



TOWN OF CHINCOTEAGUE, INC.

April 21, 2016

Deborah A Darden
Superintendent
Assateague Island National Seashore
7206 National Seashore Lane
Berlin, MD 21811

RE: Response Letter to the National Park Service General Management Plan and
Environmental Assessment for the Assateague Island National Seashore

Dear Ms. Darden:

On behalf of the Town of Chincoteague I am presenting a brief list of comments and concerns regarding the General Management Plan (GMP) Alternative Concepts, for the Assateague Island National Seashore.

After a 5-year wait, we learned about four alternatives as detailed in the plan. Some of the alternatives' planning processes are frustrating because there are very good ideas mixed with very bad ideas (from our perspective as the gateway community for the southern end of Assateague Island). The following list is provided to clearly identify those elements of the draft GMP that we hope the NPS will work on in more detail, with the Town of Chincoteague representatives.

Wilderness Area

The wilderness area in your preferred alternative makes clear and corrective steps to continue OSV within five hundred feet of the water line on the ocean side and takes such territory out of the plan over the water, which we commend. Although we think that the land base is too small, and the proposed wilderness area should not be considered in any portion of Assateague Island National Seashore.

Oyster Watch Houses and Duck Blinds

In the executive summary, and alternative of the GMP it states "continue to take no action related to privately owned structures (oyster watch houses and duck blinds) associated with submerged land leases." However, in the other three alternatives (including the preferred

alternative in the GMP) it states “to initiate an assessment of privately owned structures (e.g. oyster watch houses and duck blinds) located within Virginia’s seashore and work with Virginia to ensure appropriate wastewater treatment and disposal at authorized structures (e.g. oyster watch houses).” The town’s understanding is the Virginia health department takes adequate samples per year of the waters around Chincoteague, to determine if it has contaminated discharge of nutrients, pathogens, etc. resulting from wastewater discharge. Wastewater treatment and disposal is and has been a function of the Commonwealth of Virginia, nothing in the Seashore Act gives joint or sole authority to the NPS.

Also, the GMP states “Working with Virginia, NPS would assess the legal status of privately owned structures (oyster watch houses and hunting blinds) located within the seashore’s Virginia waters, and pursue removal of those found to be unauthorized.” The town is taking a very strong position on the historical and cultural decisions set on oyster watch houses and duck blinds. Almost all oyster watch houses and duck blinds have been handed down from generation to generation, to those family members that live on Chincoteague Island. All of which precede the state code of 1975 allowing oyster watch houses, most of which also precede the Seashore Act of 1965 without requiring any kind of permits. Also, since annexation of the town’s corporate limits in 1989, to the low water mark of Assateague Island, the town currently allows oyster watch houses and hunting blinds within our town limits. Duck blinds and hunting are controlled by the Commonwealth of Virginia, they issue the License to hunt and enforce Virginia’s laws as such. Hunting and duck blinds preceded the Seashore Act of 1965 and before the creation of the National Wildlife Refuge.

The town insists the GMP preferred alternative language be changed throughout the GMP to match that which is stated in the executive summary and alternative one, where no action will be taken relative to oyster watch houses and duck blinds.

Aquaculture

The executive summary and alternative one of the GMP states leasing of submerged lands by the Commonwealth of Virginia, within the seashore boundary, for commercial aquaculture, would continue. The other three alternatives, including the preferred alternative, states “in recognition of this long history of use, NPS would issue a special use permit under 36 CFR 2.60(3)b to the Virginia Marine Resource Commission (VMRC) within the Commonwealth of Virginia to allow for the continued practice of commercial aquaculture and maintenance of the historic setting.”

The town’s position and as stated in Public Law 89-195, Sec 5, “That nothing in this Act shall limit or interfere with the authority of the State to permit or to regulate shell fishing in any waters included in the National Seashore.” This is the same public law that sets up the boundaries of the national seashore on Assateague Island. 36 CFR 2.60(3)b would obstruct Virginia’s authority in this matter.

The town insists the GMP preferred alternative language be changed throughout the GMP to match the executive summary and alternative one, where it states “leasing of submerged lands by the Commonwealth of Virginia within the seashore boundary for commercial aquaculture would continue.”

Horseshoe Crabs Harvest

In the executive summary and alternative one of the GMP it states the harvest of horseshoe crabs would continue to occur within the seashore. In the other three alternatives including the preferred alternative, it states the "NPS would prohibit the harvest of horseshoe crabs."

The town objects to any reference of denying horseshoe crab harvesting in the GMP, which is a historical and cultural way of life on Chincoteague. This harvesting has been handed down from generation to generation in Chincoteague Island families and would be a disaster to see a family's way of life discontinued. Horseshoe harvesting is controlled by the Commonwealth of Virginia, they issue permits, and set the quotas each year, nothing in the Seashore Act of 1965 gave that away.

The town insists the GMP preferred alternative language be changed throughout the GMP to match language in the executive summary and alternative one, where it states the "harvest of horseshoe crabs would continue to occur within the seashore."

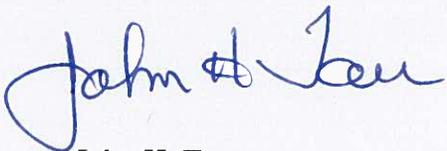
Finfishing

We applaud your decision allowing commercial finfishing in Virginia and omitting all language that would prohibited such activity. The commercial fishing has been a historical cultural way of life for folks living in Chincoteague for centuries and we would like to see this activity be passed down through families for another century. Oyster Watch Houses, Duck Blinds, Aquaculture and Horseshoe harvesting should all be treated the same as finfishing, they all have the same historical and cultural values to our community, and all were a part of our way of life in the past and future. The Seashore Act of 1965 did not give up any of the Commonwealth rights to allow and control these activities, but actually promoted them.

Thank you for the opportunity to provide comments on the draft general management plan. Our main concerns and support are based on cultural and historical preservation of the working watermen, which for these men, is their families only income. A waterman's skills and livelihood are well documented throughout Chincoteague's history. The Town of Chincoteague will continue to rely on NPS staff to support public recreational beach use, OSV use and shoreline management in Virginia through the interagency agreement with the FWS.

If you need additional information, please feel free to contact the Town Manager at 757-336-6519.

Sincerely,



John H. Tarr
Mayor

"One-fifth of all the people in our Nation live within an easy day's drive of Assateague. And now as the result of your labors--you, the farsighted Members of Congress--these wide sandy beaches will be the people's to enjoy forever."

"What the Good Lord once gave in greatest abundance have now become rare and very precious possessions. Clear water, warm sandy beaches are a nation's real treasure."

"For the rest of this century, the shoreline within reach of the major cities of this country just must be preserved and must be maintained primarily for the recreation of our people."

Lyndon B. Johnson: "Remarks at the Signing of a Bill Establishing the Assateague Island Seashore National Park". September 21, 1965

cc: Elected Representatives

Please see attached questions.

QUESTIONS

Page i, 1-8 with ownership to mean high water in Maryland and mean low water in Virginia

1. What Virginia law gave the right to mean low water?

Page xv 961 automobile parking spaces

2. A standard parking space will not work for campers, boats etc. Will there be any type of overflow parking considered? Even if further back from the beach?
3. Beach Restoration in the form of sand fence and dredging around the jetty is still continuing on the North end. Will there be a chance that these activities will be extended to the Southern end of Assateague Island?