

MINUTES OF THE JUNE 11, 2014
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING
WITH CHINCOTEAGUE TO ASSATEAGUE BEACH ACCESS COMMITTEE

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Terry Howard, Councilman

Council Members Absent:

Ellen W. Richardson, Councilwoman
Tripp Muth, Councilman

Others Present:

Ms. Denise Bowden, CVFC
Mrs. Evelyn Shotwell, Chincoteague Chamber of Commerce
Mrs. Donna Mason, Waterside Motor Inn
Supervisor Wanda Thornton
Kerry Allison, ESVA Tourism

ADOPTION OF AGENDA

Vice Mayor Leonard motioned, seconded by Councilman Jester to adopt the agenda. Motion Carried.

Ayes: Leonard, Taylor, Jester, Howard

Nays: None

Absent: Richardson, Muth

1. CALL TO ORDER

Mayor Tarr called the meeting to order at 9:00 a.m. He recognized Mr. Joe McCauley with the USFWS, Congressman Rigell's Representative Deborah Christie and Mr. Ben Ellis who will be joining the Town Council July 1st.

2. Chincoteague NWR Draft Comprehensive Conservation Plan (CCP)

• Discussion with Joe McCauley, USFWS

Mr. Joe McCauley with the USFWS advised he will be available through the public hearing on June 26th. He advised that he is also serving as Acting Refuge Manager. He reviewed a PowerPoint presentation explaining the process that it is required based on a 1977 law passed that every Refuge has to have a Master Plan. He stated that the CCP directs how to manage the Refuge and achieve their wildlife reserve mission over a 15 to 20 year period. He explained that when they prepare the documents there is a status quo that takes "no action".

Mr. McCauley stated they are prepared to maintain the beach the best way possible. He added that they try to interpret laws where they have some flexibility that would provide a high level of visitor access. He stated that they have heard loud and clear that folks are not interested in the shuttle system. He explained the parking relocation where they looked for a one mile stretch that would work for everyone. He described the Alternative maps. He discussed the OSV zone and closures. He continued to discuss the Alternatives, parking as well as the environmental assessment.

There was discussion as to the process after they make a decision on the alternatives and having another public hearing before the final CCP is approved.

There was a question as to who makes the final decision of the Alternative Plans after the public input.

Mr. McCauley advised that after the public comments, they go through to categorize, review and analyze them. He added that they put out a final CCP adding that there will be another 30 day review period without the public comment. He added that ultimately the Director of the Northeast Region Wendi Weber would approve the final CCP.

Supervisor Thornton expressed some concerns that the amount of identified land for parking areas (8.5 acres) won't accommodate the 941 parking spaces that has been promised along with other things mentioned in the document. She asked what happens if they adopt Alternative B and the land won't accommodate all of the plans for the land.

Mr. McCauley stated that this is a misunderstanding. He advised that the 8.5 acres is strictly to identify the parking. He added that this isn't where the Visitor's Center might be or the road leading there. He stated that they know that 961 is an important number and there are many things in the document that refers to the 961 parking spaces. He also stated that when they do an environmental analysis they measured 961 parking spaces which will fit into 8.5 acres of land. He also discussed the impact on wetlands and habitats with the 8.5 acres of 961 parking spaces.

Mr. McCauley explained the process of improving habitats for the Piping Plover. He continued by explaining how the Army Corps of Engineers would look at the mitigation required for the relocated parking area disturbance. He advised that the Corps looks at impacts to created wetland differently than natural wetland.

Supervisor Thornton asked if the selection of the northern site was done by all biologists.

Mr. McCauley asked if Town Planner Neville was part of that decision process.

Town Planner Neville advised that he sat in on the meeting with information to offer. He stated that he was under the impression that this was a very valid process to answer the question of what impacts this portion of the beach would have on the wildlife. He didn't believe this was the only decision making tool that would be used to come up with the Plan.

Mr. McCauley stated that it was important, even critical, to maintain a public beach. He stated that there was never any discussion to not have a public beach. He added that the decision was about visitor experience.

Mayor Tarr stated that they were asking if there were other decision making tools that helped make the decision to move north for a sustainable beach.

Mr. McCauley stated that he wasn't part of this decision. He stated that this is only a source of his information. He added that there were parameters and criteria that were discussed and moving the beach north was the top choice to meet all the factors. He reviewed the maps referring to the parking lot, horseback riding and OSV areas.

Mrs. Donna Mason requested that the 8.5 acres should be specified as land for parking.

Mr. McCauley stated he didn't feel that anyone would read the 8.5 acres as anything but parking. He stated that the draft is out and they're not going to do another draft. He again stated that the 8.5 acres is only for parking.

Mrs. Mason asked about the proposed closure of the current beach along with the impact a closure would have on Tom's Cove. She stated that initially she was in favor of moving the beach north until she went on the tour. She added that now she has grave concerns. She feels this should be addressed and made clear.

