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Lawrence, Lewis ~ Oral History Interview

David Caruso

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Interview with Lewis Lawrence by David Caruso

Summary Sheet and Transcript

Interviewee

Lawrence, Lewis

Interviewer

Caruso, David

Date

February 20, 2015

Place

Saluda, VA

ID Number

VWWF_LL_007

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Biographical Note

Lewis “Lewie” Lawrence is the Executive Director of the Middle Peninsula Planning District Commission in Saluda, Virginia.

Scope and Content Note

Lewie Lawrence was interviewed to document the Middle Peninsular Planning District Commission’s experience in establishing the country’s first Public Access Authority. The Public Access Authority was established to identify, acquire and manage water access opportunities in the Middle Peninsula of Virginia. Mr. Lawrence discusses the history of public access in Virginia, the increasing conflicts among users, and the changing cultural that has accompanied new residents over recent years. He describes the establishment of the Public Access Authority and how their role has evolved from researching ownership of public roads to acquiring and managing over 1,000 acres of coastal properties for public access.

Indexed Names

Harvey Morgan

Transcript—LL_007

1 **[Begin Lewie Lawrence Interview]**

3 **00:00:00**

4 **Interviewer:** Today is the 20th of February 2015. I'm David Caruso with the Chemical Heritage
5 Foundation here in Saluda, Virginia with Lewie Lawrence as part of the NOAA--let me get the
6 specific name so I don't--NOAA Voices from the Fisheries Oral History Project; sorry, Voices
7 from the Working Waterfront Oral History Project. Thank you again for meeting with me today
8 and for spending a little bit of time talking about the--the history of the Chesapeake Bay Public
9 Access Authority.

10 **00:00:36**

11 So the first question I have for you is how did you come to be in this area? Were you
12 born here?

14 **00:00:41**

15 **Lewie Lawrence:** Yes; my family has been in the Middle Peninsula Region since the early
16 1700s. I'm fortunate; I was born and raised on an island off of the Ware River; so most of my
17 early childhood was spent directly on the Ware River. Currently I live adjoining the island to the
18 original family home place where we had six generations buried in the ground behind us, so my
19 entire lifetime has been spent on the water learning about the importance of the Chesapeake Bay,
20 understanding the connections back to working waterfronts and watermen. My family's people
21 made most of their--their living off the water and--and established an oyster company that goes
22 back to probably the mid-1800s or so up until the collapse of the fisheries in the '80s.

23 **00:01:31**

After I graduated from high school I immediately went to work for the Virginia Institute of Marine Science; became a Relief Captain on some of the marine research boats that were there so I spent the early part of my professional career applying the Chesapeake Bay and inshore ocean waters you know doing marine research work. And at that time you know it became evident that I needed to do more to protect the cultural identity and became very much interested in coastal zone management. So I went back to Graduate School to the University of Memphis and got a graduate degree in City and Regional Planning; came back to the Middle Peninsula Planning District Commission here in Saluda and have been working here on primarily coastal zone management issues since 1998 or so. And so our Planning District Commission has been identified as one of the leaders across the Commonwealth for dealing with these extremely complicated community development coastal zone management issues of which working waterfronts is one of those very important issues.

00:02:33

Interviewer: Uh-hm; can you tell me a little bit more about growing up in the area? You mentioned that you were on the water essentially from--from birth. How--how involved was the community in activities related to the water? I know you mentioned your family made its living off of the water. I mean how--how common was that in this area?

00:02:53

Lewie Lawrence: I can remember in the early '70s when the--probably the tail end of the oyster industry was just about ready to collapse, so my vision and recollection of what a working waterfront looked like on the lower part of the Chesapeake Bay is very different than most of the

folks that live on the water today. So I can remember you know where workboats that were out that were very active. I can remember bamboo poles all across the waterfront for people that had surveyed out their areas that they were we releasing for oyster bottoms. I can remember you know boats coming in and blowing the oyster shells overboard to repopulate the reef area, the public rocks as they're called. Then when the oyster industry collapsed all of that infrastructure vanished from the view shed. And so you went through this period of probably 25 years of no real active seafood industry other than commercial crabbing that was there. So the visual footprint so to speak changed and during that time period you had an influx of boomers into Coastal Virginia that wanted a slice of the waterfront living.

00:04:04

So you had a big population shift where folks from other parts of the country decided they wanted to live on the waterfront. So they moved in and their perspective of what was important on the waterfront was very different than what the previous 200 or 300 years' worth of people that lived on the waterfront in the lower bay experienced. Their view shed was waking up every morning and seeing maybe a 25-foot dead rise out and a guy pulling a couple crab pots and occasionally a gillnetter. That was it; there was no infrastructure. There were no sights. There were no sounds. There were no smells that were symbolic of an economic engine, a driver of community development.

00:04:43

So I've watched the entire transition going from the tail end of a very successful industry looking and living and you know opening up sheds on the island where I was and I could see the relics of a commercial seafood industry. You know there would be oyster tongs and--and big galvanized buckets and so you--I got to see the skeleton framework of what it meant to make

70 your living directly from the water every single day. And so there would be family oyster books
71 and survey plats and so I got to touch and feel a little bit of the dying industry that was there.

72 **00:05:18**

73 Then you pivoted through this period of absolutely nothing and development along the
74 waterfront and then today you're experiencing a resurgence so you're going back now because of
75 the water quality has improved a little bit within the bay but then the aquaculture industry and
76 clam industry is growing to a point to where you're seeing the re-surveying of a lot of the
77 waterfront. So it's--it's interesting now; PVC pipe didn't exist in the '70s. You know it was all
78 bamboo poles, but now you go into the rivers and you're seeing PVC pipes everywhere. So
79 you've got this waterfront view shed that's now impacted by the presence of PVC pipes, so the--
80 the folks that moved into a coastal community that never experienced having vertical
81 obstructions in front of their home place, now they're having to live with--what are all these
82 PVC pipes out there? So what looks to me as something that's very healthy because it means that
83 the engine is starting to heat back up again and folks can make a living from the water; you've
84 got this large group of waterfront homeowners that have a different value-system.

85 **00:06:26**

86 So it's posing some really unique discussions in the local papers, out at you know at
87 church about well what are all these white poles? And you know you try to explain to folks well
88 that's a sign of how the seafood industry makes its living. You know it's parcelization of the
89 subaqueous lands just like land is parcelized for how people buy property and build their house;
90 you've got watermen who are doing the exact same thing. So you know in the last 30 years or so
91 I'm watching it go kind of back full circle again to where this--this need of working working
92 waterfront infrastructure is beginning to speak louder and louder.

93 00:07:05

94 Now at the same time on the land view side what we've also witnessed is a-decay to the
95 infrastructure, so there's been no investment in the last 30 years. The development patterns have
96 shifted away from the need for those public access and working waterfront portals that are there,
97 so as I step back professionally trained as a planner and I look across the landscape of
98 infrastructure across the Lower Chesapeake Bay you realize we've got some problems, you
99 know because we've got this engine that's starting to heat back up again but if the commercial
100 seafood industry you know can't land its product and can't land its product in areas that are
101 convenient for transportation it won't work well. So you continually see these bumps against
102 high-dollar waterfront homeowners screaming about well nobody told me a workboat was going
103 to start up at 6:00 in the morning. And by god; did you know this stuff smells?

104 00:08:00

105 And so you've got those kinds of cultural incapacities on the land-use planning side
106 right now that are also experiencing you know some--some pushback. So the lens that I get to
107 look back over this issue is--is very unique and it's--it's a good thing to be able to do because I
108 can kind of balance what it used to look like and what it should be needing to do into the future.
109 And so we helped to try to shape that policy.

110

111 00:08:26

112 **Interviewer:** Are you aware of how things were in the 1970s in terms of policies and whatnot
113 with regard to the use of the waterfront? I mean you sound--you made it sound like a very
114 vibrant community that was very active in terms of the work that was growing on the waterfront
115 and you also mentioned you know people were dumping out all the oyster shells to repopulate

116 the reef and things like that. Was this something that was--that came about because of the act of
117 policy or was this just sort of a cultural heritage of the area where people knew that they had to
118 take care of the waterfront and water to benefit from it?

119

120 **00:09:05**

121 **Lewie Lawrence:** Yeah; that's a good question. The cultural norm of the day going back and I
122 think this is not just through the '70s; it's probably going all the way back to when our area was
123 first colonized, the development of your waterfront, not in the industrial sense but the
124 development of--of coastal communities in the Lower Chesapeake Bay or for that matter
125 probably up and down the Eastern Seaboard during colonial times happened from the water
126 inland. You've got a lot of folks that have moved in and incorrectly assumed that everything
127 happened from the land to the water, so the entire waterfront as we understand it developed
128 slowly and probably was based off of Indian trails you know during the Colonial times and that's
129 the path of least resistance so that's where the settlers walked or rode horses through.

130 **00:09:55**

131 So the entire predicate for how citizens within you know the Colonial period interfaced
132 with their water was you got to get from the land to the water and you got to get from the water
133 to the land. So it was engrained culturally that you just do this and there wasn't any question
134 about it because that's how you made your living. Everything centered around the water.

135 **00:10:25**

136 After the '70s when the oyster industry died off and then you had a big influx of folks
137 from up North or out West or wherever they came from, they brought a different value system.
138 And their value system wasn't share with your neighbors. Their value system generally was I

139 bought this; this is mine. You're not going to use my property to get to your water anymore. So it
140 was very commonplace for homes that had a direct identity to the waterfront to have multiple
141 boats tied up that were owned by multiple families, some on the water, some far away and
142 people would drive down and they'd get in their boat and they'd go do whatever they needed to
143 do and then they'd come back.

144 **00:11:07**

145 But, as properties flipped and you changed to owners with a different value system, that
146 practice faded away. So to get back to your original question it was a practice that was very
147 normal because everything was waterfront centric as an economic driver. But today that's not the
148 case and so you got these little holdout areas where that practice continues but as the secret
149 industry struggles for survival those portals so to speak are transferred and sold and--and so it
150 makes it extremely difficult for watermen that don't live on the water to be able to get access to
151 the water.

152 **00:11:51**

153 As communities become more developed, land values go up, property taxes go up and it
154 becomes extremely hard for subsistence farmers which we're going to call watermen subsistence
155 farmers to be able to own waterfront property. And now when folks move in from New England
156 that you know sold a one-acre home in Nantucket for you know \$6 million and they come down
157 and they realize holy cow; I can buy a 6,000 square foot house for \$250,000 let me get you the
158 cash out of my pocket right now because the price of money is very different. So their ability to
159 purchase land here and look at the differences in economic costs between the North and the
160 South it's very easy to acquire property. And they have done that. And so you're--you're seeing a
161 cultural shift for who owns land on the waterfront and how access to that water has changed over

162 time which causes policy problems today so you're--you're having these discussions about not--
163 are we going to provide access everywhere? Now it's can we even hold what we've got? Where
164 do we really need it? And--and what infrastructure needs to be in place and what role does local
165 land use, planning, and zoning play? Is it a barrier and a detriment to the industry or is it sending
166 a clear message to the rest of the world? The secret industry has been active in the Lower
167 Chesapeake Bay for 300 years and by god we're going to keep it active for another 300 years.
168 These are the types of policy questions that we are trying to dangle in front of our elected
169 officials to say you know what--what will your policy be?

170

171 **00:13:33**

172 **Interviewer:** You've mentioned and I just wanted to--this is--I shouldn't--it's probably just a
173 quick question; you mentioned the collapse of the industry. What brought about that collapse?
174 Was it just outside economic forces, people weren't interested in oysters or was there some sort
175 of environmental change that--?

