acknowledging the differences of scale and location between proposals, the department will apply a common assessment and approval process consistent with the legislative requirements.

The process for attracting investment in ecotourism facilities will also vary—the MPCBPAA may initiate opportunities through competitive tendering; and investors with independent proposals can make direct approaches.

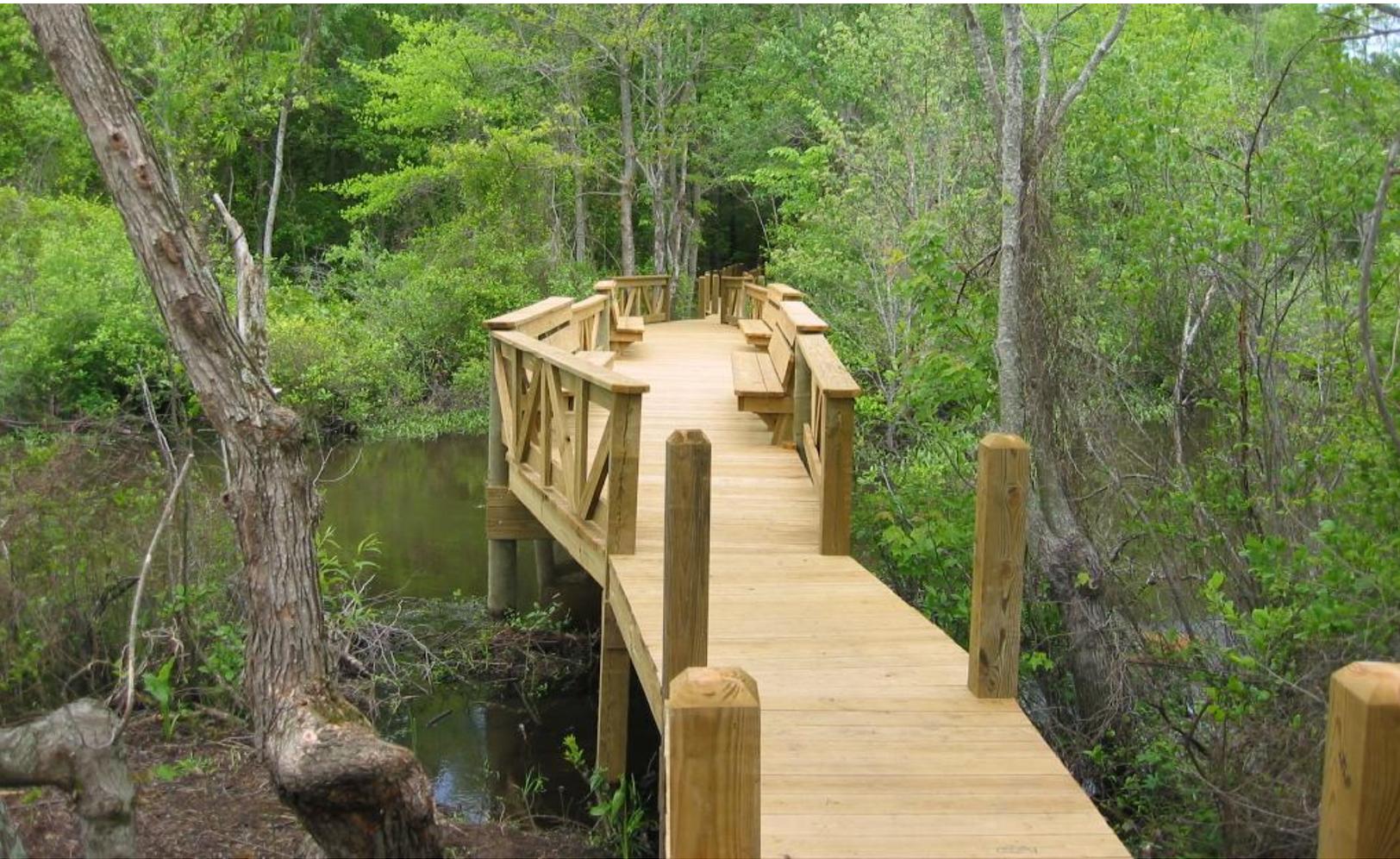


Photo of the bridge on the Brown Tract crossing the Dragon Run.

PURPOSE AND SCOPE

This implementation framework (the framework) provides a robust and transparent model for the assessment and approval of proposals for ecotourism facilities on MPCBPAA public lands. It recognizes that any proposed ecotourism facilities will have environmental, social and financial benefits and costs that need to be considered when assessing each proposal, and that assessment needs to occur in the context of the governing legislative provisions.

The framework informs potential investors and the broader community on how the MPCBPAA will assess ecotourism facility proposals, the matters that will be considered, and the approval and leasing arrangements for successful proposals.

On these lands, joint management arrangements will be created between the MPCBPAA and the private ecotourism business. The process of identifying opportunities and assessing and authorizing ecotourism facility proposals will be consistent with the MPCBPAA policies as well as state and local government policies.

