

CHAPTER 5

I. ACCESS TO STATE WATERS

A. INTRODUCTION

In 1988, the Chesapeake Bay Preservation Act (CBPA) was passed into law in Virginia. The purpose of the CBPA is to protect and improve the water quality of the Chesapeake Bay, its tributaries, and other state waters by minimizing the effects of human activity upon these waters. The CBPA is designed to protect certain lands that if improperly used or developed may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries. The CBPA resulted in the creation of the Chesapeake Bay Local Assistance Board, which was charged with developing regulations that establish criteria providing for the protection of water quality, but will also accommodate economic development. The Chesapeake Bay Preservation Area Designation and Management Regulations were developed and became final in November 1990. These regulations have become the Tidewater Counties' guide in developing their own required local programs. Lancaster County implemented its Chesapeake Bay Preservation Ordinance in September 1991.

The Final Regulation (VR 173-02-01) Part V, Implementation, Assistance, and Determination of Consistency, details what is required of localities in carrying out the Chesapeake Bay Preservation Act. One requirement placed on the localities is that their Comprehensive Land Use Plan complies with the CBPA. The CBPA regulations state that the comprehensive plan, or plan component, should consist of the following basic elements: (i) a summary of data collection and analysis; (ii) a policy discussion; (iii) a land use plan map; (iv) implementing measures, including specific objectives and a time frame for accomplishment.

As part of the comprehensive plan element of the CBPA regulations, localities must address policies on a number of water quality issues. These issues include physical constraints to development, protection of potable water supply, relationship of land use to commercial and recreational fisheries, appropriate densities for docks and piers, and the provision of public and private access to waterfront areas and the effect on water quality.

This document represents a revision of the adopted Lancaster County Comprehensive Land Use Plan (2007). It addresses the water quality issues listed in the regulations, and is designed to fulfill the County's requirements under the Chesapeake Bay Preservation Act.

B. ASSESSMENT OF EXISTING CONDITIONS

Chesapeake Bay Act Regulations regarding public and private access to the water encourage localities to maximize human access to the water while minimizing the impact on the environment. The Regulations recognize there are many groups competing for

access to the water, but only a limited amount of shoreline. Waterfront homeowners, commercial fishermen, seafood industry owners, commercial business owners, and recreational users all require access to the water. These same users have the ability to negatively impact the water to which they are attracted.

The Regulations recognize that human access to the water can have many negative impacts on the environment. Construction of boat ramps and piers can result in the disrupting of wetlands, the clearing of shoreline vegetation, and alteration of the existing shoreline. Dredging required to maintain access to navigable channels can result in the stirring up of pollutants settled on the water bottom, as well as loss of submerged aquatic vegetation. Boat wake may result in an increase in shoreline erosion. Lastly, boating activity can result in water pollution from toxic hull paints, engine fluids, and improper disposal of human waste (Page VI-80 Local Assistance Manual, Chesapeake Bay Local Assistance Department; Richmond, VA: November, 1989). The Regulations encourage localities to find ways to minimize these resulting impacts of human access to the water.

The goal of the Lancaster County Public and Private Access to Waterfront Areas Study is to document alternatives that can satisfy access demands within our County, while ensuring continued protection of our unique waterfront environment. Existing access opportunities are identified. Demand for access is determined and additional need for access in Lancaster County identified. Feasible recommendations concerning public and private access to waterfront areas in Lancaster County were documented.

Many sources of data were used in developing the Public and Private Access to Waterfront Areas Study and Plan. Included are the Department of Health's Shoreline Sanitary Surveys for Lancaster County's water bodies, 2010 U.S. Census Data for the County, the Virginia Institute of Marine Science's 2001 Shoreline Situation Report for Lancaster County, and County-owned digital tax map coverage of Lancaster County from the Information Support System Lab at Virginia Tech. The tax map delineation is the reference for identification of areas within the County.

C. EXISTING CONDITIONS

The Chesapeake Bay to the East and the Rappahannock River to the South border Lancaster County. Other tidal water bodies flow through the County on the way to the Bay and River including Lancaster Creek, the Corrotoman River (Western and Eastern Branches), Carters Creek, Indian Creek, Dymer Creek, Tabbs Creek, Antipoison Creek, and/or branches off of these.

1. Shoreline Land Ownership

Over 97% (approximately 320 miles) of the land adjacent to tidal shoreline in Lancaster County is owned privately. The exceptions include Belle Isle State Park, Greenvale Creek Public Boat Landing, Windmill Point Canoe/Kayak Launch site and the Westland Beach area at the end of Route 695 (Windmill Point Road). Additionally, a parcel on

Taylor Creek has been deeded to the county for public use, but remains undeveloped as of 2012.

2. Shoreline Land Uses

Land uses along the shoreline include private residential, agricultural, industrial, commercial, recreational, forest, and wetland. The April 1994 Lancaster County Shoreline Inventory conducted by the Northern Neck Planning District Commission detailed the following land use categories: residential; agricultural; seafood industry; commercial; forest; wetland; public/recreational; other. When this inventory was done there were 2,713 residential parcels in Lancaster County with fewer than 3% having more than one dwelling unit per parcel. The fact that there were 7,372 dwelling units in Lancaster County by 2009 (Source: U.S. Census Bureau) highlights the significant growth in this already predominant category. This growth has occurred primarily on the shoreline through planned developments, subdivision of larger parcels, and, of great concern, redevelopment of dormant seafood processing sites.