Ms. Denise Bowden mentioned the tour and putting the parking facilities on the D Dike.

Mr. McCauley showed a slide of the area they have proposed for parking under Alternative B.

Ms. Bowden stated that in that area there is a very narrow strip of beach. She added that when a high tide comes in they won't have much beach.

Mr. McCauley agreed. He stated that they understand there will be quite a bit of work needed. He advised that the Park Service expressed their confidence to create a wider beach. He added that they are relying on a specific design to play a big role as they're the ones who have been managing the beach all along.

Mrs. Mason asked if there are any plans for re-nourishment for that part of the beach.

Mr. McCauley replied that they have not discussed any beach re-nourishment.

Supervisor Thornton believes that they can't push the beach back keeping it wide enough and have the 8.5 acres for parking without having the same problem they currently have. She stated that a strong storm will wash over into the parking lot.

Mr. McCauley stated that there could be some wash-over. He stated that in a normal routine year, the Park Service spends a lot of money on their parking lot. He also stated that they give the Park Service nearly \$200,000 every year to do routine maintenance of scraping off sand that has blown over and putting clay down. Mr. McCauley added that what they have at Tom's Cove is a lot of land moving west. He stated that they aren't saying that they are putting parking there that will last 15 years because that would be unrealistic. He feels this provides a much wider area to maintain.

Supervisor Thornton asked if the Park Service could manage that one mile strip extending from the ocean to the bay.

Mr. McCauley stated that he wants to say yes, but, he advised that it isn't his decision.

Supervisor Thornton expressed her concerns that they will have the same problems as they do now with the parking lots. She wanted to know if he meant less water or more water with the management of the impoundment.

Mr. McCauley stated they have selected a much wider area which gives more room for moving. He understands that trust is in short supply but they can't predict everything. He feels that with what they've seen historically, they have maintained the level of service they have. He advised that the intent of the Alternative B area is to use the land base they have to meet the objectives of the Wildlife Service and the objectives they've heard from the community. He is unsure what the storms will do to the area but it is clear that they have the capacity to move the land base.

Supervisor Thornton stated that she trusts Mr. McCauley and believes he is an honorable man. She is concerned that when he is no longer there someone will interpret the document in another way.

Mrs. Mason expressed her concerns of going into the unknown.

Mr. McCauley advised that where the visitor center is now used to be ocean. He stated that the area at Tom's Cove is getting narrower. He added that the north beach area selected has less shrinkage.

Vice Mayor Leonard asked if it was moving slower because of the structure that is there.

Supervisor Thornton added that it is moving slower because of the sand dunes.

Vice Mayor Leonard added that one of the reasons there isn't progression there is because there's scrub behind the dunes.

There was discussion about Swan Cove and the sand filling it in naturally. They reviewed the maps.

Mr. McCauley explained that they are trying to maintain parking as close to the beach as possible that would be resilient and sustainable for the future.

They also discussed the breach of Swan Cove and the land building up since then.

Councilman Taylor mentioned Swan Cove and stated that there is a breach because the dunes are purposely cut down there.

Mr. McCauley stated that there is no dune all the way down to the hook.

Councilman Jester expressed the public's concerns and lack of trust. He mentioned the 1962 storm. He stated that the frustration is going from a 5 mile recreation area down to a 1 mile area.

He also stated that they are closing down a section of the beach because of one nest while the greatest predator is flying overhead. He added that people aren't trusted to take care of nature. He would like information as to how many nests were actually destroyed by people as opposed to seagulls. He also added that this is why they're cautious.

Mrs. Mason gave a suggestion as to policing the nesting areas. She doesn't feel summer visitors are there to disturb the birds they're there to enjoy the beach.

Ms. Bowden stated that on the Refuge's side they are done with discussions and the decision is Alternative A, B or C. She stated that Mr. McCauley advised the final decision will come down to Ms. Wendi Weber, the Regional Director.

Mr. McCauley interjected that the final CCP could be a combination of the Alternatives or something new that has been brought to their attention during public comment. He stated that it is not restricted to everything that is in the draft document. He added that if there are other ideas they would like to hear them.

Ms. Bowden understands the process. She expressed her concerns that one person has the final say. She feels that there could be 100% of the people in support of Alternative A and the government would still choose Alternative B. She asked if they have estimated the costs to create the changes.

Mr. McCauley advised they estimate the cost to be \$12-\$14 million.

Town Manager Ritter asked about putting in the pavement and complying with the Virginia Storm Water Management Act.

Mr. McCauley was unable to answer this.

Town Manager Ritter explained the pavement width along with advising that the new regulations from Virginia will require a Storm Water Reduction Plan for that runoff.

Mr. McCauley advised that they would have to comply with that adding this to the plan.