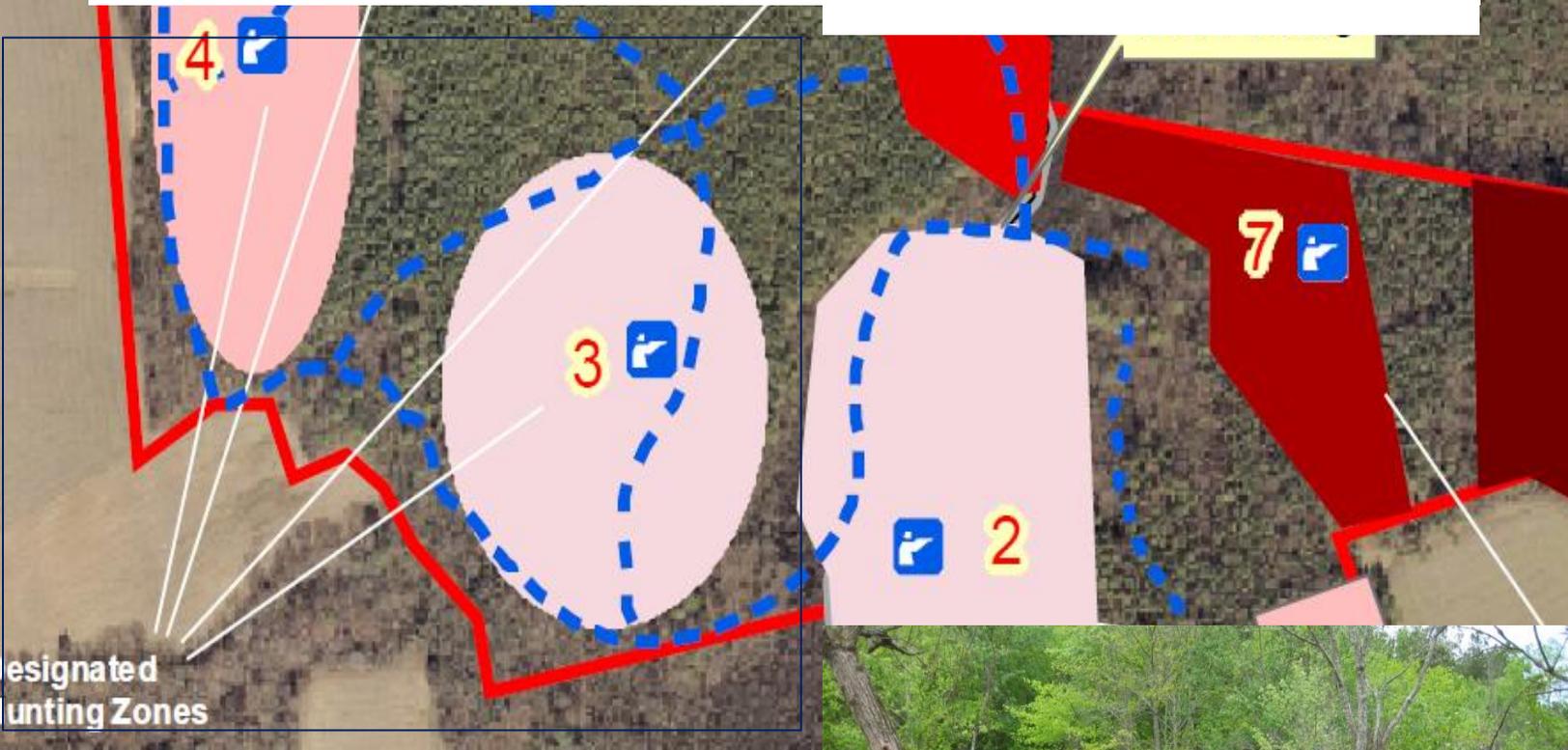


Dragon Run through the Brown Tract (Essex and King & Queen County).

Each MPCBPAA public access location offers unique amenities and are therefore managed uniquely depending on the property's environmental assets, accessibility, and public input. Below is a description of MPCBPAA locations available for eco-tourism businesses.

Browne Tract

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

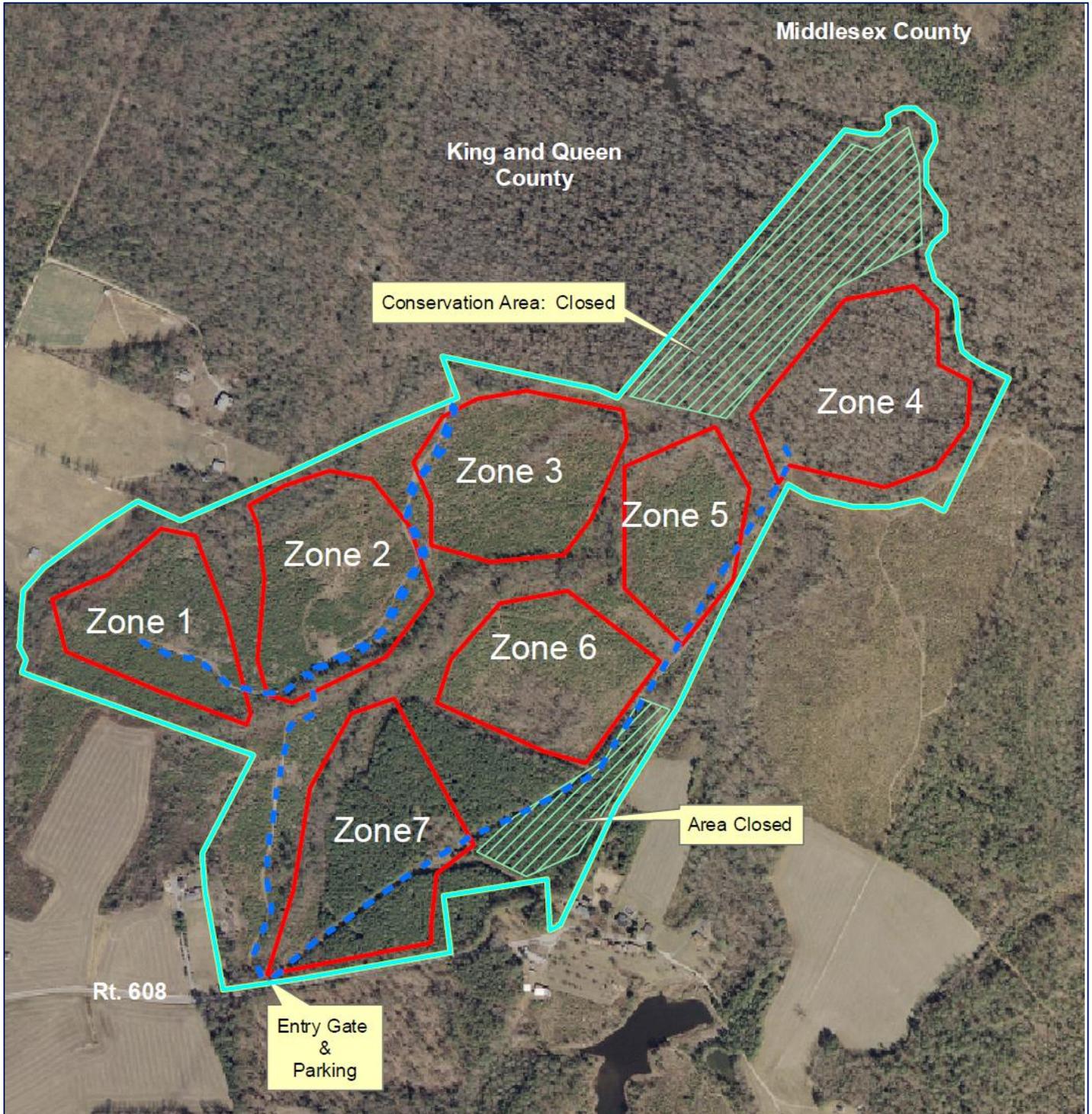


From left to right (top): Map of hunting zones on Brown Tract; and Trials on tract. From left to right (bottom): Dragon Run; and bridge crossing the Dragon Run photos.

try Po
and
Parking

Thurston Haworth Tract

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



Map of Thurston Haworth Tract hunting zones.

Clay Tract

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

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

Shenk Parcel

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



From left to right (top row): Trails on the Clay Tract; and the Dragon Run on the Clay Tract. From left to right (bottom row): Photos of the Shenk Parcel.