176

177 **00:13:47**

178 **Lewie Lawrence:** Environmental, [MSX and Dermo]; those were the two main environmental
179 factors that--that caused the collapse of the oyster industry. We're fortunate that we have the
180 Virginia Institute of Marine Science here in Gloucester, Virginia that has dedicated millions and
181 millions of dollars and man hours to try to figure out, you know what--how do you develop and
182 grow disease resistant native oysters. And the science is beginning to create those oysters. We're
183 seeing a-resurgence. The oysters have become a little more resilient to both MSX and Derma so
184 you're finding natural strikes that are happening with greater and greater occurrences, where this

185 year the Virginia oyster-harvest was probably the best it's been since the '70s. Is that a one-time
186 thing? We won't know until next year.

187 **00:14:34**

188 But what you have seen is a lot more people out doing traditional type of oystering, so
189 we're seeing an uptick in that.

190

191 **00:14:41**

192 **Interviewer:** Okay; and I'm also curious to know a little bit more about how the community
193 responded to the influx of these new individuals. I'm assuming that most of the waterfront area
194 that had homes on it that previously it was owned by community members that were using the--
195 the area for commercial purposes or just you know that's where they wanted to live. They were
196 selling their homes to these other individuals. Did they move away? Did they stay local?

197

198 **00:15:13**

199 **Lewie Lawrence:** All of the above.

200

201 **00:15:13**

202 **Interviewer:** Okay; and how did the local community respond to these individuals who were
203 coming in and demanding greater privacy or delineation of private areas?

204

205 **00:15:25**

206 **Lewie Lawrence:** That is probably--that's an easy question with an extremely complicated
207 answer. You know what--what you're looking at is a blending of different value systems and that

208 often times complicates how local government shapes policy. I think probably an easier way to
209 explain that is in our portion of the Virginia Coastal Zone we are becoming less rural and more
210 suburban. So with that transition of--of suburbanization changes your economic fabric in your
211 community. So your dependency upon an agrarian based economy becomes less and less
212 important and it's replaced with more suburban type of employment activities.

213 **00:16:22**

214 So the Middle Peninsula which is situated between the Rappahannock River and the York
215 River; we've got six counties from our Planning District Commission and Planning District
216 Commissions are 21 across the Commonwealth so we serve between the State government and
217 Local governments, we are the Local governments' think tank on public problems that are there.
218 The Middle Peninsula has the highest out-commute rate in the Commonwealth. So we have over
219 30,000 workers drive out of the six-county region every single day to Northern Virginia, to the
220 State Capital of Richmond, or down to Hampton Roads and Norfolk to Military jobs that are
221 there.

222 **00:17:00**

223 If you went back before the '70s we had a ferry that connected us to the Peninsula so the
224 ability for people to move to jobs was very different, so the self-dependency on agricultural and
225 agrarian type employment it was centered around the home place. You know that's how people
226 lived. But with changes in transportation in the '70s that opened up access to the Peninsula and
227 road systems began to develop, it changed the way that our entire economy functions as a whole.
228 So every single morning you know people drive out of here and at 5 o'clock they drive back. So
229 we have become you know less rural, more suburban dependent and as such the need for people

230 to live on the waterfront they're doing that not out of employment necessity but out of view-
231 shed. You know they want to live on the waterfront that's there.

232 **00:17:58**

233 So we--we've had a--a not only a cultural shift but also a societal shift at the same time
234 where--how people interact with the water is very different. Now we've got--we're blessed to
235 have certain rural pockets that still rely on the water as subsistence type employment, so you've
236 got these holdout areas that have a connection to you know making your living every single day
237 by what God put in the cage. So you throw your trap overboard, you throw your net overboard
238 and let's go out there and see what--what God put in there. But you're also seeing a shift to
239 where the seafood industry is relying more on science and technology to drive the success of the
240 industry. So when you look at aquaculture as a perfect example of that, tanks, cages, and science;
241 so now the seafood industry is having to modernize in order to stay relevant in a global
242 economy.

243 **00:18:59**

244 So you're seeing a--a shift within the industry that's also dragging it over more to the
245 suburban type model where you're relying on technology and higher level thinking to make sure
246 that the industry has something for tomorrow.

247

248 **00:19:14**

249 **Interviewer:** Hmm; in terms of--I just want to touch on this quickly since you--you mentioned
250 it. In terms of the industry itself my impression when you--when you've spoken about it is that in
251 the earlier years you might have had smaller individual people working not necessarily part of
252 large companies or maybe they sold to large companies. I'm wondering now if the industry itself

253 is different given that sort of hard time when there was nothing happening or little to nothing
254 happening. You know is--or do you now have just larger companies coming in where they are
255 hiring out or hiring individuals to work for them to collect oysters or--?

256

257 **00:20:03**

258 **Lewie Lawrence:** Right; now you know granted my recollection from 1970 prior to that is
259 going to be limited because I was a little child. But I think that your predicate is correct that the
260 employment during that period was much more single-person centric. I'm a waterman. I have
261 this land that I farm or I have these numbers of crab pots or this number--these numbers of
262 gillnets over there. You do have a consolidation of seafood enterprises now. You are seeing
263 more, bigger companies that are trying to carve out an existence that's there. But at the same
264 time you're also seeing because of--of the developments in aquaculture the opportunity for these
265 smaller operations to co-exist that weren't present you know even five years ago.

266 **00:20:59**

267 So you've got this larger framework of several bigger companies that are out there doing
268 great things but then you've got--and some of those are doing that in the aquaculture industry as
269 a whole but then you also have a lot of startup farmers that are also trying to do the exact same
270 thing. The third stool leg for that is--is the extracted waterman where you still have one
271 waterman, maybe a helper, and he's got a license for 200 or 400 crab pots. So you still have
272 those types of self-employed watermen that are there, so you really have three different types of-
273 -of watermen that are out there. You've got the bigger corporate entities. You've got the newer
274 more modern aquaculture ones and then you've got the extracted traditionalists that are there.

275 **00:21:48**

276 So you're seeing some growth in all three of those industries but it's different. You know
277 it's responding to opportunities and that's what makes the--the entrepreneurial spirit work. If
278 there's an opportunity to do something different and make some money on the water folks are
279 going to figure that out. They're--they're going to figure out how to make money doing that.

280

281 **00:22:06**

282 **Interviewer:** Okay; and the last question just about this earlier period of time, you've talked
283 about the--you've spoken about the commercial aspects of the waterfront use. Were there other
284 uses as well? Was it--were people using it as play area for example or was it predominantly just a
285 commercial industry that has now become this people want--I forget what--what phrase you used
286 but it was quite appropriate--people wanted to have a good view, right?

287

288 **00:22:37**

289 **Lewie Lawrence:** Right.

290

291 **00:22:37**

292 **Interviewer:** So was there previous--?

293

294 **00:22:40**

295 **Lewie Lawrence:** Oh absolutely. I mean people recreate on the water. That's why people now
296 from the '70s up to now why they moved to Lower Coastal Virginia; you know they want to look
297 at it. They want to be able to get out and recreate on it. They want to fish. For me, my--the only
298 month that I'm not on the water is February because we'll start--I'll start recreational gillnetting

299 in March and April. You'll start hook and line fishing in May and April. And then you'll pivot
300 into other warmer water recreational activities and those are whole family activities you know
301 boating and fishing and--and clamming and--and cocktail cruising and everything else that goes
302 along with it. When you move back into the October time period, the uses begin to shift to the
303 fall fisheries and then into waterfowl(ing). So for me part of my cultural identity was duck
304 hunting; you know that's something that's--that's done culturally. I maintain probably between
305 seven to nine different waterfowl blinds on multiple rivers that are here; it's something that was
306 handed down generation from generation. It is a cultural norm in the Lower Chesapeake Bay to
307 do that.

308 **00:23:46**

309 That ends up conflicting with a lot of folks that had moved into the rivers where I
310 recreate on because they never experienced those types of uses. And so to hear you know gunfire
311 at 6:30, quarter to seven, 7 o'clock in the morning is a little bit disturbing to folks but I'm quick
312 to remind them it's been done here for 300 years. You know you moved here; I didn't and I'm
313 going to continue to shoot ducks. As long as the Commonwealth of Virginia will give me a
314 license I'm going to shoot ducks, you know because it's my right to do that. That's there and
315 that's--culturally that's important to me to be able to do and to pass that onto my children to be
316 able to understand what it means to experience a cultural norm for the Lower Chesapeake Bay
317 which is waterfowl(ing).

318 **00:24:33**

319 On the recreational side boating through the '70s and '80s and '90s was extremely
320 important. You know every dock had a boat hung off the end of it. I'm fortunate, the island that I
321 was raised on if you look up-river you can see the main public boat ramp facility in--in the

322 County at that time on the Ware River. Normally any Saturday when it's warm it's packed.
323 When you got into the '90s and the price of fuel began to really spike and into the 2000s when it
324 went pushing up to \$3.50--\$4.00 a gallon the boat traffic dropped off to almost nothing. And so it
325 was really striking to look out on the river on a July-day where you would normally see you
326 know 25 to 100 different boats and water skiers to seeing nobody out. And the parking lots
327 completely empty; you know that for me as a planner became the indicator and it's kind of the
328 well duh indicator--it's the price of fuel. You know folks can't afford to recreate on the water
329 anymore.

330 **00:25:31**

331 And so you went through a couple years recently where you just didn't see the
332 recreational traffic on the waterfront because people just--it was too expensive to do it. Then you
333 saw a cultural shift to other types of watercraft that were less dependent on fuel. So you began to
334 see more kayakers, more paddle boarders, so across the Lower Chesapeake the next generation
335 coming along found a different way to recreate. So they probably right-sized based on their
336 recreational budget and they--they've come up now with new ways to enjoy the water which
337 were never utilized at the same level. So now it's not uncommon in the summer to get up and to
338 see a you know six or eight kayakers and most of these folks are ladies in their 60s that are out
339 paddling around you know looking at the egrets and--and those types of things, so society has
340 found a new way to adjust and enjoy the recreational opportunities on the Bay that are different
341 than the way it was 10 or 15 years ago.

342 **00:26:40**

343 So people adapt you know to the economic climate and they learn new ways to enjoy so
344 you've got a little blending of the old and the new.

345

346 **00:26:48**

347 **Interviewer:** Have the recreational uses ever come in conflict with the commercial uses?

348

349 **00:26:54**

350 **Lewie Lawrence:** Oh absolutely.

351

352 **00:26:56**

353 **Interviewer:** How so?

354

355 **00:26:57**

356 **Lewie Lawrence:** Off bottom aquaculture start with that; if you are a waterman and whether
357 we're talking extracted waterman or waterman that rely on science and technology to make their
358 living, pretty much if you're doing something on the bottom to 12 inches it's handled under one
359 permitting framework through the Virginia Marine Resource Commission which is our State
360 agency that handles the permitting for commercial seafood operations.

361 **00:27:25**

362 But because of the economic driver, aquaculture, we had a lot of watermen that were
363 looking at how other countries, not only how other watermen in the US but other countries make
364 their living doing aquaculture. So there were a lot of new innovations that were going vertical in
365 the water column. So they were trying to learn to grow oysters and clams and mussels and
366 anything that could be sold at market differently. And so they were looking at how other

367 countries were doing it. Some of those practices during the early 2000s were taking cages and
368 stacking them vertically in the water column.