There was discussion with a statement being made that the Refuge has forgotten that the National Park Service and the beaches belong to the people of America. They were given to the people in 1954. There was a questionnaire and everyone agreed to pay more to visit if the Refuge would earmark those funds for parking.

Mr. McCauley believes that the Refuge is listening and is committed to maintaining an exceptional visitor experience. He stated that he has had a chance to enjoy it. He advised he has been a Refuge Manager for 20 years. He added that there are more and better visitor facilities outside and inside the assigned area here. He stated that the service and staff are exceptional. Mr. McCauley advised that he has been at other Refuges that haven't been taken care of like it is here. He mentioned a young school class that came over advising there is a pride of what they

provide to the public. He feels they work better here than anywhere he's ever been by sharing equipment, resources and staff.

Mr. McCauley stated that the refuge has been here since 1943. He added that Congress made it clear that the Park Service is directed to provide beach recreation on the refuge to the extent that it is compatible with the mission of the Refuge. He feels that they have embraced the partnership and provide outstanding opportunities for the public. He wants the Town to be a part of the future, working together to continue to make it an exceptional visitor experience. He advised that they are committed to providing an exceptional wildlife viewing and beach experience into the future. He asked the leaders to come together with them for this purpose.

Mr. McCauley then addressed the Piping Plovers. He stated that they are a threatened species and require a lot of study. He also stated that they base their decisions on all they have seen and read to help conserve the species. He added that society has said that they care about the wildlife and no one wants the species to disappear from the earth. He understands that this causes problems and they are dealing with it in the most balanced way possible. He explained that he has witnessed in Hampton, Virginia boats pulled up near a nesting area. He advised that there was no respect for the nesting birds from those partying. He added that around the hook there are footprints on the other side of the ropes and signs. Mr. McCauley stated that they can't have people working and watching the area 24/7. He stated that they wish they had more staff but they have lost positions over the last few years. He added that the refuge field station is vacant at this time.

Mr. McCauley understands the fear of the unknown. He assured that they are trying to meet the criteria of maintaining stability for beach access and use. He stated that their funding sources to make repairs after storms have questioned why the parking areas repeatedly have to be rebuilt. He stated that they would like to manage this use in a more resilient area.

Councilman Taylor thanked Mr. McCauley for his honesty. He agrees that the northern property is sustainable. He also stated that the south end protects Chincoteague. He added that he wants the parking that is sustainable along with the maximum protection from Assateague. He urged them to elevate the south end to help protect Chincoteague Island. He stated that there are other plans to maintain the beach and he would like to see the happy medium. He understands they have to work together.

Mr. McCauley stated that this plan is intended to manage the Refuge over the next 15 years to meet the mission and rules. He also added that this Plan also plays a role in beach protection and the infrastructure behind it. He feels that this isn't an issue that can be tackled in this Plan. Mr. McCauley stated that storm damage won't be addressed one community at a time. He added that it affects the entire Eastern Shore. He added that it isn't an issue they are dealing with at this point but they want it all to be sustainable with all the agencies coming together to help figure it out.

Ms. Bowden stated that on several occasions at meetings with Ms. Kicklighter she was asked what the costs would be to repair the parking lot. She stated that they were advised it would cost

approximately \$500,000. She feels that the figures listed in the Plans are very conservative. She asked if the funds have already been appropriated.

Mr. McCauley advised of the routine maintenance funds from FEMA. He advised of an estimate they received from a contracted engineering firm. He discussed the bids, funding and unspent funds. He feels that if they can get the design work done it would be easier to get construction funding.

Town Planner Neville discussed several paragraphs in the Plan that mention bringing in other beach agencies to assist in maintenance. He stated that in Chapter 2 it talks about endangered species and management actions anticipated in an appendix about wilderness designation and an appendix with a biological opinion. He advised that each of those states that the priority is to manage the wild beach plus the over washing of Tom's Cove plus the hook for the over wash habitat condition that's favorable to endangered species. He stated that this is a problem that all of Assateague Island Virginia would be managed for over wash. He also stated that the CCP describes the island as being more vulnerable in the location of Swan Cove.

Town Planner Neville stated that what they are looking at is a thousand page document where most of it says that USFWS want to manage for the most vulnerable condition. He added that this isn't reassuring, and when the Fish & Wildlife Service is at a table with other agencies the experience is that Fish & Wildlife gets to trump everyone else with endangered species. He stated that there is a whole lot else in that document.

Mr. McCauley stated that the emphasis in the Plan is how they are going to achieve their mission over the next 15 years. He stated that they can take some solid decisions from the process. He added that they start off with a recreation beach and parking to do it in a sustainable way to achieve in the wildlife mission. He hopes that any solution to resiliency would come out of this commitment. He feels that if it's left to the Army Corps of Engineers or any other agency it will be good for the infrastructure but not for the wildlife. He understands that they will give up some habitat, but have to see what is good for all.