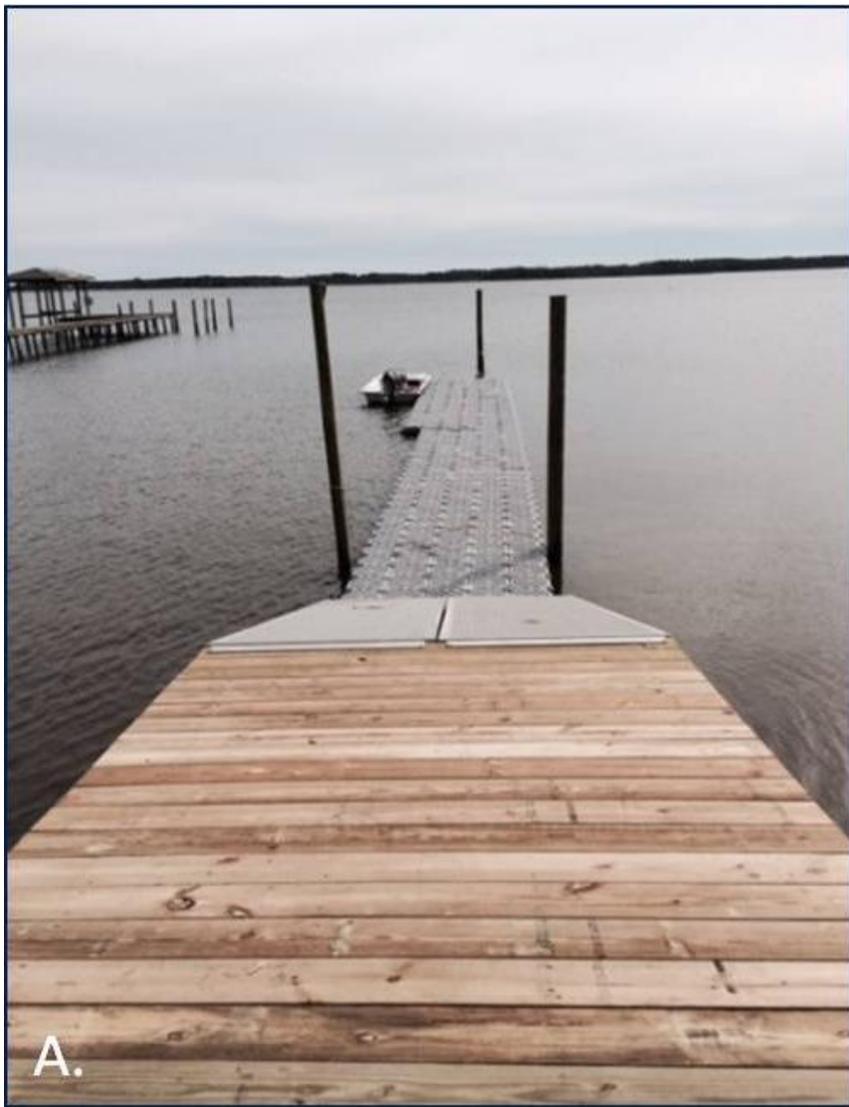
Captain Sinclair's Recreational Area

In February 2013, the PAA was gifted 96.81 acres of waterfront property located on the Severn River in Gloucester County. Later renamed the Captain Sinclair's Recreational Area, this property consists of twenty-one parcels. While much of the property is pristine coastal ecosystem, including densely forested mixed hardwood and pine trees, and tidal wetlands, there are three dwellings on the land. The main house on the property is 8,000 square foot rancher which is ideal for meetings and small events. The property also includes a pool, boat ramp, two docks, floating pier, pool house, horse pastures with paddocks and water ponds as well as three water fowl blinds.

Currently the property is managed and is used in a variety way. Part of the property is set aside as a Family Outdoor Gathering Area. This area is available to reserve for picnics, birthday parties, and small gatherings on a 1/2 day and full day basis with a max capacity of 25 people. Permitted uses in this area include outdoor grilling, roasting of marshmallows in a fire pit, and yard games. Uses not permitted in this area include alcohol, loud music, and excessive partying. Also on this property there are four hunting blinds/zones as well as a car-top boat launch on the canal with parking on the west end of the property. Finally, the Gloucester High School Crew Team utilizes access to the Severn River as well as the barn on the property to store their boats. Also in recent publically funded efforts a new pier was constructed to offer a kayak launch site.



*Above photo: View of Severn River on the Captain Sinclair Property.
Photo on left: Main out on Captain Sinclair Property.*



A.



B.



C.



D.



E.

Figures above: (A, B, & C.) New kayak pier and signs on the Captain Sinclair property; (D) Canal on property for kayak access; and (E) Pier on the property at the time of acquisition.

Adams Creek

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



*From left to right (top): On the ground photos of Adams Creek including pine stands and wetlands
From left to right (bottom): Photo of wetland on the Adams Creek and map of Adams Creek in Gloucester County.*



Sloop Landing Tract

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

Dutchman's Point

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



Healy Creek

The property is located in the unincorporated community of Hardyville, VA in Middlesex County. The 9-acre property sits on the Piankatank River, and is located just south of Healy Creek. Community based meetings are scheduled for the fall of 2016 to assist Middlesex County with understanding how the public could enjoy this site moving forward.



Photos above: Sloop Landing in Mathews County; Location of Dutchman's Point in Mathews County and Photos at Healy Creek, including deciduous forest as well as a look out Deck

Photo to left: Wood stand on Healy Creek.

Winter Harbor (North)

The nearly 9-acre property is located in the unincorporated community of Onemo in Mathews County, VA. Just across the street (Route 609) from Winter Harbor North are a series of narrow tributaries that lead to Winter Harbor and eventually the Chesapeake Bay. Water access is gained by crossing the VDOT road and launching into a small narrow channel and paddling to Winter Harbor. Visitors should check tide tables to ensure that there is enough water to return to the parking spot. Limited onsite parking is available. The site is open for nature viewing.



Winter Harbor (South)

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



Horn Harbor

This is a 0.2-acre property on Horn Harbor in Mathews County. This is a small donation site that does not have current plans for recreational use.

Horn Harbor

This is a 0.26-acre property in Mathews County on Horn Harbor. This is a small donation site that does not have current plans for recreational use.

Horn Harbor

This is a 0.34-acre property in Mathews County on Horn Harbor. This is a small donation site that does not have current plans for recreational use.



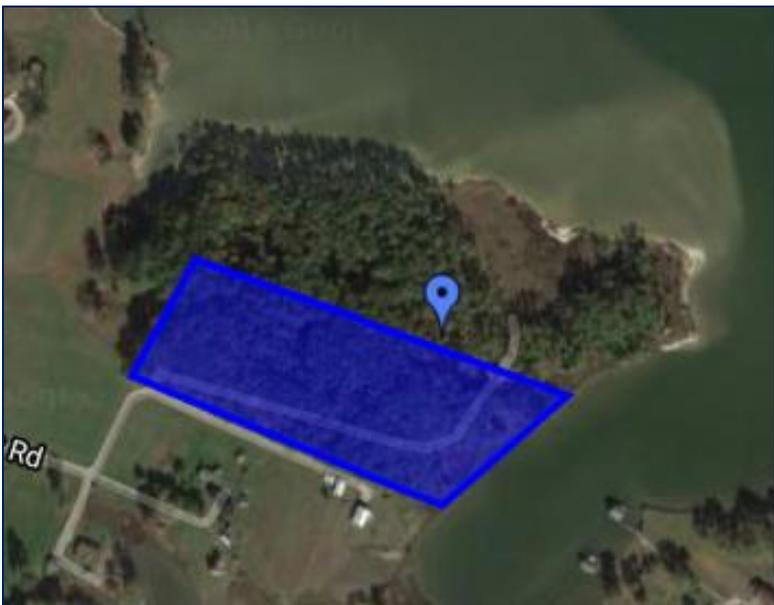
From top to bottom: Aerial of Winter Harbor North. Aerial of Winter Harbor South. Aerial of Horn Harbor in Mathews County.