369 **00:28:05**

370 So what you--what was setting up was a conflict for public trust resources so there's a--a
371 Roman Law is predicated off of the Public Trust Doctrine and those principles have carried forth
372 into how this country governs water areas under the Public Trust Doctrine principle. It means
373 that this is a public trust resource and it's available for the benefit of the masses. Well when you
374 have an industry that is taking up the entire water column from the bottom to the surface for one
375 singular use it's a recipe for conflict because now you've got jet skiers and duck hunters and
376 paddle boarders and sight-seers and hook and line fishermen can't use that same space that the
377 waterman is using for his preferred use. So we through this office have spent a lot of time
378 working with our Local governments on conflict management, you know how do you manage
379 and co-exist these types of uses that are requiring more--a more intense physical footprint in a
380 public trust resource area? And how do you manage other people's expectations for using that
381 same area? It's a very complicated you know metrics that we constantly work with our State
382 agencies and our Local governments to try to figure out what is the correct way to handle this?

383 **00:29:37**

384 And so you're--you're seeing and even this winter, you know I experienced it on the
385 Ware River. I was out in--in one of my blinds duck hunting and I hadn't been to this one in
386 probably you know six months or so and that's not uncommon because you--you take advantage
387 of where the birds are. And so okay tomorrow we're going to go to this blind because I know
388 that there's ducks that are out there. And most of these ducks are diver ducks so they--they
389 depend on the ice. As the ice moves down the bay the birds move down the bay and it's there.

390 00:30:04

391 So I get out to this one blind in the morning and I'm very accustomed to these
392 aquaculture floats that are out there because that's--we've got a--a seafood business that uses this
393 shallow water bar to depurate clams, so he brings in polluted clams, they're depurated out for
394 some period of time, they cleanse themselves and then they go to market. Well when the sun
395 came up I noticed that his footprint of depurated clam cages has grown exponentially. And so
396 they kind of arced into the landing area for where I wanted to attract the ducks to. So I've got
397 you know maybe 50 decoys out and that's pretty commonplace, 50 to 100 decoys to shoot diver
398 ducks but then 200 yards out there's an extra 500 to 1,000 crab pot floats that are attached to
399 these cages. So now you've got this setup where you've got waterfowl that are coming out of the
400 bay into the river and they're looking for areas to--to light and spend the day and eat and they're
401 looking over where I am and there's thousands of crab pot floats out in front. And so my little 50
402 plastic decoys are lost you know in the confusion of all of these crab pot floats.

403 00:31:19

404 So you know for me it's a struggle with well how come his economic interests to have his
405 business venture there trumps my ability which is a public trust right to shoot waterfowl? And so
406 that's--that's a real life within the last 60 days' worth of conflict that I struggle with you know
407 through policy to say okay; how will--what should and how should the Commonwealth deal with
408 this because there are not a lot of duck hunters out there and we want the seafood industry to
409 grow but at the same time it doesn't respect my rights to be able to waterfowl hunt and I can't use
410 traditional practices of tricking you know the waterfowl into oh look there's a bunch of guys
411 over there, let's fly over there--because of--the landing area is cluttered with commercial seafood
412 equipment.

413 00:32:09

414 So it's--it's an ebb and flow; it's like squeezing the water balloon. You know you never
415 know what's going to really happen until you get out there and experience it. I've told the owner
416 of that company before this was probably 10 years ago just joking with him, can you put some
417 little heads on those floats, you know **[Laughs]** because then we can kill two birds with one
418 stone? It would be perfect. But--but this year was the first time that--and I haven't even spoken
419 to him yet about the bumping up of uses here. And I know that if I'm experiencing that it's being
420 experienced all over the bay. You know it's happening. You're--you're shoving in more people
421 into the same space competing for different uses. And with the climate warming it's expanding
422 the recreational window for users. So if your hook and line fisheries normally ended in
423 September, well now maybe it's pushing into November. So you're getting some recreational
424 conflict between the commercial fishermen because of the--the seasons are expanding on all
425 ends, because we're warming. So they--even environmental changes are causing some conflicts
426 within the recreational community.

427 00:33:19

428 Now I'm more sensitive to that because it's my job to pay attention to trends through the
429 lens of a planner, but those are indicators you know that things are changing on the waterfront.

430

431 00:33:31

432 **Interviewer:** So just to I guess return to more of the specific reason why we're here, the
433 involvement with the Chesapeake Bay Public Access Authority. You mentioned that I think it
434 was around--you've been in Coastal Zone Management since 1998; you got your Graduate

435 degree from Memphis in City and Regional Planning. How did you come to work with work on
436 the Chesapeake Bay Public Access Authority?

437

438 **00:34:00**

439 **Lewie Lawrence:** All right as we talked earlier, most of the transportation system in the
440 Chesapeake Bay prior to probably the Civil War was water-based economy. Goods and services
441 moved up now in the bay; there was a network of steamboat landings, all across the Chesapeake
442 Bay. Any map that you find from the 1700s forward showed different types of steamboat
443 landings and they were every half mile to three-quarter mile along pretty much every river on the
444 Chesapeake Bay. People had to get goods and services in and out.

445 **00:34:33**

446 At these steamboat landings was--were the center of commerce. Outside of the court area,
447 so you had courthouses that dealt with the legal side, but the water-based commerce was
448 happening and being driven through the water system. So that was our transportation system
449 that's there.

450 **00:34:52**

451 In 1933 the Byrd Act was a piece of State legislation that transferred all of the surface
452 infrastructures so prior to 1933 the County governments in Virginia, so Virginia has--is a Dillon
453 Rule State, not to be confused with Home Rule State. So a Dillon Rule State, the General
454 Assembly says to Local governments, you can only do the things that we give you the express
455 authority to do. So the State government controls everything that's there and--and gives that
456 power to Local governments. The State Legislature in 1933 said okay; this doesn't make any
457 sense for our rural local governments to maintain and own the road system. So they passed the

458 Byrd Act. That transferred all of the highway infrastructure back to the State. At that same time
459 the interstate transportation system was growing across the US. So you had a commodities shift
460 for how commerce was happening. So the need for these localized steamboat landings didn't
461 matter anymore because we were able to move goods and services with rail and the interstate
462 system.

463 **00:36:03**

464 Several things happened in 1933 that were important with that; within the Byrd Act it
465 transferred all of these steamboat landings and public access portals to the Virginia Department
466 of Transportation as part of the Byrd Act; so all the infrastructure went over to the State at the
467 same time. We also had the Storm of '33 which was the largest hurricane event post-Colonial
468 times I guess to ever hit the Chesapeake Bay. That wiped out all of the steamboat infrastructure
469 in the Chesapeake Bay with the exception of maybe one or two steamboat wharfs up on the
470 Rappahannock way up that were protected in shelter. So that infrastructure, the machine for
471 landing and movement of goods and services, today it's there; tomorrow boom--gone. The storm
472 tore them up; they were gone. There was no reason to replace that infrastructure because the
473 whole way of--of goods and services and commodities movement across the Chesapeake Bay it
474 didn't matter anymore. So they fell into disrepair. And you went through a period of 1970s up
475 until we became involved with it, with all of these public access portals and public footprints just
476 disappearing. They were lost in time.

477 **00:37:17**

478 Talking about folks moving into coastal communities, at that same time you had a large
479 shift in traditionally owned properties that may have had these steamboat wharfs there;
480 somebody else bought them. And they put--they would put chains across the end of the road.

481 They might bring in dump loads of dirt. They might put boulders or rocks down. They may park
482 their own personal vehicles in these roadways saying I don't want people driving down here and
483 getting to the water. So you remember what used to be the center of commerce, you may have a
484 road that would go through a farm and that was a public road that pre-1933 hooked to a massive
485 wharf infrastructure that's there. Well the wharf infrastructure goes away. But that public's right
486 to use that road still exists, so there is a portion of society that remembers that. And so they have
487 always driven down you know through these dirt roads or public roadways to get to the water.

488 **00:38:17**

489 Now granted there's no infrastructure there but people like to go down and drink their
490 coffee, read the paper, whatever. Churches would go down and do baptisms that were there.
491 They were multi-purpose public access portals. So imagine what would happen if somebody's
492 family has been going down to these roadways for 200 years and they go down there next
493 Sunday and there's a chain across the end of the road. That's not a warm and fuzzy feeling.
494 People don't like that at all. Well Auburn Landing in Matthews County was one of those
495 Colonial Plantations that had a public access right-of-way that served multi-purpose functions,
496 churches were doing baptisms, people would go down and do whatever they needed to do down
497 there; they couldn't do it anymore. So citizens started complaining to their elected officials; hey
498 how come I can't go down there anymore? The homeowner says well I bought this waterfront
499 plantation. I own this. I don't want you down there anymore.

500 **00:39:10**

501 The public was saying but that's not fair. And it's not a question of fairness; it's the
502 question of what are your legal rights that are there? So the Matthews County Board of
503 Supervisors had to bring suit against this landowner saying no; you can't do that. You can't step

504 on the public's right to use this public roadway to get to the water. The landowner and they
505 believed to the core of their heart that no; we own this and it is our right to block off this
506 roadway. So it worked its way through the court system. And this elevated itself to the State
507 Supreme Court. And at the end of the day the Matthews County Board of Supervisors prevailed.
508 The State Supreme Court said absolutely not; there is a public interest here. Once a roadway has
509 been worked with public dollars that public right-of-way continues in perpetuity forever. So you
510 can't take it away.

511 **00:40:08**

512 Well growing up here you know I knew in working at the PDC that we had over 300 of
513 these road endings all across the Middle Peninsula, across the six-county region. My family
514 owned one of them. We had Smith's Wharf where I live today; it was a traditional steamboat
515 landing. So the asphalt road just dead-ends at the water and there used to be a connection to a
516 wharf off the end of that. I knew that our Local governments couldn't litigate their way out of
517 300 of these road endings; it just--that's bad public policy. You can't let the court systems deal
518 with these because it's not how government should be spending taxpayer dollars.

519 **00:40:50**

520 So I went to our Delegate, Delegate Harvey Morgan who is now retired. Harvey's family
521 has also been in, you know this--this area since probably the Colonial times as well. So our
522 Delegate understood and identified with the problem. So Harvey and I talked about it and the
523 direction that Harvey gave to me here and at that time I was a Planner; you know not the Agency
524 Director--was find another way. So we do what we do very well; we look across the US to try to
525 figure out what's the best way of handling this. So we came back with several different
526 approaches. The one that--that we finally settled on was to create a special unit of government

527 called a Public Access Authority or in our case the Middle Peninsula Chesapeake Bay Public
528 Access Authority. It's a single purpose entity; so it is a political subdivision empowered by the
529 General Assembly which gets back to that Dillon Rule thing where the General Assembly says
530 this makes good public policy sense; we're going to allow our Local governments to create this
531 special unit of government.

532 **00:41:51**

533 So with a stroke of a pen you know the Governor signed off and in 2003 the Public
534 Access Authority was born. It came into existence. The General Assembly said if Local
535 governments declare that there is a need for this special unit of government to exist let it be said;
536 let it be done.

537 **00:42:09**

538 So we went back to our Local governments and said you've been given the power to
539 create this special unit of government. Do you want to do this? And our Local government said
540 yeah; let's do this. This makes good sense. So it became the first in the country; it--it was a
541 single purpose entity whose only mission was to deal with public water access issues. How do
542 you get from the water to the land and from the land to the water? And it was originally created
543 to deal with these road-ending issues, you know to try to figure out how do you better manage
544 this? What are options and opportunities for maybe working with the State VDOT and State
545 DOT agency to transfer these road-endings away from the State agency that doesn't really care
546 about it because they are literally at the end of the road? And so the investment for infrastructure
547 is just not there; it's not a priority for the State DOT. But for the Public Access Authority,
548 incredibly important because they serve as those portals for commerce, for commercial
549 watermen; you would have guys that would show up in the morning with a boat and trailer and

550 launch their boat and go off and do what they need and come back. You need these portals for
551 public access.