The growth in residential shoreline use is important because it reflects the demand for access to the water. Waterfront locations are valued as desirable sites for home building due in part to the unavailable water access for non-waterfront residential areas. However, growth in the number of residences on the shoreline can result in degradation of water quality. The initial clearing of a building lot, followed by the actual construction of a new home can lead to increased run-off of sediment into state waters. New waterfront residences also allow more opportunity for increased recreational use of state waters, as well as more opportunity for development of individual boat access and mooring structures. The cumulative effect of lot clearing, home construction, increased recreational use of water, and additional development of individual water access can result in degraded water quality.

As more land is devoted to residences, less land is available for other uses. Residential land generally provides access only to the owners of the property. This is not the case with other types of land uses such as commercial marinas, which satisfy considerable water access demand with a single parcel. Therefore, tax maps with high percentages of residential shoreline uses are considered priorities in targeting potential access opportunities. Such maps in Lancaster County are 4, 11, 12, 19, 20, 22, 26, 27, 29, 30, 31, 33, 34, 35, and 39 as based on the system that breaks the County up into forty-one grids.

. Commercial Uses

Shoreline commercial uses in Lancaster County include marine resorts, inns, restaurants, boat repair facilities, and marinas. These uses contribute greatly to the County's economic vitality. Many tourists, seasonal homeowners, and recreational water users are drawn to Lancaster County because of the access opportunities and services that are provided here. Access in commercial areas can range from views of the water while dining to the rental of a boat for a day of

sailing. Overall, commercial shoreline uses are necessary in order to satisfy a large amount of the public demand for access to the water.

Shoreline commercial uses can also have an impact on the environment. These uses generate increased amounts of boating activity, as well as providing areas for long-term boat mooring. The cumulative effect of intense boating activity and boat mooring can result in decreased water quality and condemnation of shellfish grounds in the vicinity of the boating operation.

Industrial Uses

Industrial shoreline uses are mainly comprised of seafood processing businesses, with the exception of one grain loading facility on Indian Creek. The seafood industry has traditionally been a strong component of Lancaster's economy. However, during the period from 1984 to present the seafood industry has been in steady decline in Lancaster County due to decreases in marketable oyster, crab and fish populations, and, as earlier indicated, the deactivation of industry. Seafood industry sites, active and inactive, provide access to commercial watermen and others, and they stand as reminders of the important role this industry has played in the history and culture of Lancaster County.

Public/Recreational Uses

Recreational shoreline uses are valuable because they provide access to the water for the general public. Recreational shoreline users include visitors to the area, recreational boaters, and residents of the County who have no other access options. In Lancaster County there are few public recreational shoreline uses. Lancaster County and the Department of Game and Inland Fisheries provide boating access at the Greenvale Creek Public Boat Landing, Belle Isle State Park, and the Windmill Point Canoe/Kayak Launching Facility. The Westland beach area at the end of Windmill Point Road offers public swimming to the citizens of Lancaster. Belle Isle State Park offers boating and fishing access as well as camping, nature trails and observation decks. The Taylor Creek site, when developed, will lend itself to car top boat launching and shoreline walking/nature trails.

3. Population

According to the 2010 U.S. Census, Lancaster County had 11,391 residents, which is a decline of 176 residents or 1.5% less than the prior census. The population in Lancaster County is greatest in the part of the County east of the Corrotoman River near the three towns of Kilmarnock, White Stone, and Irvington. Population densities in this part of the County range from 76 - 279 people per square mile. This is in contrast to the more

sparsely populated western part of the County which has population densities ranging from 0 – 75 people per square mile.

4. **Water Quality**

Quality of surface waters is of vital importance to the Lancaster County community. Commercial fishermen, seafood industry owners, marina owners, and related employees depend on local waters for their livelihood. Citizens of the County enjoy living in a rural scenic setting that is enhanced by views of, and access, to the water. Finally, the water is a source of recreation for many in the Lancaster County community, as well as for many visitors to the area.

Non-point Source Pollution

This source of pollution, along with a summary of Lancaster County watersheds and their priority for cleanup of non-point source pollution was discussed in Chapter 3 (“Threats to Surface Water Quality”). Efforts to eliminate existing non-point source pollution will involve the commitment of considerable resources. As this occurs, consideration must be given to new uses of surface water to ensure that pollution caused by them does not negate or offset these efforts. Unlike the past, each new facility or permitted use must be evaluated as a potential source of pollution.

Condemned Shellfish Grounds

Another indicator of surface water quality is the location of condemned and seasonally condemned shellfish grounds. Typically shellfish condemnation areas in Lancaster County are found only in small portions of creeks, not throughout the entire creek. Exceptions are Carter Creek, Greenvale Creek, Paynes Creek, Beach Creek, Lancaster Creek, Mulberry Creek, and the Eastern Branch of the Corrotoman River, which are all mostly, or totally, designated as condemned or seasonally condemned. A current listing of Lancaster County shellfish condemnations can be found by accessing:

www.vdh.state.va.us/environmentalhealth/shellfish/closuresurvey/lancaster/index.htm

Locations of shellfish condemnations are important water quality indicators because the waters have been condemned due to elevated levels of fecal coliform bacteria. High levels of fecal coliform bacteria can be due to animal (domestic and wild) waste, failing septic systems, marinas, or the flushing characteristics of the particular water body.