Perrin Wharf Pier

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

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

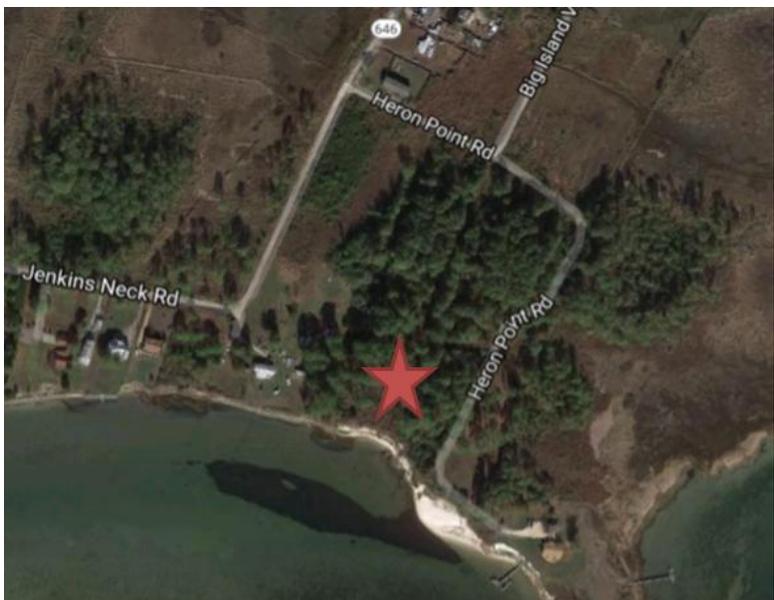


Redd Donation

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

Mathews Heritage Park

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



From top to bottom: Slips at Perrin Wharf Pier. Aerial view of the Redd Donation in Gloucester County. Aerial of Mathews Heritage Park on Billup's Creek.

Deshazo Donation

This is a 30 acre property located in Essex County located off Route 360. Current the land is open for passive recreation purposes.

Prince Street

Prince Street public access location is a road ending in the Town of Tappahannock. At this location there is one ramp with limited parking and no pier facilities.



Photos of the Deshazo Donation

Table of MPCBPAA properties and amenities.

PUBLIC ACCESS POINT	COUNTY/TOWN	WATERWAY	ACRES	AMENITIES																							
				Signs	Water Access Only	Shoulder Parking	Sm Parking Lot < 10	Lg Parking Lot > 10	Trailer Parking	Picnic Area	Waste Receptacles	Lighting	Restrooms	Hiking Trail	Bike Trail	Rules	Food	Fuel	Handicap	Fee/Permit	Slip/Mooring	Boat Storage	Fishing Pier	On-Top Launch	Unimproved Ramp	Cement Ramp	Swim Beach
Sloop Landing Tract	Mathews County	Mobjack Bay	3			X	X																				X
Dutchman's Tract	Mathews County	Mobjack Bay	5.5		X														X								X
Bethel Beach	Mathews County	Chesapeake Bay	21				X		X					X		X											X
Horn Harbor	Mathews County	Horn Harbor (*3 small lots and one water access)	.56		*X									*	X												X
Winter Harbor	Mathews County	Chesapeake Bay	5.06		X									X													X
Thurston-Haworth Tract	King & Queen County	Dragon Run	167			X								X													
Clay Tract	King & Queen County	Dragon	400																						X		
Browne Tract	Essex/King & Queen County	Dragon Run	274	X				X		X				X		X		X				X	X				
Deshazo	Essex County	Piscataway	30			X								X													
Prince Street	Tappahannock (Held in trust for the Town)	Rappahannock	.1																								
Middle Peninsula Chesapeake Bay Public Access Authority Kennsbury Road Tract	Middlesex County	Healy Creek			X																						
Shenk Parcel	Gloucester County	Severn River	14			X																		X			
Captain Sinclair's Recreational Area	Gloucester County	Severn River	96.81							X														X			X
Adams Creek	Gloucester County	Adams Creek	2																					X			
Healy Creek	Middlesex County	Piankatank River	9																					X			
Redd Donation	Gloucester County	York River	9.2																								
Perrin Wharf Pier	Gloucester County	Perrin River																		X							
Mathews Heritage Park	Mathews County	Billup's Creek	9.119		X																						

GUIDING PRINCIPLES

Seven overarching principles guide the consideration of ecotourism facilities on MPCBPAA public lands. They are:

Principle 1

Ecotourism facilities on MPCBPAA public lands are located, designed and managed sensitively to ensure compatibility with the natural and cultural values of the MPCBPAA land.

MPCBPAA public lands represent the highest level of conservation protection of Middle Peninsula, Virginia landscapes and biodiversity. Therefore, ecotourism facilities on MPCBPAA land must be ecologically sustainable, accredited and be located and designed to protect the natural and cultural values of the land. MPCBPAA is looking to leverage waterfront land holding for compatible business development.

Ecotourism facilities will only be considered if the proposal is reliant on the natural and cultural values of the site in which they are proposed to be located. That is, the proposal is all about the special features of the MPCBPAA land.

Where available preference should be given to previously disturbed sites within MPCBPAA land rather than intact natural areas. We encourage the adaptive re-use of redundant or underutilized departmental buildings (such as old homesteads, workers quarters and lighthouses) to provide memorable, unique MPCBPAA public land experiences with a point of difference.

Principle 2

Ecotourism facilities on MPCBPAA public lands should offer unique or innovative visitor experiences

New ecotourism facilities on MPCBPAA public land will demonstrate best practice systems and services, and offer unique or innovative experiences that add to the existing tourism opportunities available in the region.

Alternatively, new facilities could provide infrastructure necessary to support an existing ecotourism activity or enhance the experience or operation of an existing ecotourism activity.

Principle 3

Diverse experiences and settings are promoted

The diverse landscapes and settings in MPCBPAA public lands offer a wide range of visitor experiences. The type of ecotourism facilities developed and the scope of the associated activities should be sensitive to and compatible with the current or desired future settings and visitor experiences at MPCBPAA public lands.

Where a public land contains high-use visitor facilities, ecotourism facilities are encouraged that offer new, innovative visitor infrastructure experiences that complement the existing facilities.

Principle 4

Facilities will provide for the public interest

Privately owned ecotourism facilities on MPCBPAA public lands should be clearly determined as the best use of the proposed site in relation to public interest. Alternative sites offering an equivalent experience should not be reasonably available outside of the MPCBPAA public land. The ecotourism facilities should provide the greatest net public benefit considering the environmental, social and economic outcomes of the use.

Principle 5

Successful ecotourism operations are characterized by commercial operators who have commitment to environmental best practice

Environmental best practice is demonstrated through other ecotourism initiatives. Operators demonstrate sound commercial viability and sound business practice that is based on a triple bottom line approach.

As a primary element of the ecotourism proposal, ecotourism operations should make a fair and reasonable contribution back to the conservation and management of the MPCBPAA land and also to the local community.

Principle 6

The authorization of ecotourism facilities will be consistent and transparent while protecting the intellectual property of the proponent

The process of assessing and authorizing proposals for ecotourism facilities will consider all principles and be fair, open and impartial.