552 **00:43:13**

553 So that became how the Public Access Authority was created.

554

555 **00:43:19**

556 **Interviewer:** One question; I mean you mentioned speaking to Delegate Harvey Morgan. You
557 did use the term or the word *we* a couple times. *We* did this; I'm wondering who else was
558 involved in this early stage and the roles that they were playing.

559

560 **00:43:33**

561 **Lewie Lawrence:** That's the collective *we*. It's the--the larger, when I use the context that *we*, I
562 work for government and it is my job to speak for the needs of our Local government. So *we* is
563 in the context of what our Local governments and my Board which is comprised of Local elected
564 officials say this makes good policy. Go do this. So it's the public body *we* context, but I as staff
565 have to figure out how to do it--that's there. So generally when I'm talking about *we* it means
566 the--the folks that are elected to office to say yes or no.

567

568 **00:44:10**

569 **Interviewer:** All right; that's what I had assumed but I was also curious to know if there were
570 those in the community, those in the area that were maybe more outspoken about the issue that
571 were trying to assist in other ways or trying to push the issue forward as well.

572

573 00:44:24

574 **Lewie Lawrence:** No; most--and even today after almost 15 years of existence folks do not
575 understand generally or do they need to know what the Public Access Authority is because it was
576 created as an instrumentality of government to solve a public policy problem. Now the fruits of
577 the last 10 or 15 years is being recognized and we'll get into that a little bit later with our talk
578 where the public does recognize it, but at the time it wasn't on anybody's radar, you know
579 because it was created as a surgical tool in the toolbox of Local government. You know it
580 became something that Local government could say I've got this problem; go fix it. So anything
581 that would creep up related to public water access we would work on. And why this is important
582 and that's a good qualifier there; I would say that the general public doesn't recognize that 85-
583 percent of a Local government's budget goes to keeping criminals in jail, dealing with solid
584 waste, and keeping the schools open.

585 00:45:26

586 So that means that 15-percent, 10 to 15-percent of all the tax revenue that's left for Local
587 government they've got to do everything else that Local government does. So if you ask an
588 elected official is the provision of public access vitally important they'll say yeah. But so is
589 keeping the library open and so is supporting the Fire Department and everything else that they
590 do. So it becomes a question of priorities. How do you elevate these problems locally to where
591 you can get some policy attention? Well it would never naturally elevate up at the Local level
592 unless it was crisis management; you know what--whatever fire is the hottest. And so if you had
593 this issue that was bubbling, Local government may respond in a knee-jerk reaction to solve the
594 issue. But it wasn't strategically looking at it to say does this make good sense long-term? That's
595 what the Access Authority is able to do; it takes these issues out of the Local government I guess

596 malaise of problems that they're dealing with and sets it into the Public Access Authority lap
597 which is Local government but it's Local government shaped differently.

598 **00:46:34**

599 So the Board of the Public Access Authority is either an elected official from the member
600 localities or the Chief Administrative Officer. So they are wearing different hats and so they
601 don't get bogged down in the traditional requirements of how Local government operates.
602 They're able to make decisions and policies that are in the best interests of the community
603 outside of the Local framework inside of this Regional Unit of government framework.

604

605 **00:47:03**

606 **Interviewer:** So these are just individuals that are making these decisions?

607

608 **00:47:07**

609 **Lewie Lawrence:** It's a Board.

610

611 **00:47:08**

612 **Interviewer:** Oh it's a Board.

613

614 **00:47:09**

615 **Lewie Lawrence:** They're Directors so they are--we have nine units of government in the
616 Middle Peninsula, six counties and three towns. So the Board of Directors is comprised of nine
617 members. So that becomes the governing Board, just like you've got a Town Council or City
618 Selectmen or whatever your unit of government is from wherever you are across the US; it's the

619 same structure that's there. You've got one from each jurisdiction. So they form the body of the
620 Public Access Authority.

621

622 **00:47:35**

623 **Interviewer:** Okay; so what sort of problems are brought to the Public Access Authority? I'm
624 assuming it's ones that you've mentioned but I'm wondering if there are other things that are
625 being brought to the Public Access Authority.

626

627 **00:47:47**

628 **Lewie Lawrence:** Sure; at the time when we created it you know we were trying to primarily
629 deal with just the road ending, who ends the end of the road and what everybody perceived and
630 this gets back to your earlier question about how to people get to the water, if that's the only
631 thing you ever knew was that you just went down to the end of the road and you got in your boat
632 and you got off the public pier that's there no one ever questioned well who really owns it. And
633 it never really became an issue because it was a cultural norm. Everybody does this; everybody
634 goes this way. It doesn't make it right; it doesn't make it wrong. It's just the way that it is; don't
635 buck the system. It works.

636 **00:48:22**

637 Well when you've got a different value system that's there that looks at the bundle of
638 sticks when you buy a piece of property differently than what the previous owners viewed their
639 bundle of sticks rights that's where the conflict begins to show. So a lot of our early work was--
640 and it still is today--case-by-case, road-by-road, trying to figure out who owns the end of the
641 road. And what everybody assumes and that's what I tell my staff--never assume--just because it

642 was always done that way and just because the oldest guy in the room said it doesn't make it
643 legally true, so in many cases we hear of these roads where people say well it's a County-owned
644 road or it's a--the County owns or the VDOT owns it. Well what does that mean? Do they own it
645 in fee-simple? Do they have a deed to it? Or is it just a prescriptive interest that's there? In many
646 cases we found where the County has a deed to the end of the road; VDOT has a deed to the end
647 of the road, same road, same parcel--how can you have two deeds? And in the end you've got an
648 absentee landowner that the family has moved out 200 years ago and it's a prescriptive right-of-
649 way. Neither deed was perfected. They weren't legal; they have no standing that's there and the
650 only way that you know this is you've got to chain it all back together. You've got to start at
651 today's problem and find out well how did that guy get the title to that property and then how did
652 he get title to the property and then how did he get title to the property? And then you get
653 bumped up and get to the Civil War where all the records were burned.

654 **00:49:55**

655 So the trail goes cold. Then it really causes a lot of problems. So well what does that
656 legally mean now if you can't really tell? So the clarity becomes muddier the farther back in time
657 you often go here and so then you look for actions and what did the Board of Supervisors or
658 Town Councils do? What policy actions did they set in play and what State actions did--set in
659 motion certain things that the Local boards needed to do that they never did? And if they didn't
660 do it then it never became legal. So you find all of these types of problems and so--so much of
661 our early workings were trying to unravel the legal malaise of--of ownership.

662 **00:50:44**

663 But we quickly learned that the utility of the Public Access Authority was much broader
664 than what we had ever envisioned because it--it didn't--you don't know what you don't know

665 and the enabling legislation was extremely broad. You know really with a mandate, fix this
666 problem; figure it out. So we became--we meaning the tool now, not the body but the tool--
667 became the jack of all trades. Anything related to public access we became the experts on. So we
668 might have a case where a hurricane might come through and it would tear up a wharf at our
669 only lighthouse New Point Lighthouse in Matthews, so the County Administrator would call up
670 and say we just lost our wharf last night. Can you get some money for this? Sure; so it became
671 our job to go find grant funds to rebuild the wharf. So we became experts in responding to need
672 that popped overnight for some unrelated thing that nobody thought about where before the
673 standard model would be well, it would take 12 months. Local government would have to debate
674 it. The citizens for or against would rally around their cause. You--there would be fighting on the
675 courthouse steps about I don't want my taxpayer dollars to go out there to do this, or I want my
676 taxpayer dollars to go out to do this--the pace and progress of rebuilding infrastructure,
677 developing policy--was grinding to a halt. And it just didn't make good sense.

678 **00:52:07**

679 And so the Access Authority could get in there, could surgically find solutions, could
680 bring it back to the Local governments and say here are your options. A phrase that I would call
681 illuminating choices; we would be able to say to them here's the red tape, here are your options,
682 what do you want to do? And so now they're in the position of being able to make those
683 decisions.

684 **00:52:33**

685 We became so successful at dealing with these very unique problems either on the policy
686 side or on the infrastructure side that our portfolio began to grow. We quickly learned that
687 Federal government through NOAA and then State programs that were looking for ways to

688 acquire land in the mid-2000s for public benefit became an area that was right for us to be able to
689 be involved with.

690 **00:53:03**

691 Local governments have a very difficult time responding quickly to opportunities. They
692 make decisions in 30, 60, 90, 100-day chunks. The Access Authority isn't constrained by 30, 60,
693 90-day time requirements and that's driven a lot by code requirements at the Local level. So we
694 would say to our State partners and our Federal partners, we think that--that program for land
695 acquisition is a good program. We would like to work with you on that. So overnight we started
696 acquiring property with Federal and State program monies, opening up land for public access all
697 across the region where we could say to NOAA through the [CELCP] program which was the
698 Conservation Coastal Estuarine Land Protection Program which was established by Congress to
699 preserve lands for public use that are unique coastal areas. So instantly we became the
700 instrumentality to acquire property for protection under these Federal programs. So we overnight
701 went from owning no property to you know several million dollars' worth of coastal lands all
702 across the Middle Peninsula that--that have been opened up for public hunting, for school kids to
703 go out, for marine scientists to go out, so you know when you look back since the inception of
704 the Authority there were no public parks across the Middle Peninsula; just a handful, some of
705 them were teeny. You had no recreational lands that were available. Now the Access Authority
706 has you know almost 1,000 acres of property scattered all over nine jurisdictions that offer up
707 endless recreational opportunities that are out there.

708 **00:54:44**

709 So you know when you talk about what types of problems did we solve it's really in
710 response to you know the opportunities that were there or knee-jerk issues that were cropping up

711 locally where folks said help us understand what are our policy options; help us understand what
712 are our implementation options that are there.

713 **00:55:03**

714 At the same time, probably--gosh I may get the dates wrong but it's going to be close--
715 maybe around 2007 or 2008, 2006 something like that, Maine Sea Grant developed a web-based
716 tool where they took everything that they knew about public access and put it into this web-
717 portal. And it was an extremely comprehensive sole-source; send your public here and they can
718 learn everything there is to know about public access, their legal rights, trespassing, what does it
719 mean to do eco-tourism, how does property ownership work, what are working waterfronts, all
720 of this kind of stuff that the public is clamoring about. We saw it and said that's a really slick
721 tool. So we began to think about ways of working with that.

722 **00:55:50**

723 Well the folks at Maine Sea Grant decided well let's bundle this thing and make it
724 available for other Coastal States to copy. So we were the Public Access Authority here--worked
725 with Virginia Sea Grant [Inaudible]; now they--the Maine Sea Grant put out an RFP and said
726 we're going to give the tool to you all and we'll offer up a little bit of money to help you
727 replicate--cookie cut you know this tool. And you customized it based on how your governance
728 framework works for your State, so every State is a little bit different, low water, high water,
729 Dillon Rule, Home Rule, Hybrid--whatever the case may be.