The statistics related to water quality over time are disappointing in that they not only show no improvement but also reflect greater area that has been condemned. While some of this might be explained by better monitoring mechanisms and stricter standards, the fact remains that in 2012 a greater portion of County waters

are condemned than at any other time since monitoring began. Corrective action must be taken if the commercial seafood industry that has been a part of the cultural tradition of the County is to be restored to something approaching former levels.

5. Marine Resources

Lancaster County is fortunate to benefit from the presence of marine resources. These natural resources include Submerged Aquatic Vegetation, Wetlands, and Shellfish Grounds. Descriptions of these features, their functions in the man-made and natural environments, and the extent of their presence in Lancaster County are given below.

a. Submerged Aquatic Vegetation

Presented in Chapter 3 with further information found by accessing:

=

www.vims.edu/bio/sav/?svr

b. Wetlands

Wetlands are defined by the United States Fish and Wildlife Service as "lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water" (Pg. 4, Atlas of National Wetlands Inventory Maps of Chesapeake Bay. U.S. Fish and Wildlife Services; September, 1986.). Generally, wetlands can be classified as either tidal or non-tidal. Locally, Lancaster County has approximately 4,504 acres of tidal wetlands and 1,349 acres of non-tidal wetlands (figures were obtained using the Lancaster County Geographic Information System utilizing a digital National Wetland Inventory map layer).

Wetlands are important natural resources that provide many positive benefits to the man-made and natural environments. Wetlands provide aesthetic, recreational, and economic benefits to the community. Furthermore, wetlands are spawning and nursery grounds for finfish and shellfish, feeding and wintering sites for migratory waterfowl, nesting habitat for shore birds, and home to a wide variety of wildlife. Wetlands further serve as important areas for groundwater recharge, flood control, pollution absorption, and retention of sediment from storm water run-off (Pg. 1, Atlas of National Wetlands Inventory Maps of Chesapeake Bay. U.S. Fish and Wildlife Services; September, 1986).

The United States Fish and Wildlife Service now has the National Wetlands Inventory Available for viewing on the internet in an interactive mapping website. The USF&W NWI Wetlands Mapper can be located at:
<http://www.fws.gov/wetlands/Data/Mapper.html>

c. Shellfish Grounds

Lancaster County has suitable shellfish grounds in the water adjacent to its shores. Despite dramatic decreases in shellfish populations and catches, these grounds remain a valuable resource that should be protected. While it cannot be determined if or when shellfish populations will recover, the possibility remains that they will, or that a more disease resistant strain of oyster will be introduced.

The Commonwealth of Virginia has instituted a rotational oyster harvest system in the Lower Rappahannock River. It allows for some areas to be off limits to allow oysters to mature, while still allowing nearby beds to be harvested to allow for some return, as well as keeping the oyster beds active by removing siltation that has accumulated. This system seems to be working well and offers hope for wild Rappahannock River oysters.

The Virginia Coastal Zone Management (VACZM) Program has a brochure that outlines the success of the rotational oyster harvesting system. The VACZM publication can be accessed here:

<http://www.deq.state.va.us/Portals/0/DEQ/CoastalZoneManagement/section-oct2011-mar2012.pdf>

The Virginia Coastal Zone Management Program has also created an interactive mapping website called Coastal GEMS that allows users to see all of the marine resources in the Virginia Coastal Zone. Users can zoom into their particular county, or even their nearby creek. Users can add layers to show marine resources such as Public Oyster Grounds, Submerged Aquatic Vegetation Areas, Anadromous Fish Use Areas and Privately Leased Oyster Grounds, as well as various Conservation Planning Models. The interactive coastal mapping service is found at:

<http://www.deq.state.va.us/Programs/CoastalZoneManagement/CoastalGEMSGeoSpatialData.aspx>

6. Existing Access

. Private Access

The large majority of access to the water in Lancaster County is private. Private access includes private waterfront, boat ramps, piers, docks, boathouses, and beaches. As discussed in the Shoreline Land Use section, people utilizing private access to the water in Lancaster County include private homeowners, commercial business operations, and water-dependent industries.

b. Private Access and Pier Densities

Private access to the water satisfies a large part of the access demand within Lancaster County. However, impacts of private access to the water can clearly be seen in the results of the June 2001, Lancaster County Shoreline Situation Report. The inventory shows there are 1,690 piers in the waters of Lancaster County. As of 2012, it is estimated that this number has increased to approximately 1,820 piers or roughly one for every two shoreline parcels. Densities of piers vary widely within the County. Tax maps which have a higher than average percentage of piers include maps 20, 22, 26, 27, 29, 33, 34, 35, 39, and 41. However, as other areas are developed, this distinction will be less apparent, and a high concentration of piers can be expected throughout the County.

The majority of piers are located at residential parcels along the shoreline. Riparian rights of these property owners guarantee them access to state waters. In Lancaster County this means one pier per land parcel unless the parcel fronts two separate water bodies in which case two piers would be allowed. Access granted to residential waterfront property owners is often of low-intensity, but not without impact on the environment. In areas of the County where pier densities are greatest, almost every parcel has its own pier. These piers are often used for long-term boat mooring, not just for day use of boats. The cumulative effect of high pier densities and long-term boat mooring can result in decreased water quality within that body of water.