The level of assessment will be appropriate to the nature, scale and location of the proposed facility. The approval process will not compromise the intellectual property of the proponent.

Principle 7

The type and duration of authorities granted will recognize the level of investment and rate of return on investment

A lease, agreement, license, permit or authority may be granted to authorize ecotourism facilities. The type and duration of authority granted will consider the nature of the facility, level of capital investment, rate of return on investment and the financial return to the state.

Photo below: Dragon Run access from the Clay Tract



ECOTOURISM REQUIREMENTS

The MPCBPAA has several specific provisions for considering proposals for ecotourism facilities on MPCBPAA public land.

MPCBPAA may grant a lease, agreement, license, permit or other authority for an ecotourism facility but must be satisfied that use of the land for this purpose:

- will be in the public interest
- is ecologically sustainable; and
- will provide, to the greatest possible extent, for the preservation of the land's natural condition and the protection of the land's cultural resources and values.

For the purposes of the MPCBPAA, the term 'ecotourism facility' specifically means a facility that:

- is designed and managed to facilitate the presentation, appreciation and conservation of the land's natural condition and cultural resources and values (the primary purpose); and
- is managed in a way that does not allow an activity to be carried out on the land that:
 - is inconsistent with the primary purpose; and
 - would require a significant change to the land's natural condition or would adversely affect the conservation of the land's cultural resources and values.

These requirements are explored in further detail below.

Definition of 'ecotourism facility'

Ecotourism encompasses a broad spectrum of responsible, nature-based activities that increase visitor appreciation and understanding of natural and cultural heritage, and are managed to be ecologically sustainable. Ecotourism facilities should focus on presenting and appreciating an area's natural and cultural values, and not involve modification of the natural environment for activities contrary to this purpose.

The MPCBPAA has determined that ecotourism opportunities incorporating ziplines are not considered as appropriate for MPCBPAA public lands.

In deciding whether a proposed ecotourism facility meets the definition, the MPCBPAA will consider:

- how, and to what degree, the facility will contribute to presenting, appreciating and conserving the land's natural condition and cultural resources and values (the primary purpose)—the facility should make a fair and reasonable contribution to the MPCBPAA public land network, including the land in which the facility is located
- whether or not the facility involves activities that are consistent with presenting, appreciating and conserving
- the land's natural condition and cultural resources and values; and
- if some of the activities are inconsistent, whether or not they would have significant impacts on the land's natural condition or adversely affect the land's cultural resources and values.

Each proposal for an ecotourism facility will be assessed on a case-by-case basis to ensure the requirements of the definition are met.

Public interest

MPCBPAA properties are lands in public ownership, set aside and managed by the MPCBPAA to protect and conserve their special natural and cultural values, and to provide a place for people to visit and connect with nature. In this way, MPCBPAA public lands provide important environmental, social and economic benefits to the public.

Privately owned ecotourism facilities on MPCBPAA public lands should represent the greatest net public benefit for the land, considering the environmental, social and economic outcomes of that use.

In determining the net public benefit of a proposed ecotourism facility, the relative balance between public and private interest, and between competing public interests, will be considered.

This assessment may include public consultation to canvass views about the proposal.

In determining public interest the factors considered include:

- environmental outcomes:
 - ecological sustainability and the impact on natural and cultural values (see section Ecologically sustainable use)
 - environmental management plans
 - partnerships or contributions to MPCBPAA management activities or conservation programs.
- social outcomes:
 - enhancements of community access to existing public facilities, iconic places, waterways, beaches and foreshores of the MPCBPAA public lands or accessed through the MPCBPAA public land
 - interactions with existing recreational and commercial uses of the MPCBPAA public land and future opportunities for other recreational and commercial uses
 - how, and to what degree, the facility will limit or restrict public access. The MPCBPAA will ensure that exclusive use areas are restricted to only those areas that are necessary to operational requirements (that is, large sections of park are not to be excluded from public access)
 - general suitability of the proposed location for the purpose
 - advice received through public consultation
- economic outcomes:
 - the financial and managerial capability of the proponent to establish the facility, and sustain its long term viability
 - local job creation and support for existing jobs
 - economic benefits to the local community and traditional owners
 - flow-on benefits to local businesses, including existing tourism businesses
 - direct and indirect costs and benefits to the Middle Peninsula
 - financial return to the Middle Peninsula for commercial use of public land.



Photo above: View of Severn River from the Redd Donation.

Ecologically sustainable use

The term ‘ecologically sustainable use’ refers to allowing the use of an area in a way that sustains natural processes and ensures that potential for future benefits from these natural processes are not diminished.

A sustainable approach to establishing facilities on land with high ecological and cultural values, such as MPCBPAA public land, requires structures and associated activities to be fully integrated and in harmony with the ecosystem and its environmental features and constraints.

When determining whether a proposed ecotourism facility is ecologically sustainable the following sustainability principles will be considered:

- preserving ecosystems, natural landscapes and special species
- minimizing habitat loss and weed and pest invasions
- site designs, layouts and construction materials that incorporate natural landscape features, minimize environmental impacts and suit the landscape
- efficient and sustainable use of water and energy
- waste minimization and recycling strategies
- minimizing impacts from noise and lighting sources, and on air quality.

Minimizing environmental and cultural impacts

Ecotourism facilities must, to the greatest possible extent, preserve the land’s natural condition and protect its cultural resources and values.

When determining whether a proposed ecotourism facility preserves and protects natural and cultural resources and values, the government will consider the:

- natural condition of the land and extent of any existing disturbance to the natural condition
- conservation significance of the land and its natural and landscape components
- cultural resources and values of the land, including natural, historic and indigenous places
- extent and degree that the proposed use will impact on the above, and whether strategies that minimize, adequately manage, or offset these impacts can be implemented.

The required scope of impact assessment will vary with the nature, scale and location of each proposed ecotourism facility. Moderate or large scale proposals—or those in environmentally or culturally significant locations—will generally require an environmental impact statement (EIS) to be developed. Small-scale proposals will be more appropriately dealt with by a simpler environmental risk assessment (ERA) with terms of reference suitable for lower risk facilities.

Similarly, subsequent environmental management plans and auditing obligations will vary depending on the nature and scale of ecotourism facilities.



Photo of Thurston Haworth Tract in King & Queen County.

Requirement to prescribe an ecotourism facility as a permitted use under a regulation

Before an approved ecotourism facility can be authorized through the granting of a lease or other authority, the use must be prescribed by regulation as a permitted use for the land. The MPCBPAA will arrange the required form of regulatory impact assessment and drafting of regulations for this authorization to occur.

Associated activities and authorities

The operation of an ecotourism facility on MPCBPAA public land will usually involve activities on the property will be conducted outside of the facility area, such as guided interpretive walks or vehicle tours to nearby attractions. These activities require a separate commercial activity permit or agreement to be granted. These permits or agreements offer shorter term, flexible access to MPCBPAA public land for a wide range of activities and may be easily varied to suit changing operational needs.