730 **00:56:30**

731 So we then took this Maine Sea Grant Public Access portal and we brought it into
732 Virginia and we customized it for all issues related to public access in Virginia but we did
733 something different that Maine didn't do. We took all the success of the Public Access Authority

734 and hooked it into this tool. So now we had a public footprint that was through the internet that
735 was there so people could go and learn about everything related to public access that they ever
736 wanted to know and we were able to funnel all of the types of projects that we worked on and
737 policies and issues that we solved and research that we were doing on individual road-endings,
738 analysis of what public policy should be--all of that went into this content-management system
739 that's there. So it became the living dictionary of our life experience since 2003. So everything is
740 contained inside of the VirginiaCoastalAccess.net website. That's where the public goes to learn;
741 to answer your question it's all there and--and so when the public stumbles on it, you know they
742 discover there's this treasure trove of 15 years' worth of work solving these most complicated
743 public access and working waterfront problems that are out there.

744 **00:57:51**

745 Now I would like to bifurcate a little bit to the working waterfront stuff since that's what
746 you're most interested in. The provision of working waterfronts is a policy question; you know
747 for Local governments, do you want it or not? And if you do, how are you going to manage that;
748 you know what policies will govern working waterfronts? Well just like public access it became
749 imminently clear that Local governments weren't equipped to deal with that on a daily basis
750 because they've got to deal with keeping schools open, keeping criminals in jail, and dealing
751 with solid waste. It--it's the same issue as public access. So staff took it back to the Access
752 Authority Board and said look; it shouldn't really make any difference whether or not you've got
753 a guy that wants to get access to the water for recreational use or you've got a guy that wants to
754 get access to the water for commercial use. It's still an access issue.

755 **00:58:48**

756 So my Board said yeah; it is. So the Public Access Authority Board said okay; we're
757 going to own this. This is going to become an issue that the Public Access Authority should own
758 and be responsible for. So we treat the provision of working waterfronts as an access issue just
759 like the provision of public access for the general public for recreational access. So the two kind
760 of co-exist together within the work program of the Public Access Authority; so we've become
761 the champions for talking about the issue, pointing out problems and conflicts at the local level
762 with the existing policies. Early on we quickly discovered that most of our working waterfront
763 infrastructure exists as legal non-conforming uses. And so for the non-planners and non-
764 attorneys that will hear about this that means that these businesses exist but have no legal
765 standing to exist. And they existed before zoning ever came to the Middle Peninsula because
766 culturally many of these businesses are operated on the same footprint going back to the 1700s.

767 **00:59:58**

768 So as long as the business interests remain active and viable it's not a problem but should
769 grandpa have a heart attack one day and you're shut down for some period of time you lose that
770 existing legal non-conforming status. And then it becomes a regulatory nightmare to get those
771 businesses back open. Coupled with the development pressure on the waterfront which is
772 squeezing those traditional uses and we talked about the residential change, you also have a
773 development machine prior to the collapse of the real estate industry you know across all of the
774 US--was pushing pressure, pressure, pressure on these seafood houses to sell for higher more
775 intensive use.

776 **01:00:43**

777 So the phrase that I coined early on before Virginia really started looking at this issue was
778 sustainable dilapidation. And people will hear it and then they think about it and they say well

779 that's kind of an oxymoron. How can you have sustainable dilapidation? And I say well it's the
780 cultural view-shed issue; it's why people want to live on the Lower Chesapeake Bay. They want
781 to see the fish house, they want to see the crab house, they want to see the dead rise, they want to
782 see the watermen, and they want to see the gillnets. But they don't want to see it industrialized.
783 They want what's in their mind's eye; they want the John Barber print that everybody has on
784 their wall that's there.

785 **01:01:24**

786 Well how do you do that; how do you protect it? You've got to protect it through policy
787 and if your policies and zoning ordinances don't carve out space for that industry to exist so that
788 they have a legal reason to be on the waterfront and they're protected they will lose at the end of
789 the day. They will be squeezed off the waterfront and--and that's part of the demise of our
790 working waterfront engine that Virginia is trying to slow. How that's being driven again is
791 through NOAA, through the Virginia Coastal Zone Management Act Program. So you've got
792 Coastal Zone Management Act funding that comes in through the Federal level down to the State
793 level. You've got a State program that's housed--you've got a Federal program that's housed at
794 the Department of Environmental Quality that has a coastal policy team in place which is
795 comprised of State agency heads or designees, representative from Coastal Planning District
796 Commissions like myself and it's our job to look at these emerging coastal issues that are
797 impacting not only the natural resources but the built environment to try to figure out what
798 should we be doing here; how do we manage this?

799 **01:02:38**

800 And so this issue of work--sustainable--sustainability for working waterfronts became a
801 target focal area for the Virginia Coastal Zone Management Program. The Access Authority, the

802 Middle Peninsula Access Authority kind of became the catalyst for driving that. Now after about
803 maybe 2010, some of our other coastal communities looked at the success of the Middle
804 Peninsula Public Access Authority and said oh wow; that tool really works. We want what
805 they've got. So the Northern Neck, which is the next peninsula up so that's bifurcated between
806 the Rappahannock and the Potomac went back to the General Assembly and said we want
807 permission to create a Public Access Authority. So the Northern Neck Chesapeake Bay Public
808 Access Authority was created.

809 **01:03:24**

810 Last General Assembly Session the Eastern Shore went back to the General Assembly
811 and said we want an Eastern Shore Public Access Authority. So they were given enabling
812 legislation to be able to do that. So now you've got three; you've got well-established Middle
813 Peninsula, you've got the established Northern Neck, but hasn't had a lot of success, and then
814 you've got enabling legislation in place for the Eastern Shore to do it. So the--the tool is
815 working, so at the same time that Virginia was beginning to direct funding to working
816 waterfronts we had these sister-agencies who were also growing and the idea of using these tools
817 strategically to deal with some of these very complicated issues was working well.

818 **01:04:10**

819 So we created three--three rural PDCs, the Middle Peninsula, the Northern Neck and the
820 Eastern Shore--created and was financially sponsored through the Coastal Program, a rural
821 working waterfront coalition. So you had these instrumentalities of public bodies saying we need
822 to create a structure so that we can talk about what should be the policy for governing working
823 waterfronts that recognize each region is culturally different. So how working waterfronts are
824 defined on the Northern Neck is different than how it's defined on the Middle Peninsula which is

825 different than how it's defined on the Eastern Shore. So we slowly began a multi-year project
826 effort to inventory what is working waterfronts and what is a definition for it and can our Local
827 governments you know embrace that idea? And so that's--that's how we've been shaping
828 working waterfronts on the policy side for the last couple of years.

829 **01:05:19**

830 So when it's appropriate for the Public Access Authority to own certain issues, we use
831 that tool that way; when it's appropriate because funding constraints require that only a Planning
832 District Commission, you know take off one hat and put the other hat back on--then the Planning
833 District Commissions do that, but the Public Access Authority has taken the position, my Public
834 Access Authority that we're going to own it and we're going to work on it. And so we do a lot of
835 those kinds of things.

836 **01:05:46**

837 So I'll tell you one more story about owning that gets us back to the VDOT in--road-
838 ending questions and then we'll turn back to there, because it will kind of--kind of like the dot on
839 the I here for the small diatribe about Public Access Authorities.

840 **01:06:03**

841 Perrin Wharf in Gloucester County is a traditional seafood portal; that was a--a
842 commercial dock that was built probably in I think if memory serves--in the '50s. It connected to
843 Perrin Road. So you had a 35-foot road straight down to the water's edge and then with an ice-
844 cream cone at the end, so you had a kind of bigger cul-de-sac that was there, say 350-foot wharf
845 that's there. The State DOT, VDOT through the Byrd Act that infrastructure transferred over to
846 them in 1933.

847 **01:06:44**

848 That is one of three or four State-owned public wharfs in the Middle Peninsula so VDOT
849 owns several wharfs. And this is counterintuitive because most folks think that the State you
850 know DOT agency is really interested in surface transportation but they're relics of the Byrd Act
851 that was there. These are really critical pieces of infrastructure that a lot of commercial watermen
852 depend upon.

853 **01:07:14**

854 About five years ago Cook's Seafood in Gloucester County on Sarah Creek closed and
855 then that was a commercial seafood house. Mr. Cook was probably in his late 90s; most of his
856 professional career, went to work every single day was buying and selling seafood, you know
857 started off with a truck and drove it to Baltimore or wherever to sell seafood. So it was really a--a
858 key hub facility for commercial watermen activity on the York River. Well when it was shuttered
859 and closed you had displacement of a lot of watermen. You know they didn't have any place to
860 tie their boats up anymore because that's where they always went. So as what we call the
861 coconut telegraph how that works in rural communities, watermen call an elected official and an
862 elected official's phone rings which is the worst thing that could ever happen because you never
863 want to have a phone ring unless it's--you know because it's a problem; you got to solve it. So
864 then my phone rings.

865 **01:08:06**

866 My phone rings with the directive--we've got this problem; I've got a dozen you know to
867 25 watermen that are displaced. They don't have anywhere to go; what can we do down in
868 Perrin? Is there a way to fix that problem? And I said yes. Let's go down there and study it. If
869 we're going to do it let's try to do it right. so the Public Access Authority was--was called in to
870 do what we do best which is to look at the landscape of what's--what are the pieces of the puzzle

871 on Perrin River? And that's when we discovered that you know the majority of those seafood
872 businesses down there were existing legal, non-conforming uses. And trying to get people--it's
873 almost an unfair ask to say to people, your government isn't helping you here. You know you
874 probably don't even realize it but you've got a lot at risk. And if you don't have some space
875 carved out in public policy and if something happens and you shut down it's going to be rough to
876 open back up and that's not the message, you know when you hear elected officials say by god,
877 the seafood industry is important to us; we're going to do everything possible to keep you open
878 and then you look at what the policies really do and it's the quagmire of red tape--those two
879 don't work together.

880 **01:09:18**

881 So we brought that back to the community, to the elected officials and said you know
882 you've got some internal tweaking you need to do and they've done a lot of improvements on
883 that. And we were able to shine a light on a pretty complicated public policy issue and they've
884 made some changes to make it easier for the working waterfront businesses to exist in this area.

885 **01:09:38**

886 About 10 to 15-percent of all blue crab landings in the Commonwealth come through this
887 portal that's down there. So it's an extremely important node for the commercial seafood
888 industry. At the same time that we were working on this there's like six seafood businesses that
889 are down there; two of the owners had heart attacks and died. So immediately overnight the
890 entire landscape of ownership it was that this is what we've been telling you it was going to
891 happen, happened. So now there's panic in the streets; you know what's going to happen because
892 now all the seafood infrastructure not only has some policy problems but now you've got no
893 owners that are there, no secession plans in place. The next generation really can't make a living

894 off of it so all these issues started to bubble at the same time. So the urgency of making sure that
895 infrastructure was preserved boom--front and center.

896 **01:10:32**

897 So the recommendation that came out of this was look; we can go back to the State
898 VDOT, the State DOT and transfer that infrastructure away from VDOT. You know they--they
899 would maintain it at a level that was minimal because it was in their infrastructure but they
900 weren't actively managing it for the seafood industry. We said we can do that; we can manage
901 that wharf in a way that adds more capacity to it, so that you've got a--a stronger protected in
902 perpetuity safe zone for the seafood industry. And they said that makes great sense; go get it.

903 **01:11:07**

904 So we worked with VDOT and transferred ownership. So that road-ending, again going
905 back to why the Access Authority was created that road-ending was transferred with what you
906 would call a pertinent-to which is the wharf, connects to the real estate. So the real estate was
907 transferred back to the Public Access Authority along with the wharf that came in. Then we went
908 back to the Virginia Coastal Zone Management Program and said I need a grant, small grant I
909 think it was \$8,000--to put in slip poles. There were no slips at this wharf at all, so the watermen
910 were doing what they traditionally do; they were docking side-to, so you might have three or
911 four 30-foot dead rises taking up 200-foot of dock space and then they were rafting out. I said
912 look; if we get slips in and back them in stern-to you're only taking up 15-feet because that's
913 how wide they are or 14-feet and you can back them in slip-to so you can make better functional
914 space--use of the space, the public space and get more boats in there. And now they've got
915 infrastructure; they can tie up to the poles that are there and--.