Public Access

Presently there is limited public access to the water in Lancaster County. Greenvale is a public boat landing located on the western side of the County at Greenvale Creek. This boat landing is a day use facility with an in-out ramp and a boarding dock. Public access is available at Belle Isle State Park, which is also located in the western half of the County. On the east side of the County, the Windmill Point Canoe/Kayak Launching facility is located at the intersection of VSH 695, Windmill Point Road and Brightwaters Drive, and the Westland beach area is located at the end of VSH 695, Windmill Point Road. Existing public access sites can be located on tax maps 12, 15, 19 and 40.

Public Access can be beneficial in that usually an in-out ramp and parking are the only services provided boaters. The lack of long-term mooring encourages the use of these facilities by recreational boaters, who put boats in the water and take them out the same day.

II. DETERMINING ADDITIONAL NEED FOR PUBLIC ACCESS

In assessing access to the water in Lancaster County it is evident that the supply of access is also in transition. In the past, much of the general public was able to access state waters through informal arrangement. That is no longer the case. Access has become

very limited for non-waterfront residents, and the rest of the general public (visitors). These people can dine near the water, charter boats, or keep their own boat at a marina, but their options are limited by a lack of variety and financial constraints. Currently, there is no public pier for fishing in Lancaster County. Of the two public boating access sites, Greenvale is located away from the majority of the population in the County, is not near the Chesapeake Bay, and access is difficult absent regular dredging operations. Future opportunities to expand the variety and number of public access sites in Lancaster County are jeopardized by the expanding use of shoreline for residential purposes, and could very well become nonexistent in the near future.

Loss of access opportunities in Lancaster County could also limit viable options for the seafood industry. Although the decline in shellfish and finfish might have harmful effects on resources needed to sustain a seafood processing company, the supply could possibly be enough to support small commercial fishing operations and markets. Additionally, the remaining supply could definitely support a thriving recreational fishing market in Lancaster County. Reactivation of inactive seafood industry sites could ensure that these unique landmarks on the County's waterfront remain.

As far back as 1989, the Virginia State Outdoor Plan documented the need for expanded access to tidal waters. This situation has not changed during the intervening twenty-three years and, arguably, has worsened, especially in Lancaster County. Aerial surveys, public boat ramp surveys, and commercial marina surveys were conducted to measure existing demand and additional need of access.

First, the plan states that additional access is needed to the Rappahannock and Corrotoman Rivers. Second, the plan recommends that additional access sites should be considered in the western half of the County. Third, the plan encourages that access sites in the portion of the County east of the Route 3 (Norris) Bridge be considered. Lastly, the plan cites the Fleets Bay and Indian Creek areas of the County as having many protected sites. These sites would offer direct access to the Chesapeake Bay. The plan recommends that undeveloped publicly owned sites should receive attention for evaluation and development. These recommendations are as valid in 2012 as they were in 1989.

As the various surveys in the 1989 plan documented, the average Tidewater county has approximately four public boat ramps and eight total public access sites to the water. When considering the total amount of shoreline miles in each county, this equates to one public access site for each 31.5 miles of shoreline. Lancaster County has fewer than the average number of public boat ramps, total public access sites, and access sites per mile of shoreline. While one access site was added in 2003, an additional six access sites is needed to have an average of one access site per 31.5 miles of shoreline in the County.

III. ADDRESSING THE NEED

In 2002 a Citizens Advisory Group was formed to address the need for public access to state waters in the County. Their report contained specific recommendations for expansion of public access to the state waters while acknowledging obstacles. Foremost among these obstacles is the price of suitable land with shoreline, on the rare occasions that such land becomes available, and the corresponding limited amount of available state and local funds. To overcome this obstacle alternative means must be employed. These alternatives include Public/Private Partnerships, Use Agreements, proffered sites from developers, and recreational land acquisition funds. In addition, the County will encourage public-for-pay facilities by working with developers of commercial waterfront properties such as hotels and marinas.

In 2005, the Virginia General Assembly enabled the formation of the Northern Neck Chesapeake Bay Public Access Authority (NNCBPAA) if any of the counties in the region declared the need for a public access authority. On September 12, 2006, three counties in the Northern Neck - Lancaster, Northumberland and Westmoreland executed the operating agreement to form the Northern Neck Chesapeake Bay Public Access Authority to enhance public access within their jurisdictions. There are seven duties that the authority is charged with undertaking:

1. Identify land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site
2. Research and determine ownership of all identified sites
3. Determine appropriate public use level of identified access sites
4. Develop appropriate mechanisms for transferring title of Commonwealth or private holdings to the Authority
5. Develop appropriate acquisition and site management plans for public access usage
6. Determine which holdings should be sold to advance the mission of the Authority
7. Perform other duties required to fulfill the mission of the Northern Neck Chesapeake Bay Access Authority.

The Northern Neck Chesapeake Bay Public Access Authority consists of two directors from each participating county (one of which is a member of the appointing governing body or its chief operating officer).

In October 2007 at the seventh meeting of the Northern Neck Chesapeake Bay Public Access Authority, Lancaster County representatives requested funding from the NNCBPAA to conduct environmental studies on a potential access site on a tributary to the Chesapeake Bay within Lancaster County. The NNCBPAA granted this request for funding to be used by Lancaster County in assessing the suitability of the parcel for public water access.