For the majority of visitor sites these permits and agreements are readily available from the MPCBPAA through an established process. For a small number of popular sites, recreational and commercial tour activities may already be at full capacity and present potential limitations for an ecotourism facility operator. In these circumstances potential options include modifying the scale or timing of the proposed activities, using alternative sites, or negotiating with an existing operator to share or acquire capacity.

In order to streamline administrative processes, the use of MPCBPAA public lands outside of a proposed ecotourism facility will be dealt with when the proposal is being considered, and assessments and authorizations will be developed in one coordinated process. If a requested MPCBPAA site is already used at full capacity for a proposed activity, options will be negotiated with the proponent.

Other approvals

Apart from MPCBPAA approval, and depending on the location and scale of the proposal, ecotourism facilities may also require additional third-party approvals under local authority, State and Federal regulations. These could include development approval under the Joint Permit Application Joint Permit Application (JPA) process and Standard JPA form are used by the United States Army Corps of Engineers (USACE), the Virginia Marine Resources Commission (VMRC), the Virginia Department of Environmental Quality (DEQ), and the Local Wetlands Boards (LWB) for permitting purposes involving water, wetlands, and dune/beach resources, including, but not limited to, major water supply and water withdrawals projects (as defined in DEQ Regulation 9 VAC 25-210).

An ecotourism facility proponent will usually be responsible for identifying and obtaining the other approvals necessary for a proposed facility and for the costs involved with these approvals. The MPCBPAA may assist the proponent with these processes, for example, by providing information to the proponent that is relevant to a required approval. The extent of this assistance will be determined on a case-by-case basis. For government-initiated ecotourism investment opportunities, the government may undertake and bear the costs of some of the additional approval processes (see 'Assessment and approval' below).

If other approvals are required, the MPCBPAA will, as far as practicable within its jurisdiction, streamline the approval process and avoid duplication. For example, the MPCBPAA may refer to, or draw upon, any suitable documents already prepared by the proponent for other approvals, rather than requiring the development of new documents containing the same or similar information.

ASSESSMENT AND APPROVAL

The MPCBPAA has approved a dual approach for attracting investment for ecotourism facility opportunities in the form of:

- a MPCBPAA-led tender process where:
 - MPCBPAA identifies, assesses and prepares high quality sites with significant ecotourism potential on MPCBPAA public lands
 - MPCBPAA undertakes due diligence and preliminary assessments of environmental, heritage, infrastructure development, provision of utilities and planning issues to remove uncertainty and to release sites that are investor ready
 - sites released through a competitive expressions of interest (EOI) process aimed at attracting high quality innovative investors with the capability to realize the potential of the opportunity.
- an investor-led process:
 - investor responds to a government invitation for ‘general’ expressions of interest for ecotourism facilities on MPCBPAA public lands; or
 - investor identifies a site and a concept for an ecotourism facility and makes a submission to MPCBPAA for the proposal
 - the investor undertakes all due diligence and is responsible for all assessments and gaining all required approvals.

Although the different approaches to proposals for ecotourism facilities will require some differences in documentation, responsibility and timing for various parts of the assessment and approval process, all ecotourism facility proposals will be assessed and approved using the same broad criteria and model.

Assessment criteria

All ecotourism facilities will be evaluated against a set of statutory and merit assessment criteria. The criteria requirements focus on commercial aspects of proposals and their suitability as tourism products at the location. The merit criteria may overlap with the statutory criteria in some cases, for example, regarding public interest.

The elements of the assessment criteria are:

- the MPCBPAA requirements—a proposed facility must:
 - meet the definition of ecotourism facility
 - be in the public interest
 - be ecologically sustainable
 - to the greatest possible extent, preserve the land’s natural condition and protect the land’s cultural resources and values.

(The ‘Ecotourism requirements’ section provides details for these criteria and the Best Practice Ecotourism Development Guidelines provide relevant sustainability considerations.)

- the destination fit of the proposal—a proposed facility should:
 - align with the tourism destination focus and brand developed through the MPCBPAA’s destination management framework
 - provide new or innovative experiences for the destination
 - demonstrate a need to be located on a particular MPCBPAA public property within the destination.
- the commercial viability of the proposal—a proponent must demonstrate:
 - the long-term commercial viability of the proposed facility, including target markets
 - the financial capacity to fulfill the obligations, responsibilities and liabilities of establishing and operating the proposed facility
 - successful track record in delivering tourism infrastructure projects.

Assessment process

Ecotourism facility proposals will be considered on a case-by-case basis with proposals lodged through a MPCBPAA-initiated expression of interest process, having the additional element of competitive selection. The nature, scale and location of proposals will influence the level of information that a proponent is required to provide to enable a properly informed assessment to be made. The department may request additional information from a proponent if it is necessary for an adequate assessment.

Assessment of proposals will move through two stages as an iterative process between the department and proponent, with finer levels of detail being developed as the proposal proceeds. During this two-stage process, the level of information required will be generally similar to that required in other business planning and development approval circumstances.

Stage 1 Preliminary concept assessment

This stage requires the proponent to develop a concept proposal including:

- a description of the concept explaining the type, site location, size and capacity of intended facilities and due diligence of regulatory requirements
- the proposed services and activities to be provided
- a preliminary assessment of environmental or cultural values and an indication of likely impacts and mitigation measures
- a preliminary assessment of benefits to and impacts on the local community
- consideration of the best practice criteria outlined in the Best Practice Ecotourism Development Guidelines
- a description of the innovative or unique aspects of the proposal and how it fits the destination and fills an existing market gap
- identification of the target market and segment, market demand, and market competition
- an assessment of site suitability detailing why MPCBPAA land is required for the proposal
- demonstration of the financial and managerial capacity of the proponent to successfully establish and operate the proposed facility.

For competitive tender processes the initial expression of interest stage represents the preliminary concept assessment.

The proponent's requirements for Stage 1 will be reduced in the case of MPCBPAA-led investment opportunities. Prior to a competitive tender process, the department will conduct site assessments, environmental and cultural risk assessments, and due diligence for the site and present this information to prospective proponents.

If a concept proposal satisfies the criteria in Stage 1, the proponent will be invited to develop a full proposal for further consideration. If a concept proposal does not satisfy the criteria it may be rejected or the proponent may be advised to significantly modify the concept and seek re-evaluation.

Stage 2 Full proposal assessment

This stage requires the proponent to develop a detailed proposal. The content for this stage will be determined on a case-by-case basis, informed by the assessment in Stage 1. The required information will include:

- a site master plan detailing layout, design and function
 - an appropriate form of environmental impact assessment and a proposed environmental management plan (EMP) for the facility:
 - for some proposals a full environmental impact statement (EIS) will be required
 - proposals with a lower level of risk may require a simpler environmental risk assessment (ERA) rather than a full EIS—the MPCBPAA will advise suitable terms of reference for an ERA
 - all proposals will require an EMP to be maintained for the life of the facility—EMPs for most projects will be comprehensive while those for minor facilities with low risk may be minimal

- an appropriate form of cultural heritage impact assessment and, if required, a cultural heritage management plan
- details of how the proposal meets environmental, economic and social sustainability outcomes in the Best Practice Ecotourism Development Guidelines
- a full business case with financial projections including evidence of the long term commercial viability of the proposal
- information to allow for due diligence assessment of proponents.