916 **01:12:18**

917 So we designated one side of the wharf essentially for commercial use and the other side
918 of the wharf for recreational use. And that's kind of the conditions when you utilize NOAA
919 funding you know you can't--you've got to make sure that you accommodate it's like--what is
920 the movie--*Airplane*, you know the red zone is for loading and unloading only. So you got to
921 have the space that's for the--the commercial side and you got the space for the recreational side.

922 **01:12:44**

923 So we got that grant done; it took about a year and a half and we had some marine
924 contractors donate their time and labor to drive the poles in. So we were able to make huge
925 improvements in the protection of the key infrastructure down there for the working waterfronts
926 with just a piddly little you know \$8,000 grant. And so folks you know again, they don't know
927 the story; they'll never know how it came to be. They just drive down there and see that there's
928 slips down there now. The next thing that--that came along with that was our portfolio of land
929 holdings began to grow exponentially and so I'm going to bifurcate to tell you about something
930 else and then we'll come back to how--how it ended up with Perrin.

931 **01:13:25**

932 Maybe in 2006 we had a land owner in Gloucester that called up the County and said I
933 want to donate some property. The County said we don't have any capacity to take on donations
934 of waterfront property. Call the Public Access Authority. So I said sure; if there's waterfront
935 property and you want to give it away and we can do something good with it we'll take it. So we
936 have this 15-acre parcel that was given to us. And that was great; you know so then I had this
937 public holding and now I had this donated piece of property off on the side. And--and nothing
938 much really happened with that donated piece of property for a couple of years and as we could
939 find grant money we would develop management plans for each of our holdings. Well two and a

940 half years ago we had a gentleman on that same river called up and said Lewie, can you come
941 down; I may want to talk to you about donating some property? And I said okay; so I went down
942 and this gentleman owned a 100-acre waterfront plantation with an 8,000 square-foot house on it,
943 a 3,000-square foot brick rancher, a boat ramp, covered barns and sheds and he said I think I may
944 want to give you this little bit of property over here. Tell me--off the corner; tell me a little bit
945 about what the Public Access Authority is and what you're doing. And so I laid out the whole
946 story, the history behind it, and he said that's pretty cool. Now let me think on it for a little while.

947 **01:14:48**

948 Well the night that Congress settled the question of what would the tax framework look
949 like for the one-percenters in this country the next morning my phone rings, and this gentleman
950 says okay; now I know what my tax situation is going to look like going forward. I'm going to
951 give you everything. And I said are you sure? He said yeah; he said I'll be up in February. Have
952 your attorneys draft the deeds and I'll sign them all and I'm going to give you livestock and
953 barrel everything. I said okay.

954 **01:15:21**

955 So we did that and he--sure enough he showed up in February and he signed the deeds
956 and now all of the sudden we're sitting on a \$1.6 million piece of waterfront property with
957 houses and barns and everything under the sun. So now our ability to offer up recreational
958 opportunities to the waterfront has once again changed dramatically; so immediately we opened
959 up public waterfowl hunting areas. So now for a new type of recreational access there was no
960 public waterfowl hunting anywhere on the--on the [Inaudible] and this gets back to that cultural
961 thing. I knew it was important so we did it. So we just said fine; here's--these zones are there.

962 And that's consistent with how we manage other properties across the Middle Peninsula. We'll
963 zone it out, first come first serve; you can you know take advantage of these opportunities.

964 **01:16:04**

965 We also went down back to our Virginia Sea Grant partners and we said look; we need
966 some help here. We've got this public donation and I need to know how do we leverage that for
967 public benefit? So our partners at Sea Grant drafted an RFP to the Virginia University under the
968 Sea Grant umbrella. So there are land grant universities and sea grant universities. Sea grant
969 universities provide--receive funding from NOAA again to work with coastal communities on
970 issues of importance. So Troy led an RFP to develop an adaptive reuse plan for the Captain
971 Sinclair's Recreational Area which is what we're calling this piece of property here. And
972 Virginia Commonwealth University Planning Program was selected for that. So the Graduate
973 students at VCU are now developing an adaptive reuse plan for this site. Many of the
974 components of that plan relate back to working waterfront preservation because now we've got
975 this huge waterfront property; can it be used to enhance the aquaculture industry? You know are
976 there opportunities to provide either access or hatchery space or education and demo
977 opportunities or you know just to get the public down to see the waterfront--whatever. They're
978 trying to figure out how do we move those pieces around this piece of property.

979 **01:17:15**

980 Well so this big article went out in the *Daily Press* about that and this is the classic
981 snowball effect; once you start it rolling downhill everything good happens. Well the public
982 started reading about this and said well this is great; we want to give you some property. So my
983 phone started ringing off the hook. I started having people all over the [Inaudible] calling up
984 saying we want to give you some property. So over the last two years I think we have been

985 donated almost \$3.5 million worth of waterfront property. So I've got this pearl necklace, some
986 sites are small one-acre sites; other sites are you know 15, 20, 30 acres up to 100 sites that's
987 growing under what I'm calling altruistic giving for public benefit. So the Access Authority is
988 positioning itself to say to the world out there if you want to work on these public access
989 problems consider giving your property away. There's all sorts of benefits for people to do that.
990 People want to do it because they want to help their community; some people want to do it
991 because they've got a tax problem. Some people want to do it because they've got a regulatory
992 problem. Some people that moved into our community which we talked about earlier realized oh
993 my goodness; there are hurricanes and there are a lot of them. And we're sinking and you got sea
994 level rise and I'm tired of my garage flooding and I'm tired of having to deal with the Federal
995 Flood Insurance Program. I want out.

996 **01:18:36**

997 Property values are twirling right down in the toilet. I'm a retired boomer; I got to get my
998 money out of this house. The next generation of millennials they don't want to buy in coastal
999 communities. So it's--it's a complicated set of problems and we have created a pathway for
1000 people to access State and Federal tax credits by donating money, donating property to the Public
1001 Access Authority. So in some instances they walk away with a check; they're tickled to death
1002 because they can't sell it anyways. I'm tickled to death because the public footprint of waterfront
1003 properties is expanding exponentially.

1004 **01:19:15**

1005 So to get back to the Perrin Wharf thing now I'm sitting on about 1,000 acres of land all
1006 over the Middle Peninsula; everybody wanting to know how are you going to open this stuff up?
1007 When is it going to be open? And how do we find out about it? So I figured oh my goodness,

1008 because the Access Authority has no staff. You know I'm the Secretary for the Authority but we
1009 have no paid staff. We get no money from the State Legislature; we get no money from Local
1010 government. We've got to find grant money and donations to make the Authority functional to
1011 be able to work at a level that can continue bringing back. Our Local governments love it
1012 because I think we've probably now with these land donations we're pushing like \$5 million and
1013 we haven't spent a penny of local tax dollars yet.

1014 **01:19:58**

1015 There have been instances where local governments have decided that a project need,
1016 they wrote a check to solve a problem but we've not gone to our Local governments and said you
1017 need to financially support us; write a check. You know that hasn't happened. So when you step
1018 back and look at what we've been able to accomplish without spending that local money it's
1019 probably the most successful form of government that's in the Commonwealth's history when
1020 you look at the return on investment here.

1021 **01:20:25**

1022 So I called up--we had one of our--our consulting partners said you need to talk to
1023 Virginia Interactive. That's the e-Commerce arm of the Commonwealth. So I called up Virginia
1024 Interactive. These are the folks if you go online to purchase a hunting license they've got the e-
1025 Commerce window, you know there where you log in and you punch the buttons and you pay
1026 your money and you get it. So I brought their--their folks, their team down and I said look; here's
1027 what I got going on. I don't have any money but I got a ton of properties. We are reinventing
1028 how the public gets access to the water both on the commercial side and on the recreational side.
1029 I need a tool that will manage all of these properties electronically where the public can go in,
1030 they can reserve these areas for bird-watching or public hunting or they can reserve these slips at

1031 Perrin Wharf. They can pay their fee. And they can reserve it for a day, a week, a month, a year--
1032 whatever you know and we need to make it seasonal. So as the uses--as the seasons change the
1033 uses change and I can turn on and off different types of uses to match what the public's needs are
1034 at that time.

1035 **01:21:32**

1036 So they went away and they came back and they said okay; we think this is pretty cool.
1037 This is probably something that is needed; nobody else is doing it out there. We're going to work
1038 with you and so for a nominal cost, I mean we were able to get some grant funding, a little bit of
1039 money to say okay we can give you this much if you all will bring us this much of services to the
1040 table, so we agreed to do that.

1041 **01:21:56**

1042 So they built the reservation system for us, so through the VirginiaCoastalAccess.net
1043 website now you can go in and click on reserve now, up comes the entire portfolio of all land
1044 holdings that the Access Authority has; click on the land holdings and you look at all the
1045 different ways that the public can now recreate including the Perrin Wharf that's there. So we've
1046 got these slips that are set up down there. The watermen have first choice for the slips that are on
1047 the port side, and for the non-knowledgeable people, on the left side. And that's the--the irony
1048 out of all of this. So when we put the slips in we talked with the watermen and said look; the
1049 State isn't going to invest in this wharf. There's not--it's just--that's not the way the government
1050 works anymore right now. You all need to cost-share with us on this. You need to be willing to
1051 pay a little bit and that money will go into a fund and when the wharf needs repair we'll try to
1052 leverage that money to make the repair. And we said what do you think is fair? And they said
1053 you're going to require insurance? And we said no. We don't need to require insurance. Most

1054 marinas require insurance and so these old workboats can't--they're not insurable or the guys are
1055 assistance you know living and they don't have the money for it.

1056 **01:23:07**

1057 So that's part of the reason why they don't have any place to go. I said we don't care
1058 about insurance; you know that's--that's not the model. You know we're--we're providing public
1059 infrastructure for a specific working waterfront need that's there. They said well 100-bucks a
1060 month; that's great. We can do that. I said fine; 100-bucks a month.

1061 **01:23:24**

1062 Well we got a whole project all done and then early there was a big run of menhaden last
1063 winter, moving into about this time period, maybe February or March. The menhaden were--
1064 they're called bunker locally. And hundreds if not thousands of bushels of seafood were coming
1065 across the dock. So we started getting complaints from folks, all this seafood is being landed;
1066 you know shouldn't these folks be paying you know to use your wharf? And a lot of these
1067 watermen were watermen that were just coming over and meeting the buyer offloading. And I
1068 said yeah; that makes some sense. We talked to our Board and we came up with a sticker system.
1069 So if you wanted to offload seafood at the public wharf you got a red sticker, \$25 a year. And if
1070 you wanted a slip it's \$100 a year. So they--the seafood buyer that was down there, well he got a
1071 sticker for red--for his truck; he put it on there. And it was the only sticker we could sell. None of
1072 the boats, none of the watermen would buy it at all, so now I got this wharf with all of these
1073 watermen down there using it refusing to pay for the slips that they're using. So I got--they're
1074 squatting in the slips. And we're not inclined to you know push them out because this is the
1075 whole reason why they're there and so it's a difficult journey with them to get them to
1076 understand that there's a new model; that we understand that you never had to pay before. But

1077 there's no one else that's repairing. So somebody drove a truck into the fascia board on the wharf
1078 and cracked it up last winter. And they--one of the seafood vendors that was down there said
1079 well we'll just pay for it and get it fixed. And I said no; don't do that. I need this as an illustrative
1080 example of if they're not paying it's not going to be repaired. So that fascia board is still cracked
1081 up today. The guys are beginning to return back to the wharf now preparing for the gillnetting
1082 season and crabbing season and the wharf has got some boards that are cracked up and missing.
1083 And so I'm getting calls and I'm like sorry; you know you--I had one sticker last year for \$25 so
1084 I went to Lowe's and bought \$25 worth of nails. And I used them all up.