The Northern Neck Chesapeake Bay Public Access Authority, staffed by the Northern Neck Planning District Commission, is currently available to assist its member counties

to increase public access opportunities within their locality. For more information please visit:

<http://www.nmpdc.org/PAGES/PAA/public-access.htm>

A. GENERAL SITE CONSIDERATIONS AND ACCESS NEEDS

In determining locations for potential public access sites to the water, there are general site criteria that should be considered for initial screening purposes. Generally, public access sites to the water should have state road access, a location close to population centers, and availability of water suitable for the planned use of the site. Additionally, when acquisition funds are limited, a parcel of land publicly owned is optimal. These general site criteria can be applied as screening tools for all types of potential public access locations. Additional site considerations are dependent on the intended use of the parcel of land. Types of access and additional site considerations are discussed below. Many of the presented site considerations are drawn from the Chesapeake Bay Area Public Access Technical Assistance Report (see p. 5-18 for Cited Sources).

1. Types of Access and Site Considerations

a. Natural Area Access

Natural area access can be sited on small or large parcels. Smaller parcels can be utilized for viewing, observation, or overlook areas adjacent to roadways. These parcels should have enough room to provide parking for several cars, and should also have enough area to allow users to safely enter and leave the adjacent roadway. Lastly, this type of public use should be located where expansive views are offered the user. These locations would include scenic views of the water or of large marsh/wetlands areas.

Natural area access can also be provided on large parcels of land. These parcels are best suited for nature trails that provide the user active recreation while also offering opportunities for nature observation and scenic views. Examples of this type of use in Lancaster County include the Hickory Hollow Nature Trail located off VSH 604, Regina Road and the Baylor Nature Trail located within the Town of Kilmarnock at Norris Pond off VSH 3. Parcels that are best suited for this use would be large farms, or the large tracts of woodlands owned by the timber companies.

b. Beaches and Swimming Areas

Beaches and swimming areas are a moderately intense to intense use of land. Sites for these activities should be medium to large size parcels of land, with a minimum size of approximately three acres. In some instances adjacent land uses and specific lot configuration could allow use of a smaller parcel. However, all potential sites should have sufficient area for parking and support facilities.

Additionally, candidate sites should have ample shore frontage, preferably with an existing beach. If possible the beach should be wide, sandy, and not in danger of erosion. Water access at the site should be in easy walking distance from parking areas. Swimming water at potential sites should be clean, have little current, no sharp drop-offs, and a sandy, firm bottom. Additionally, candidate sites for beaches and swimming areas should be located away from commercial waterfront areas and heavy boating traffic. Wetland areas should be avoided in areas planned for pedestrian traffic or water access. Additionally, areas of shore where there is submerged aquatic vegetation (SAV) growth and threatened or endangered species present should be avoided.

c. Fishing Piers

Fishing piers are moderately intense uses that can be more intense at the peak of the fishing season. Potential sites for fishing piers can either be small or large parcels of land. Size is more dependent on the particular layout of a potential site. Whatever the size, candidate sites should have good shore frontage. Above all, potential sites should be located along a body of water that has a sufficient population of game fish. Availability of fish to catch will be the deciding factor in the success of the pier.

Additionally, potential pier sites will be selected that offer no obstructions for navigable channels and with water depth an average of two feet at mean low water. Erosion rates at the site should be less than two feet a year or erosion protection might be needed. Wind and wave action should also be considered due to the effect they may have on long-term maintenance of the facility. Environmentally, no wetlands should be disrupted and areas of submerged aquatic vegetation (SAV) should be avoided. Lastly, the site should have sufficient area for parking and support facilities.

d. Bank Fishing and Crabbing

Bank fishing and crabbing is generally a less intensive use. Potential sites should be located on small or large parcels of lands. Smaller parcels would have to be configured with a large shoreline area and sufficient room for parking. Access could be provided on a parcel as small as a 1/3 acre, particularly if a dock is used or there is good shoreline.

Bank fishing and crabbing areas should be on water with a good supply of fish and crabs. As with piers, the success of the site will depend on the availability of fish and crabs to catch. Potential sites should have an average depth of two feet at mean low water and should be located away from commercial or industrial waterfront areas. Candidate sites should also have low erosion rates, little wind/wave action, and offer no obstruction to navigable channels. Lastly, pedestrian walkways and water access should not disrupt any wetlands on the site.

e. Car top Boat Launching

Car top boat launching is usually a less intensive use. These areas are used to provide access to users of canoes, rowboats, wind boards, etc. Sites are generally located on smaller, shallower bodies of water. These sites can be developed on parcels as small as one-half acre depending on lot configuration and adjacent uses. Potential sites should have sufficient area for parking, a shoreline area suitable for launching of small boats, and no wetlands in the utilized area. Water at the site should be conducive to operation of small boats and can have a depth as shallow as one foot at mean low water.

f. Marinas, Boat Ramps and Boarding Docks

Boating access areas that provide ramps are generally intensely used during boating and fishing season. Due to the possible impacts boating can have on the environment, it is important to target suitable areas for these facilities. The Virginia Marine Resource Commission's Subaqueous Guidelines publication details criteria to be followed in choosing potential locations for boating facilities. The criteria are found in "Criteria for the Siting of Marinas or Community Facilities for Boat Mooring." (4VAC-20-360-10)