The assessment process in Stage 2 is a more iterative process and will require discussion between the MPCBPAA and the proponent regarding key requirements and processes. The MPCBPAA may request additional information from the proponent at certain points if necessary for adequate assessment.

For competitive tender processes the second request for proposal stage represents the full proposal assessment.

Public consultation

Public consultation and/or notification on proposals for ecotourism facilities will be required at one or more points in the assessment process. This will usually occur during Stage 2 assessment.

Public consultation may also be needed to gain other required statutory approvals, such as environmental impact statements or local government development approvals. The MPCBPAA will, as far as practicable within its jurisdiction, avoid duplication of public consultation actions and, if feasible, consider the results of other public consultation processes in assessments.

Owners consent

Following an assessment of an ecotourism facility proposal and prior to an authority being granted, a proponent may be granted owners consent in order for the proponent to proceed with applying for any additional environmental, planning or development approvals.

Owners consent will only be given if a proposal has been assessed as compliant with the requirements for ecotourism facilities and having the proper permits from federal, state and local governments, if applicable.

AUTHORITY TYPE, TERM AND CONDITIONS

Type and term of authorities

The type and term (duration) of authorizations will be appropriate to the nature and scale of the proposed ecotourism facility and the individual level of capital investment, risk profile and rate of return on investment for each proponent.

The MPCBPAA provides for a variety of authority types that can be granted for ecotourism facilities, including a lease, agreement, license, permit or other authority.

Most ecotourism facilities will be authorized through leases which provide a long-term investment security. Leases may be granted for a term of 5 to 10 years with the ability to renew for a further 5-10 years. Applicants may also propose longer lease periods. Appropriate lease terms will be negotiated on a case-by-case basis and in exceptional circumstances a lease may be granted for a term longer than 30 years.

A license, permit or agreement may be granted for some types of ecotourism facilities. These will usually be for small scale, low impact infrastructure that supports commercial tour activities on MPCBPAA public lands. Permits or agreements will be granted for a period consistent with the tour operator's commercial activity permit or commercial activity agreement.

Determining rental arrangements

A flexible approach to setting rental returns to the MPCBPAA will be adopted and rental arrangements will be negotiated on a case- by- case basis. This approach recognizes the likely variation in the nature and scale of different facilities and the individual level of capital investment, risk profile and rate of return on investment for each proponent.

High start-up costs may be recognized and concessions in the form of early lower rental rates or graduated rate increases may be granted. Significant contributions to MPCBPAA management activities or benefits to local communities may also be considered in determining rental rates.

Rental options that can be adopted include:

- a scale of designated fees (e.g. for small, simple facilities)
- revenue sharing based on a proportion of the profit or turnover of the facility
- fee based on an independent valuation of the land to be used
- a combination of the above two options
- a negotiated fee (for any proposals that do not readily fit the other rental options)
- the highest acceptable bid received for a competitive tender process (for a specific high value opportunity).

Conditions and auditing of leases, permits, agreements, and insurance

Leases, permits or agreements (authorities) granted for ecotourism facilities will be performance-based with conditions that hold the lessee accountable for delivering the agreed environmental, social and economic outcomes. Ecotourism facilities will also need to carry the necessary insurance to cover their operation.

Authorities will be supported by appropriate environmental management plans, cultural heritage plans and/or facility operational plans. The authority will also include conditions that relate to operational compliance with these provisions such as enforcement actions and/or remedial actions for breaches of conditions.

All ecotourism facilities will undergo auditing of compliance with authority conditions at regular periods. Non-compliance with conditions will be subject to remediation processes or enforcement action.

Authority conditions will clearly identify the obligations for site rehabilitation, should an ecotourism facility cease to operate. In these circumstances, and where a facility is not taken over by another operator, the authority holder will be required to remove all traces of development and rehabilitate the site. These conditions may be supported by a requirement for the authority holder to lodge a rehabilitation bond or hold a bank guarantee at a level appropriate to the scale of the facility and required rehabilitation works.

Accreditation

Ecotourism accreditation provides an assurance that a certified product is backed by a commitment to best-practice ecological sustainability and the provision of quality ecotourism experiences.

In order to achieve best-practice ecotourism standards, ecotourism facilities and associated activities will be required to be accredited under a suitable accreditation scheme and this requirement will be included in authority conditions.

Appendix F: Gifts by Individuals and Corporations to the PAA

Steven S Hollberg, CPA, PC
P O Box 1180
Urbanna, Virginia 23175

March 8, 2017

Jackie Rickards
Middle Peninsula Public Access Authority
Regional Project Planner II
P.O. Box 286
Saluda, Va 23149

Re: Donations to Middle Peninsula Public Access Authority

Jackie,

You had asked for some guidance on gifts by individuals and corporations to the PAA as a governmental entity recipient.

These are intended as general guidelines and each specific case should be analyzed for the tax consequences that might result from a strategy in light of all the pertinent facts. Particularly, there are limitations regarding the size of non-cash gifts which are not addressed herein which would impact a large gift of land from a corporation.

General Guidelines for Contributions –

Individuals –

Generally, you can deduct contributions of money or property you make to, or for the use of, a qualified organization. A contribution is “for the use of” a qualified organization when it is held in a legally enforceable trust for the qualified organization or in a similar legal arrangement. The contributions must be made to a qualified organization and not set aside for use by a specific person.

If you give property to a qualified organization, you generally can deduct the fair market value of the property at the time of the contribution. Your deduction for charitable contributions generally can't be more than 50% of your adjusted gross income (AGI), but in some cases 20% and 30% limits may apply. In addition, the total of your charitable contributions deduction and certain other itemized deductions may be limited by adjusted gross income. Non cash donations of size are subject to specific rules for reporting the contribution and substantiating the value of the contribution.

Pass through entities, which are non-taxable, report the individual partner or shareholder's share of contribution through the K-1 forms appended to the entity tax return.

C Corporations -

While individuals donating to qualifying organizations are allowed to deduct up to 50 percent of their adjusted gross income as charitable contributions, businesses are limited to 10 percent of their taxable income. Many businesses opt to donate the maximum amount allowed each year. In general, the corporations have no restrictions on the amount of charitable contributions that they make. However, obtaining a current year tax deduction is another matter.

The IRS rules state a Corporation is entitled to deduct up to a maximum of 10% of a Corporations net taxable income without consideration of NOL and Charitable contribution. In other words, calculate the taxable income without deduction of charitable contribution, and a maximum limit is 10% of this taxable income.

Therefore, if there is no taxable income, the corporations would not be able to deduct charitable contributions for that calendar year. If the C corporation made a contribution in excess of the 10% limit, the IRS allows the Corporations to simply carryover the excess to future years, to allow deductions in those years provided the rules for deductibility are met.

So, look at the corporate tax rate for guidance on how a charitable gift impacts taxes and what size would be allowed:

Taxable Income	Federal Income Tax Rate
0 - \$50,000	15%
\$50,000 - \$75,000	25%
\$75,000 - \$100,000	34%
\$100,000 – \$335,000	39% (the 34% basis rate + a 5% surcharge)
\$335,000 - \$10,000,000	34%
\$10,000,000 - \$15,000,000	35%
\$15,000,000 - \$18,333,333.33	38% (the 35% basis rate + a 3% surcharge)
> \$18,333,333.33	35%

The table above, then, implies that the benefit for a \$100,000 gift would be, for a C corporation with \$1M in profit, subject to the IRS definition, \$34,000.