1085 **01:25:32**

1086 Not my problem.

1087 **01:25:33**

1088 So we're working with our Delegate to try to get down there to get these guys to
1089 understand they need to cost-share with it. So that's kind of the full circle you know back to what
1090 the Access Authority is doing here.

1091

1092 **01:25:44**

1093 **Interviewer:** So I mean I think you answered the question but one thing that had been lingering
1094 for a lot of the discussion was who--who is doing all of this work? You talked about looking
1095 through old deeds and you know it sounds like there's a lot of legal research going on and I was
1096 really curious to know what sort of staff there was to do all of this work. And it sounds like there
1097 really wasn't a staff.

1098

1099 **01:26:08**

1100 **Lewie Lawrence:** Yeah; so since the--the Public Access Authority and the Planning District
1101 Commission kind of co-exist in parallel universes it's there. What we try to do with it is to take
1102 the work programs that the Planning District Commission has and I'll carve out specific elements
1103 through those different grant programs that are there, prepositioning staff time to be able to work
1104 on this. So I've got a transportation planner that's on-staff who has a law degree. So we'll write
1105 into that scope of work--wrote any legal research. We don't know where it's going to take us but
1106 we write it in.

1107 **01:26:44**

1108 Through the Virginia Coastal Zone Management Program we receive what are called
1109 ongoing technical assistance grants where we are block-granted money every single year through
1110 that program. There's a special projects provision that's in there. I'll write in Public Access
1111 Authority staff support into that grant so between those two that are there every single year it's
1112 enough to handle the majority of--of what comes up. And then that gives us the capacity to be
1113 able to go after other programmatic grants to make you know develop new management plans or
1114 to undertake capital improvement plans; we've--we're building at the Captain Sinclair's site a
1115 new public pier now for canoe and kayak launch. So it's having that staff capacity in place is
1116 really essential because if you've got that in place and you've got a body that's working on these
1117 types of issues when they come up then you've got somebody to say go off and try that grant.
1118 And then once you can receive--once you're awarded the grant then for me as the Agency
1119 Director, I've got to figure out to you position the staff you know that's there.

1120 **01:27:51**

1121 So we use a whole different array of full-time staff, part-time staff, project consultants,
1122 some of them have spent their career in government and some in the private sector and we just
1123 make it work.

1124

1125 **01:28:03**

1126 **Interviewer:** I mean one other question I had and you know maybe this is--I think you may
1127 have also just answered it but in terms of developing some of these new projects and putting in
1128 this pier is that being paid for through the fee structure that you've put in for, you know
1129 individuals who are reserving the area--

1130

1131 **01:28:20**

1132 **Lewie Lawrence:** Right.

1133

1134 **01:28:20**

1135 **Interviewer:** --because I could also see even though that you may have public land that's being
1136 used, if there are structures on it and those structures start to fall down, and let's say someone
1137 gets injured you know there's going to have to be someone responsible for that. And so clearly
1138 maintaining the structures is going to be part of it and so I was wondering how one goes about
1139 maintaining those structures.

1140

1141 **01:28:45**

1142 **Lewie Lawrence:** Yeah; and that's--that's the normal knee-jerk response and it's an appropriate
1143 response that my Board, the Public Access Authority Board had when we started receiving a lot

1144 of these private donations on properties. Well how in the world are we going to manage this;
1145 how are we going to maintain it?

1146 **01:29:01**

1147 So my first answer back to them was look; you can maintain as God put it on the earth.
1148 It's just raw land. There's nothing that says you have to have infrastructure and trails. You can
1149 hold it in public trust until such time as Local governments or the Public Access Authority
1150 decides it's of critical enough importance to warrant the expenditure of public dollars. So that
1151 premise of holding something in public trust is really important because that was something new
1152 that a lot of them hadn't thought about--that being able to hold property for future generations is
1153 just as important as opening it up today because if you've got it, you've got it. If you don't, you
1154 don't. And there's never going to be enough public money to buy it. So the starting point was get
1155 it and manage it without cost, so that's where we start.

1156 **01:29:55**

1157 For the properties that do have infrastructure on them I try to operate those as cost centers
1158 so that they self-sustain themselves. So with Captain Sinclair's Recreational area we've got
1159 tenants that are renting the big house and the rancher that's there. So that's enough revenue
1160 coming in to pay for the insurance on the property, to pay for the flood insurance, pay for the
1161 electric, and to pay for road maintenance. So it's--it's--it's kind of a breakeven and any other
1162 projects that come onboard they need to try to--we have to try to figure out a way to self-sustain
1163 financially those components. We also partner with the high school rowing team for that Captain
1164 Sinclair's site so the high school comes down and brings a busload of kids and they've got their
1165 65-foot row shelling sculling boats inside of some of our barns. So we provide that community
1166 benefit right back to folks and they cost-share with us. You know they'll--they'll help with road

1167 maintenance and--and those types of activities so it's a lot of partnering that goes into making
1168 you know these projects work.

1169 **01:30:59**

1170 But I do tell my Board this; if it becomes--if it gets to a point to where the infrastructure
1171 is too costly burn it down. You know don't--don't kid yourself about this; there's no requirement
1172 that you keep the infrastructure there. What's important is the land. It's not the infrastructure
1173 because that can always be replaced. And once the mindset recognized that there is no
1174 responsibility to keeping that infrastructure current and active then it was a different way of
1175 looking at it. So we--we try to come up with a way to generate revenue to make it revenue
1176 expense neutral. And if we can come out cash flow positive on it--even better. The Browne Tract
1177 up in Essex County was one of the first pieces of property that we opened up for public hunting
1178 and we were probably getting in off of that property about I don't know \$1,500 a year in gross
1179 receipts for people that were public hunting that property. So that was a revenue stream there that
1180 was enough to buy hunting stands and to put gates up and a kiosk. So that--that model was
1181 working very well.

1182 **01:32:00**

1183 Now when we flipped it, you know that one you called up on the telephone and you told
1184 the secretary your name and you sent a check. But now it's a new online system where you've
1185 got to go online and you've got a QR code and you zap your phone at it or you can go onto your
1186 computer and do it. That's going to take a little while for people to get used to because it's a new
1187 tool. And sometimes in rural communities you've got folks that aren't accustomed to using the
1188 internet. So a lot of the revenue went down this year because it's new and we anticipate that for
1189 the next couple of years before people get used to using this tool. But at the same time we're now

1190 opening up all these new different areas, so we're hoping that it'll balance because now we can
1191 open up new seasonal types of uses that we didn't have before. So that's kind of the--the
1192 financing model that we're--that we're looking at.

1193

1194 **01:32:46**

1195 **Interviewer:** Okay; I have--there is one question I wanted to ask earlier but didn't want to
1196 interrupt what you were saying at the time. I think you made reference when the--there was two
1197 other Authorities starting, right, Northern Neck.

1198

1199 **01:33:03**

1200 **Lewie Lawrence:** Northern Neck.

1201

1202 **01:33:05**

1203 **Interviewer:** Northern Neck; you mentioned that it has not had a lot of success. Is that simply
1204 because it's still relatively new or have they run into issues that were different from the issues
1205 here?

1206

1207 **01:33:16**

1208 **Lewie Lawrence:** This is Lewie's opinion on this and so I--I can't speak for the politics of what
1209 and why their tool hasn't been able to yield the same results as our tool. I can say that because
1210 it's culturally important to me that we fix this problem, that it's a priority and so you know I--I
1211 created this, I meaning or *we* meaning the larger--it's--it's this was born under my watch that's
1212 there. And I'm extremely proud of the success that we've been able to achieve over the last 10 or

1213 15 years of this. And I think it's just beginning; you know I think we are going to fundamentally
1214 shift and change how people get access to the water in the Middle Peninsula.

1215 **01:34:00**

1216 So for me professionally it's one of the most important community development tools
1217 we've ever done, so that's why we are successful. I don't know on the Northern Neck if they
1218 take that same viewpoint on how to use that tool. You know you've got to have staff in place that
1219 are visionary, that can see, I can get to that point. I can go over the problem. I can go under the
1220 problem. I can go around the problem. But if you hit the problem and you're not willing to go
1221 over, under, or around it doesn't move. And--and that's--that's standard with everything in
1222 society.

1223 **01:34:38**

1224 But for us we are experts in solving problems that people say can't be solved. So for us I
1225 think that's why we are successful is because we don't understand when people say you can't fix
1226 this problem. What we hear is oh yes; we can and we're going to do it better than anybody else
1227 has ever done it. And that's something that works extremely well for us and I think our portfolio
1228 you know speaks to that effect; I mean that's why you're here learning about this right now.
1229 Yeah; and so you know on the Eastern Shore you know with their enabling Authority there they
1230 have got to now go back to their Local governments and--and the Local governments have to
1231 declare that there is a need. You know there is a bureaucratic process to create these Authorities
1232 and make them work and function. So just because the General Assembly stroked the pen and
1233 said you can be created you've got to convince Local governments that it makes sense. They've
1234 got to have comfort in that the tool will not erode away their authority; that you're not going to
1235 take away property rights with it--there was one Delegate when our enabling legislation was

1236 passed that didn't think it was appropriate to have eminent domain. So that power was redlined
1237 right out of the legislation which is fine. Delegate Morgan taught me this early on in my career
1238 and it's so true today; he said Lewie sometimes it's better to get a half a loaf of bread than no
1239 loaf of bread. And so you figure out which battles you want to fight and which ones you don't.

1240 **01:36:08**

1241 So you know we had partnered with the Northern Neck on a dredging project and this
1242 gets--this ties back to the working waterfronts issue. When Congress de-funded the Army Corps
1243 of Engineers and said Congress said to the Corps there's no more money for dredging, our
1244 Congressmen and the Corps came down to the Middle Peninsula and the Northern Neck and we
1245 convened a large meeting and the Congressmen said the days of the Federal government
1246 dredging your creeks are over. You know that ain't happening anymore. So we got to find a new
1247 model for how we're going to dredge these creeks so that your seafood industry and recreational
1248 boating industry you know you can get boats in and out through there.

1249 **01:36:43**

1250 So both of the two Public Access Authorities and PDCs collaborated together with the
1251 Corps to say it doesn't make a lot of sense for a dredging company to undertake a dredging
1252 project on the Potomac this week. And then go down to Norfolk next week and then come back
1253 up to the York and then go over to the Eastern Shore and then go back up to the Potomac. We
1254 need to look at it systematically to say which creeks need to be dredged in what order and where
1255 can that sediment, the beneficial spoil be applied? You know do you have beach erosion issues so
1256 that you're aligning these projects and you're making the best use of the dollars that are being
1257 contributed to these projects?

1258 **01:37:21**

1259 So we were able to come up with that framework for organizing dredging projects
1260 collaboratively and we were able to do that study jointly. But that's been about the only project
1261 that the two Public Access Authorities have been able to work on and it's not because we don't
1262 have lots of projects; we do have lots of projects, but for whatever reason you know their--their
1263 ability to--or need or priority isn't the same as ours.