Mr. McCauley stated that this plan isn't just about beach access and parking, it's about wildlife also. He also stated that public access to Tom's Cove is important which could include soft launches for kayaks along with crabbing. He stated that the Pony Management Agreement with the Fire Department is good. He also added that horseback riding will be allowed with the new regulations.

Vice Mayor Leonard asked about the new horseback riding regulations and how it will affect the Fire Company's roundup.

Mr. McCauley was unsure and stated that there is still a south viewing area. He stated that they are looking at creating a new viewing area along the beach.

Ms. Bowden wanted to know if a horse gets away during the roundup would they be able to go get it.

Mr. McCauley advised that they would be able to go get it. He added that they would rely on their partners in the Fire Department. He mentioned Alternative C which focuses more on wildlife and habitat and less on visitors and services. He added that there would be no OSV and no horseback riding access in Alternative C.

Supervisor Thornton asked if the US FWS was negotiating to buy the marshland that the Maddox's own.

Mr. McCauley advised that this was incorrect. He added that they are not in any negotiations for land acquisitions and that option expired long ago.

Mrs. Mason asked about a statement about the endangered Piping Plover and then corrected that they are threatened. She asked if they were endangered at one point and now threatened.

There was discussion and an explanation about endangered verses threatened and that the Plover was taken off the endangered species list.

Mrs. Mason stated that one reason why there is distrust happened a few years ago. She explained that there was an agreement with the US FWS to increase the entrance fee with the provision that the increase would be intended to put parking spaces back in the event of a storm. She stated that the money wasn't being used for this purpose; it was being used for everything else.

Mr. McCauley stated that the National Park Service received \$200,000 annually from gate receipts to operate the recreational beach areas.

Mrs. Mason stated that there was also an agreement with the townspeople to increase the fees for maintaining and repairing the parking areas.

Supervisor Thornton advised that this was correct.

Mayor Tarr stated that the \$200,000 is for maintenance and isn't just for parking areas. He advised that it's designated for all departments.

Mr. McCauley continued to review the map of Alternatives. He reviewed the open house schedule.

Councilman Howard stated that he is not assured regarding the beach replenishment. He stated that if the beach goes, Chincoteague goes. He understands it is a separate thing relative to the Comprehensive Plan. He asked how strongly the other agencies of the government feel about the safety of this community.

Mr. McCauley asked that everyone try to separate this issue from the CCP. He stated that this is one wildlife Refuge and is beyond the scope of the Plan. He added that the Plan is a blueprint as to how they are going to maintain the Refuge for the next 15 years. He understands that storm protection is what many communities are worried about up and down the Coast. He added that if

this is going to be addressed it has to be done in a broad area with lots of people. He knows the Town will be at that table as they have so much at stake. He would like to agree to focus on this Plan to help the Town get what they want from the Refuge while they continue with their core mission.

Councilman Howard agrees that this issue should be kept separate.

Mr. McCauley advised that there are steps being taken to begin to work on this issue.

Vice Mayor Leonard asked about the proposed wilderness area. He stated that in a wilderness area they limit everything short of walking, kayaking and bird watching. He stated that this area shown on the map today is being used as a very valuable aquaculture area. He asked if any thought has been given to the livelihoods of the watermen that have been using this area not just for aquaculture but for crabbing, hunting in the winter and water fowling. He stated that if this access is limited it will affect the community.

Supervisor Thornton stated that when someone asked about the purchase of the Maddox's marshland, she thought that the US FWS would try to control of all of the Assateague Channel or would have the possibility of doing that. She wanted to know that in the wilderness area how far they would be extending that area. She stated that there is no way they could agree to this. She advised that it could be devastating.

Mayor Tarr stated that this is an area they have to comment on.

Supervisor Thornton stated that VMRC told her that there is no way, they will stop that.

Vice Mayor Leonard advised that the crosshatch has nothing to do with the proposal.

Supervisor Thornton stated that the whole CCP can be thrown out if they have to go along with that.

Mayor Tarr thanked Mr. McCauley.

Supervisor Thornton asked Mr. McCauley not to take the comments personal as they like him.

Vice Mayor Leonard offered to take Mr. McCauley by boat to the wilderness area.

Mayor Tarr added that they could show him the seafood business.

Mr. McCauley stated that with all the issues on the table, he doesn't feel this would be a big fight.

~~3. Strategy for Community Review and Comment~~

- ~~• Review Draft Beach Access Newsletter~~
- Review Draft Questionnaire

4.——Discussion and Comments

Adjourn

Councilman Jester motioned, seconded by Councilman Taylor to adjourn. Motion carried.

Ayes: Leonard, Taylor, Jester, Howard

Nays: None

Absent: Richardson, Muth

Mayor

Town Manager