But the devil is always in the details and, as stated above, each case needs to be analyzed in light of tax law and is beyond the general guidance provided by this memorandum.

For further detail, here are some specifics from the Tax Code:

- (1) There shall be allowed as a deduction any charitable contribution (as defined in subsection (c)) payment of which is made within the taxable year. A charitable contribution shall be allowable as a deduction only if verified under regulations prescribed by the Secretary.
- (2) Corporations on accrual basis - In the case of a corporation reporting its taxable income on the accrual basis, if—
 - (A) the board of directors authorizes a charitable contribution during any taxable year, and
 - (B) payment of such contribution is made after the close of such taxable year and on or before the 15th day of the fourth month following the close of such taxable year, then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the Secretary shall by regulations prescribe.

Contributions of property other than cash. If a corporation (other than a closely held or a personal service corporation) claims a deduction of more than \$500 for contributions of property other than cash, a schedule describing the property and the method used to determine its fair market value must be attached to the corporation's return. In addition, the corporation should keep a record of:

- The approximate date and manner of acquisition of the donated property, and
- The cost or other basis of the donated property held by the donor for less than 12 months prior to contribution.

Closely held and personal service corporations must complete and attach Form 8283, Noncash Charitable Contributions, to their returns if they claim a deduction of more than \$500 for non-cash contributions. For all other

corporations, if the deduction claimed for donated property exceeds \$5,000, complete Form 8283 and attach it to the corporation's return.

A corporation must obtain a qualified appraisal for all deductions of property claimed in excess of \$5,000. A qualified appraisal is not required for the donation of cash, publicly traded securities, inventory, and any qualified vehicles sold by a donee organization without any significant intervening use or material improvement. The appraisal should be maintained with other corporate records and only attached to the corporation's return when the deduction claimed exceeds \$500,000 (\$20,000 for donated art work).

Qualified conservation contributions. If a corporation makes a qualified conservation contribution, the corporation must provide information regarding the legal interest being donated, the fair market value of the underlying property before and after the donation, and a description of the conservation purpose for which the property will be used. For more information, see section 170(h) of the Internal Revenue Code.

Contributions of used vehicles. A corporation is allowed a deduction for the contribution of used motor vehicles, boats, and airplanes. The deduction is limited, and other special rules apply. For more information, see Pub. 526.

Reduction for contributions of certain property. For a charitable contribution of property, the corporation must reduce the contribution by the sum of:

- The ordinary income and short-term capital gain that would have resulted if the property were sold at its fair market value, and
- For certain contributions, the long-term capital gain that would have resulted if the property were sold at its fair market value.

The reduction for the long-term capital gain applies to:

- Contributions of tangible personal property for use by an exempt organization for a purpose or function unrelated to the basis for its exemption;
- Contributions of any property to or for the use of certain private foundations except for stock for which market quotations are readily available; and
- Contributions of any patent, certain copyrights, trademark, trade name, trade secret, know-how, software (that is a section 197 intangible), or similar property, or applications or registrations of such property.

Larger deduction. A corporation (other than an S corporation) may be able to claim a deduction equal to the lesser of (a) the basis of the donated inventory or property plus half of the inventory or property's appreciation (gain if the donated inventory or property was sold at fair market value on the date of the donation), or (b) two times basis of the donated inventory or property. This deduction may be allowed for certain contributions of:

- Certain inventory and other property made to a donee organization and used solely for the care of the ill, the needy, and infants. Special rules apply to qualified contributions of "apparently wholesome food" (see section 170(e)(3)(C) of the Internal Revenue Code).
- Scientific property constructed by the corporation (other than an S corporation, personal holding company, or personal service corporation) and donated no later than 2 years after substantial completion of the construction. The property must be donated to a qualified organization and its original use must be by the donee for research, experimentation, or research training within the United States in the area of physical or biological science.

This is not as brief as you might have desired, but you need to be aware, when it comes to corporations and donations of noncash assets, the analysis is impacted by a number of constraints.

Thanks for your interest.

Sincerely,

Steven S Hollberg, CPA

Appendix G: Corporate Sponsorship Opportunities and Application

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY



Corporate Sponsorship Opportunities and Application

To help the Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) attain its goal of improving public access to waters within the Middle Peninsula, corporate sponsorships are encouraged and welcome. There are three options for businesses to consider, including financial sponsorships, service day sponsorships, or land donations to the PAA. Financial Sponsorships cover the cost of improvement projects on PAA lands, legal costs of closings for acquiring new land, land management, and provision of matching funds for grant-funded projects. Service Day Sponsorships entail corporate employees volunteering on PAA properties to help with site improvements. A service day could include planting wetland grasses to reduce shoreline erosion, creating trails, hanging signs on property lines, or other pertinent needs on specific PAA properties. Finally, Land Donations can be made to expand PAA’s network of public access lands.

Corporate sponsorships benefit both the MPCBPAA as well as the sponsor. The table on the second page of this document provides a list of financial sponsorships and corresponding benefits to your business. The table also includes a Service Day and Land donation option and corresponding benefits.

Donating land for conservation is considered a charitable gift and the value of the donation may be deducted from the donor’s income. Here’s how the deduction is calculated:

- 1) **Adjusted Gross Income (AGI) is lowered up to 30%.** This maximum 30% reduction in your AGI applies to your Federal and Virginia state tax filing;
- 2) **This Reduction May be Applied Over Multiple Years.** The reduced AGI can be used for up to six years or until the total tax savings equals the value of the donated land, whichever comes first; and
- 3) **Virginia Offers Additional Tax Credits.** The Virginia Land Conservation Incentives Act of 1999, as amended, offers a state income tax credit for those who donate land for conservation purposes. The credit is 40% of the value of the donated land. Any unused credit in year one can be carried over for up to 10 more years. Unused credit may be sold or transferred.

CORPORATE SPONSORSHIP APPLICATION FROM

Company Name: _____

Contact Name: _____

Title: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

CORPORATE SPONSORSHIP OPPORTUNITIES

Corporate sponsorships enable the Middle Peninsula Chesapeake Bay Public Access Authority (PAA) to improve management of over 1000 acres of public access properties in the Middle Peninsula, providing access for hunting, birdwatching, beachcombing, picnicking, boating and other activities. Participating businesses can receive the following benefits with their gift:

Financial Sponsorships							
	Platinum (\$10,000 or more)	Gold (\$5,000 or more)	Silver (\$2,500 or more)	Bronze (\$1,000 or more)	Other Amounts	Service Day	Land Donation
Company name is included in name of property	✓						✓
Free access to PAA public lands on reservation sites for 3 years	✓						✓
Free access to PAA public lands on reservation sites for 1 year		✓					
Logo listed on PAA website	✓	✓		✓	✓		✓
Press Release about contribution	✓	✓		✓	✓	✓	✓
Eco-tour of nearby river/waterway						✓	