1264

1265 **01:37:51**

1266 **Interviewer:** You did mention just to--to highlight another thing that you had raised--you know
1267 members of the community when they heard about what you were trying to do you had some
1268 people donating land for tax reasons, for altruistic reasons; what I'm curious to know is if the
1269 community has provided any feedback about what they would like to see the land put to use for?
1270 You had mentioned of course you know you have this cultural heritage duck hunting and so you
1271 have an interest in putting up duck blinds. I was wondering if people were providing like you
1272 know what; we would really love to see this, we would love to see that, and how do you
1273 accommodate--if there are those requests how do you accommodate those?

1274

1275 **01:38:34**

1276 **Lewie Lawrence:** As a general rule what we try to do for every piece of property before we
1277 open it up in--in the planning world to be able to say it's open for public use today, we develop
1278 management plans for every property possible and we start at the grassroots level with that. So
1279 we knock on doors. People that live on the street that's there, people that live in the general
1280 vicinity; we'll you know talk to the local elected officials, to people at churches, wherever to find
1281 out who culturally utilized that property historically, how did they utilize it, and can we find or

1282 propose a management framework that either keeps that traditional use whole or gets you as
1283 close to whole as possible?

1284 **01:39:16**

1285 So we've got properties that the public uses right now that are completely driven on what
1286 the public said that they want. So we've got some in King and Queen where they said loud and
1287 clear; we don't want the discharge of any firearms on this piece of property so it's bow hunting
1288 only. So we right-sized the management plan around what the willingness is of those neighbors
1289 to be able to coexist with it. So that's--that's a really important and critical component you know
1290 to how we undertake a lot of these projects. Some of the properties may only be open in the
1291 sense of passive where if you want to drive down and walk around on the property and my phone
1292 doesn't ring I don't care. You know it's a piece of public property; go down there. But if you
1293 make my phone ring then it's a problem and we got to find out why. So if we don't have
1294 resources to develop this management plan today for some of those holdings it's just passively
1295 managed; go on down there and use it. It's public property. If you want to go down there and eat
1296 a sandwich and go look at the birds--who cares? You know it's just a piece of land; help
1297 yourself.

1298 **01:40:17**

1299 And--and then as we find resources or as the public need intensifies where there is a
1300 group, a citizens-for X, Y, or Z we want to use this property for this thing then we'll begin to
1301 have those discussions with those groups to say okay. Either you all need to bring me a plan back
1302 that says here's what we propose as a community group and then my Board will review that and
1303 say this makes pretty good sense; you know it's community driven, or if you don't have any
1304 money then I've got to try to find resources to develop that management plan. So then we have

1305 to begin to look for different funders, private foundations, you know our traditional grant
1306 programs at the National level or the State level or you know wherever, and then you know when
1307 we're successful with that we develop a management plan with it.

1308 **01:41:04**

1309 The management plans will then lay out the expectations of what the public thinks that
1310 they need for the properties and what's warranted. The way that my Board, the Access Authority
1311 Board has held using these properties if you think about color grading it where red is the highest
1312 most intensive use possible with all asphalt and merry-go-round and Ferris wheels and you know
1313 craziness, all the way down to a dark green where it's just nobody uses it, it's protected property-
1314 -what my Board has generally held is the compatibility with the environment so they like
1315 management plans that operate in shades of green.

1316 **01:41:41**

1317 They don't want shades of red because shades of red there's cost and conflict with that.
1318 So if you go back and look at the management plans that are in place they're always in that kind
1319 of greenish area of low-key, passive recreational uses.

1320

1321 **01:41:59**

1322 **Interviewer:** Hmm; I only have looking over the questions that the Project is interested in
1323 there's only one that I have left. So I'm going to ask that and then I kind of want to turn things
1324 over to you if there's something that you wanted to discuss that I haven't asked about, I'd be
1325 happy to talk about those things.

1326

1327 **01:42:14**

1328 **Lewie Lawrence:** Right; sure.

1329

1330 **01:42:14**

1331 **Interviewer:** The last one that I have is you know looking--looking forward are there other
1332 things that need to be done or other policies that need to be put in place in order to preserve and
1333 protect the waterfront, the working waterfronts going forward? Is there something that you feel is
1334 needed or you foresee needing in the future in order to--to help with everything that you've
1335 already achieved?

1336

1337 **01:42:47**

1338 **Lewie Lawrence:** Right; yes I get to ask that hat through both--that question through both hats,
1339 both as the Planning District Commission and the Access Authority.

1340 **01:42:54**

1341 In--through my lens as you know a professional planner what I would like to see our
1342 Local governments be able to achieve is to have working waterfronts recognized in their table of
1343 permitted uses in their zoning ordinance with the same equal standard as a used car lot. You
1344 know anybody pretty much that wants to open a used car lot they just go get their permit and
1345 they do it. There shouldn't be any reason why seafood industry should not be treated the same;
1346 they--if it's important culturally and it's something that your comprehensive plan says yeah we
1347 want this in our community it's important, we've got to maintain it, people love seafood and by
1348 god we want to make sure that people are buying our seafood, the path to sustainability through
1349 your zoning ordinances needs to be as equal as any other business that can just show up and

1350 they're in business. And for some reason land use planning hasn't figured out how to embrace
1351 this issue.

1352 **01:44:04**

1353 A lot of that has to do with recognizing and--and this is debated every single day
1354 whenever the subject matter comes up--I contend that Local government has a territorial
1355 boundary. So let's consider that a polygon that's there. And then they have their jurisdictional
1356 boundary. Local government tends to think that their jurisdictional boundary is terra firma only--
1357 that it's just the dry land. They--they haven't come to recognize that their jurisdictional boundary
1358 extends out over top of water and it extends to the center line of the rivers. And there are many
1359 examples of how the General Assembly has dictated what those boundaries are. But traditionally
1360 they've never invoked their land use planning authority over marine affairs, for marine special
1361 planning.

1362 **01:44:56**

1363 As these uses continue to change along the waterfront the burden to manage these uses is
1364 going to fall on Local governments' laps so they will have to deal with this issue at some point in
1365 time and the conflicts you're seeing them pop up now with the aquaculture which we talked
1366 about, floating homes, you know other issues that other coastal communities are struggling with,
1367 they're cropping up here, where all the sudden the highest density subdivision is at a marina now
1368 because you've got these homes where it's cheaper to buy a \$50,000 boat with two beds and a
1369 kitchen in it than it is to buy a piece of waterfront property.

1370 **01:45:33**

1371 Floating buildings where the aquaculture industry is looking at well wait a minute; maybe
1372 I can just get a building on a barge. Well is that taxed? You know how is it zoned? How are you

1373 dealing with the sewage? All of these types of new uses are--are requiring Local government to
1374 have to make decisions over affairs that are subaqueous in a marine environment that's there.
1375 Traditionally, the Virginia Marine Resource Commission has dealt with the subaqueous and
1376 natural resource and commercial fishing side of the marine environment. But that's not the use
1377 side; use is something that Local government has to manage. That's where a lot of this issue is
1378 going to pop up and so you know the easier path and the sooner that Local government you know
1379 goes on record and says this is our policy the easier it's going to be for that seafood industry to
1380 remain active and vibrant and to be able to modify and shift as you know new technologies come
1381 online.

1382 **01:46:33**

1383 Maine has done a phenomenally good job at articulating the importance of the seafood
1384 industry through public policy. Even simple things like coastal living policies, you know to say
1385 that work boats do start up at 6:00 in the morning and they do smell but these jobs are important
1386 to us and if you don't like it don't move here. You know that--we're silent on what it means to
1387 live in a coastal community that has an active seafood industry because it went away and now
1388 it's coming back. And so it's coming back differently but the policies haven't kept pace with it.
1389 So their comp plans and the zoning ordinances that went into play in the '80s forward when
1390 zoning was first brought to the Middle Peninsula, didn't recognize the likelihood of the seafood
1391 industry you know being an economic engine in your community. So the policies weren't shaped
1392 around that; they need to be reshaped and reframed. That's--that's where the Access Authority
1393 will continue to work and that's where the Planning District Commission will probably continue
1394 to work.

1395

1396 01:47:39

1397 **Interviewer:** Okay; is there anything that I haven't covered that you'd like to talk about
1398 regarding this Project?

1399

1400 01:47:45

1401 **Lewie Lawrence:** I think maybe just one other thing on the altruistic giving.

1402

1403 01:47:48

1404 **Interviewer:** Sure.

1405

1406 01:47:49

1407 **Lewie Lawrence:** We've got a couple of our communities that continue to struggle with the
1408 provision of public access. They just don't have it. And they have stood back and they've
1409 watched--let me start this differently. When I first started talking with State-level folks about
1410 altruistic giving, people said Lewie nobody is going to give you property. That's the dumbest
1411 idea we've ever heard about. Don't even bother to waste your time on this.

1412 01:48:16

1413 I said I disagree. I think that they will. I think people care enough and there are enough
1414 regulatory problems out there that you have to create the pathway. Let's create the pathway and
1415 try it. Well now my cup runneth over with properties and I've got so many that now my Board,
1416 the Access Authority Board is asking questions which we've never been able to ask before, how
1417 much do we need? Do we have too much? Where do we want them? Those are good questions.
1418 That means you've been successful. That means you've shifted the policy discussion away from

1419 we don't have enough; oh my god, how do we hold off what we've got, to do we have too much?

1420 That's a huge shift in the way that we think about these questions.

1421 **01:48:58**

1422 So other communities that are struggling with this have now come back to the Access
1423 Authority and said, can you develop an altruistic giving program for us? You know how do we
1424 take what you've been able to cobble together and promote it in a structured, strategic program
1425 which is you know high-gloss material that you send to the surveyors, that you send to the
1426 lawyers, that you send to the land trusts, that you send--you know that you send out to people
1427 that are in a position to influence decision-making, to say help your community? You know
1428 there's another way.

1429 **01:49:34**

1430 Leave that legacy; you know if it's important to you put it in the deed. You know dictate
1431 this is what this property can be used for, for public benefit. So we're doing that now in Essex
1432 County where we've just started developing a structured altruistic giving program to try to
1433 fundamentally change the--the footprint of--of how the public you know gets to the water there.
1434 That's remarkable; you know that you're able--that we've been able to go from an idea that
1435 everybody says was you know the dumbest idea ever to people requesting it. You know that's
1436 the hidden success. You know people don't read--read about that; they'll never know about it.
1437 We're getting questions now which--which I love because they're great policy questions; well
1438 you're taking all this property off our tax roll. You know so now it's shifted the other direction to
1439 say well tell us what the benefit is here. You know why--why--why is this a good community
1440 development outcome that you've now got this new property for public use? So now I'm having
1441 to shift some of the work product that the Access Authority is doing not into a problem-solving

1442 mode, but now into a reactive mode of defending which is great because it means that we're--
1443 we're making--we're impacting and now we're having to quantify why this makes good sense.

1444 **01:50:55**

1445 So the whole public dialogue around the subject matter is shifting and that's--that's an
1446 indicator that we are--we are helping to develop and--and articulate and--and change how policy
1447 is related to the provision of access. So it's a good thing.

1448 **01:51:16**

1449 So check back in about 10 years and see how we did on that.

1450

1451 **01:51:20**

1452 **Interviewer:** All right; is there anything else?

1453

1454 **01:51:22**

1455 **Lewie Lawrence:** No; I think that's got it.

1456

1457 **01:51:22**

1458 **Interviewer:** All right; thank you very much for your time.

1459

1460 **01:51:23**

1461 **Lewie Lawrence:** Thank you for your time.

1462

1463 **01:51:25**

1464 **[End Lewie Lawrence Interview]**