VMRC Marina And Community Facility Siting Criteria Check List

Criteria	Undesirable	Desirable
Water Depth	< than 3 ft. MLW.	> than 3 ft. MLW.
Salinity	Suitable for shellfish growth	Unsuitable for shellfish growth
Water Quality	Approved, conditionally or seasonally approved for shellfish harvesting	Closed for direct marketing of shellfish. Little or no potential for future productivity
Designated Shellfish Grounds	Private leases or public oyster ground in proximity	No private leases or public ground within affected area. No potential for future productivity
Maximum Wave Height	> than 1 ft.	< than 1 ft.
Current Dredging	Greater than 1 knot. Requires frequent dredging. No suitable site for dredged material	Less than 1 knot. Does not require frequent maintenance. Suitable for all dredged material
Flushing Rate (Tidal Exchange)	Inadequate to maintain water quality	Adequate to maintain water quality
Proximity to Natural or Improved Channel	> than 50 ft. to navigable water depths	< than 50 ft. to navigable channel
Threatened or Endangered Species	Present as defined in existing	Absent; project will not affect

	regulations, or project has potential to affect habitat	
Adjacent Wetlands	Cannot maintain suitable buffer	Suitable buffer to be maintained
Navigation and Safety	Water body difficult to navigate or presently overcrowded conditions exist	Navigation not impeded
Existing Use of Site	Presently used for skiing, crabbing, fishing, swimming or other potentially conflicting uses	Not presently used for skiing, fishing, swimming, or other recreational uses
Submerged Aquatic Vegetation	Present	Absent.
Shoreline Stabilization	Bulkheading Required	Shoreline Protected by natural or planted vegetation or riprap.
Erosion Control Structures	Groins and/or jetties necessary	No artificial structures needed
Finfish Habitat Usage	Important spawning and nursery area	Unimportant area for spawning or nursery for any commercially or recreationally valuable species

B. RECOMMENDATIONS

In considering public access in Lancaster County, publicly owned land will be evaluated first. The Windmill Point Canoe/Kayak Launching site has been improved to include a car top launch facility, and two more unimproved sites have been secured for public use on the upper part of the Western Branch of the Corrotoman and Taylor Creek respectively. While a step in the right direction, the need in the lower part of the County remains. This need will be addressed by focusing on land that might be used at minimal cost through use agreements or partnerships. Included in this category are inactive seafood industry sites, large timber tracts and farms, and private boat ramps that are currently available for use by the public. Land that might be acquired at reasonable cost, such as smaller parcels for bank fishing or crabbing and car top boat launching, will also be pursued if and when it becomes available.

1. Natural Area Access

In addition to Belle Isle State Park, there are two publicly owned tracts of land which are suited for natural area access -- the Westland beach area located at the end of Windmill Point Road and the Western Branch of the Corrotoman which is accessed off VSH 3 between Lancaster Courthouse and Lively. Consistent with the Master Plan, Belle Isle State Park now has a well developed natural area access including both nature trails and observation areas or decks. Future efforts will focus on the Westland beach area and further development of the Western Branch site.

While restricted in size, the Westland beach area at the end of Windmill Point Road is

suitable for natural area access and an observation or overlook site. The site offers extensive scenic views of the Rappahannock River and Chesapeake Bay. When considering environmentally sensitive features, there are no wetlands present at the site, there are no SAV beds growing immediately adjacent to the shoreline, and the nearby shellfish grounds are condemned due to a nearby marina. Parking spaces can be provided in the present turnaround area or a possibly expanded area, and a walkway constructed to allow access to the waterfront. A large wooden deck can be constructed near the waterfront area that will have wooden benches for viewing purposes of visitors. Another option is to construct a small elevated observation deck that will allow visitors expanded views of the water. Development of this site for natural area access will be done so as to retain as much of the beach area as possible. As the only public beach in the County, it is heavily used and widely popular among those seeking beach access.

The Western Branch site is already being used as a natural access site. A hiking trail was built and is being maintained by a citizen volunteer group. Parking area created many years ago by borrow operations adjacent to VSH 3 is more than sufficient for current requirements and should meet future requirements. Functionality of this site for natural access can be enhanced by an observation deck.

Other opportunities for natural area access exist on the many large tracts of privately owned land adjacent to tidal waters in Lancaster County. Many of the larger tracts of timber, farm, and wetlands are ideal for natural area access, and can be targeted for access by negotiating use agreements. Ideally, large tracts of land not in active use will be pursued first. Larger tracts owned by timber companies will be the initial targets. These companies are tied to long-term land ownership due to the nature of the product they produce. In the past these companies have also responded to the recreational needs of the community.

2. Beaches and Swimming Areas

Lancaster County currently has only 50 feet of beach area suitable for swimming in the total 330 miles of waterfront. In addition to the Westland beach area at the end of Windmill Point Road, Belle Isle State Park is the only publicly owned land that has area available for the development of beach and swimming areas. Due to the limited area for beach development, Belle Isle State Park Master Plan indicates development of a swimming area away from the waterfront.

The vast majority of land suitable for public beaches is in private ownership. This situation has severely limited the options for public beaches in Lancaster County and will only become worse with each passing year.

3. Fishing Piers

Publicly owned land on the eastern side of the County offers the greatest potential as a

site for a public fishing pier. In the event that no current publicly owned sites are found suitable for this purpose, the County will identify and purchase suitable privately owned properties. Environmental considerations such as the presence of wetlands, submerged aquatic vegetation, and viable shellfish grounds will be considered when acquiring the potential site.

After a suitable location is identified the County will actively pursue development funds from the state for this site. The County has an advantage in that current state recreational access plans call for the much-needed expansion of access to state waters in our region. The Department of Game and Inland Fisheries offers grant programs for access development. A local public access fee for new waterfront construction could also serve as a source of funding.

The Virginia Marine Resources Commission is involved with the capital funding of saltwater recreational access sites. Available funding in these programs varies from year to year, but the maximum amount will be pursued. After construction funds are obtained the pier will be developed, and a management agreement worked out with the Virginia Marine Resources Commission and the Department of Game and Inland Fisheries.

In the event that a suitable location cannot be found for a public fishing pier in the eastern half of the County, the County will focus its efforts on the development of additional fishing facilities at Belle Isle State Park. The Master Plan for Belle Isle State Park calls for the construction of two fishing and crabbing piers at the park. As of 2012, one fishing pier has been constructed. To ensure that the remaining piers are built, the County will work in a cooperative effort with the Division of State Parks in applying for construction funds from available grant programs.

4. Bank Fishing/Crabbing and Car top Boat Launching

These two categories of recreational access will be addressed at the same time due to their similar site considerations. Bank fishing, crabbing and car top boat launching facilities will all be offered on publicly owned land at Belle Isle State Park when it is further developed. These activities will also be offered at the newly acquired Taylor Creek Park site which will be accessed from VSH 222, Weems Road and provide water access to Taylor Creek and the Corrotoman River.

Additionally, Greenvale Creek Public Boat Landing has a boarding dock that can accommodate a small number of fishermen or crabbers. Further opportunities for publicly owned bank fishing and crabbing could become available if the Merry Point Ferry were to ever go out of operation. The two ferry landing sites would be ideal access areas for bank fishing and crabbing. The County will pursue ownership of these lands in the event the ferry stops operating. Furthermore, these sites are suitable for development as car top boat launching areas. These two uses would be best suited for the ferry sites due to the limited amount of area available for parking spaces.

The County will consider creation of a recreational access fund for the development of bank fishing, crabbing, and car top boat launching sites in the County. The fund will be administered by the County and used to provide public access to the water. This fund will build slowly over time from available resources in the community. Funds will be used for the acquisition and development of small parcels in areas on shallower creeks, which have been traditionally less desirable for residential use. The fund will be open to private donations of both money and land. When ample funds accrue and parcels became available, they should be acquired. Development of these sites will also occur as sufficient funds are accumulated.

5. Boat Ramps and Boarding Docks

Belle Isle State Park now has a boat ramp and boarding dock. While examination of other publicly owned sites in the County finds them unsuitable for use as boat launch sites, there is reason to believe that public road endings have not been investigated as thoroughly as they might be for siting of boat ramps or docks.

The County will also pursue public boating access through the use of public/private partnerships. The County will actively pursue partnerships with owners of the many inactive seafood industry sites in the County. When using the VMRC boating-facility-siting criteria, it is evident that inactive seafood industry sites are ideal candidates for public boating access locations. The majority of these areas already have altered shoreline, existing access facilities, access to navigable channels, sufficient parking area, and are adjacent to waters that are condemned for shell fishing. Therefore use of these sites will be the least damaging option when considering the environment. Lastly, there are a number of inactive seafood industry sites in the areas targeted for public access to the water.

Reuse of inactive seafood industry sites can serve many purposes. Public boating access can be provided in Lancaster County on creeks that provide direct access to the Lower Rappahannock River and Chesapeake Bay. Many of these inactive seafood industry sites are still used for water access by commercial fishermen. Assuring that these sites remain dedicated to providing access would help sustain our remaining commercial fishing industry. Owners of these seafood industry sites can be given options that they don't currently have. Incentives can be offered to these owners by the County, which would allow them to start some type of complementary business at the site. Currently unused buildings can be rehabilitated and used to provide bait, tackle, seafood, or small grocery products for sale. Lastly, important landmarks on the County's waterfront can be saved from abandonment and re-used in a way that assures their continued role in the County's future development.

Additional County efforts will focus on negotiating agreements with owners of existing privately owned, non-commercial boating access sites, which are made available for public use. One example in Lancaster County is a heavily used, privately owned site available for public use located in Irvington. Agreements with these property owners will

ensure that the sites will continue to be used in the future as boating access sites. Furthermore, it is feasible for the County to find at least one property owner who would be willing to transfer management of an existing site to the Department of Game and Inland Fisheries or the County. If this occurs, the County can take an active role in ensuring that the property owner's intentions for the site are fulfilled, and that the site is named for the donating party.

6. Policies for Private Access to the Water

Policies for private access to the water have been developed with the realization that the County has almost no authority to limit an individual property owner's access to adjacent state waters. Policies concerning private access to water center on awareness of the impacts of individual access and encouragement of voluntary measures for environmental protection individual property owners may take.

- a. Continue to encourage subdivision designs that provide adequate community facilities for the provision of water access. Presence of good community facilities could deter some private landowners from developing their own on-site access structures. Community boat ramps also give neighborhood boat owners convenient opportunity to take their boats out of the water when not in use.
- b. Heighten public awareness concerning the impacts of boating on water quality. During boating season, use public service announcements on the radio that encourage boat owners to take their boats out of the water when not in use. Furthermore, target the growing number of seasonal homeowners, and develop an information pamphlet that can be sent to their homes. The pamphlet will describe the impacts of long-term boat mooring, and will enlist the help of owners in removing boats from the water when not in use during the week.

C. IMPLEMENTATION

1. Local Efforts

The County will continue laying the groundwork for the provision of public access sites to the water in Lancaster County, especially Bay access. Initial steps as follows will involve staff time and will require no other expenditure of public funds:

- Actively recruit owners of inactive seafood industry sites to create interest in re-using these sites for public access purposes;
- Pursue owners of private ramps currently being used by the public to establish use agreements;
- Apply for grant funds for development of these sites (see Outside Funding Sources);

- Make known the objective of gaining ownership of publicly owned sites at the Merry Point Ferry Landings, if and when they become available;
- Contact owners of large tracts of timber on state waters and negotiate use agreements for these lands.
- Actively participate in the Northern Neck Chesapeake Bay Public Access Authority to capitalize on the opportunities the Authority can provide.

2. Outside Technical Assistance

Representatives from the Department of Conservation and Recreation have stated their willingness to provide technical assistance in site selection and in negotiating agreements between localities and private landowners for public access sites. Assistance will be contingent on whether or not the proposed project is compatible with state recreational access plans. All of the proposals in this plan are compatible with state plans.

3. Outside Funding Sources

- Land and Water Conservation Fund (LCWF) - This is a Federal fund administered by the Virginia Department of Conservation and Recreation (DCR) through their Virginia Outdoor Fund Program. According to DCR, Virginia's allocation from the LCWF has been averaging \$500,000 a year in recent years. Money is made available to localities on a competitive basis. Funds are provided on a 50/50 matching basis, with localities putting up the other 50% of the project cost. The funds can be used for either acquisition or development of recreation sites. Boating and water access projects are given priority by DCR in the awarding of grant funds. Currently, DCR tries to fund four to five projects each year. These projects usually average \$100,000 in federal funds, for a total project cost of \$200,000.
- Virginia Coastal Zone Management Program does not currently have any dedicated funding for public water access projects, however, there is a possibility that re-programmed grant funding may become available throughout any grant year. VACZM staff has notified NNCBPAA staff that if a county has a public access project that has been vetted, has a realistic conceptual plan, with an estimated budget for acquisition, construction and long-term management, then that project can be submitted for consideration for funding should reprogrammed funds become available. The availability of reprogrammed funding is not guaranteed, however, there is also another possibility of funding through a PDC competitive grant should that program be continued by the Virginia Coastal Policy Team in upcoming years. If a project is funded through the VACZM, the grants require a 50/50 match, and the facilities will need to be ADA compliant.

- The Virginia Marine Resources Commission manages the Virginia Saltwater Recreational Fishing Development Fund (VSRFD), which is funded by a portion of the Virginia Saltwater License Fee, which was enacted in July 1992. This fund is to be used to improve recreational fishing opportunities in Virginia and public water access facilities are one of the project types approved for possible funding. In 2000 the Recreational Fishing Advisory Board (RFAB) recommended that 25% of the fund could be used for recreational fishing public access projects in any given year. While no match is required from the VSRFD, showing that other funding has been sought and acquired will go a long way to demonstrating local commitment to the project.
- DGIF Grants to Localities Program - Program provides 75% of development costs for selected public boating access projects up to a maximum of \$50,000, and up to \$25,000 for selected public fishing access projects. Funds are awarded on a competitive basis. If successful, the County will enter into a cooperative agreement with the Department of Game and Inland Fisheries to maintain and operate the facilities.
- Private Funding Sources - Virginia is home to many large angling clubs, especially in the larger urban areas of Tidewater, Richmond, and Northern Virginia. These groups could be solicited for private donations in support of the development of public fishing and boating facilities. Virginia also has many private foundations that will be contacted to determine if they offer grant funds for public access to water projects.

IV. GOALS AND OBJECTIVES

GOAL # 1 **Provide and encourage adequate recreational access to State waters, while ensuring continued protection of the natural environment.**

Objective: *Require* community access facilities in new residential subdivisions as an alternative to individual ramp and pier construction.

Objective: *Develop* convenient public access facilities in areas of high pier densities in order to give boat owners options for taking their boats out of the water when not in use.

GOAL #2 **Create public access opportunities that offer varied waterfront experiences.**

Objective: *Create* a public boat ramp site on the eastern side of the County that can provide direct access to the Chesapeake Bay.

Objective: *Create* a public boat ramp site on the Corrotoman River.

Objective: *Create* a public boat ramp site on Carter Creek or the lower Rappahannock River.

Objective: *Develop a public fishing pier on publicly owned land in the eastern half of the County.*

Objective: *Develop a public beach or expanded existing beach at the eastern end of the County, or in as close proximity as possible to the population centers of Kilmarnock, White Stone, and Irvington.*

Objective: Encourage private owners of waterfront and other unique properties to negotiate use agreements that can provide access to their lands for nature trails, observation, and study.

Objective: *Develop a public access acquisition fund that will be used to buy affordable water front lots to be used as car top boat launching and bank fishing/crabbing sites.*

Objective: Partner with the Northern Neck Chesapeake Bay Public Access Authority to acquire and enhance public access within the county.

GOAL #3 Create public access sites which can enhance economic opportunities in Lancaster County.

Objective: Actively encourage owners of vacant industrial waterfront sites to re-use these sites in a way that provides access, while also creating new chances for business.

Objective: Actively encourage owners of waterfront sites that currently provide access to commercial fishermen, to work with the County in a public/private partnership that will guarantee continued commercial, as well as public, access at these sites.

Objective: Create public access sites in locations where they can act to generate traffic to nearby businesses.