

A G E N D A

TOWN OF CHINCOTEAGUE

Chincoteague to Assateague Beach Access Committee

January 30, 2013 – 9:00 AM

Town Hall Conference Room

1. Call to Order
2. Staff Report on recent correspondence and activities
3. Draft Environmental Impact Statement/
Draft CCP and GMP
 - Update on FWS and NPS plans
 - Strategy for Community Review
4. Draft Beach Access Newsletter
5. 10:00 am Conference Call with FWS Joe McCauley
6. Discussion and Comments



STAFF REPORT

To: Chincoteague-Assateague Beach Access Committee

Through: Robert G. Ritter, Town Manager

From: Bill Neville, Director of Planning

Subject: Update on Recent Correspondence and Activities

- ❖ **USFWS CCP process for Chincoteague NWR. The draft Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) may be available for review in February 2013.**
 - ❖ **Prime Hook NWR in Delaware received a final CCP/EIS 4 months after the draft report comment due date**
 - ❖ **NPS will not release their GMP/EIS until summer 2013**
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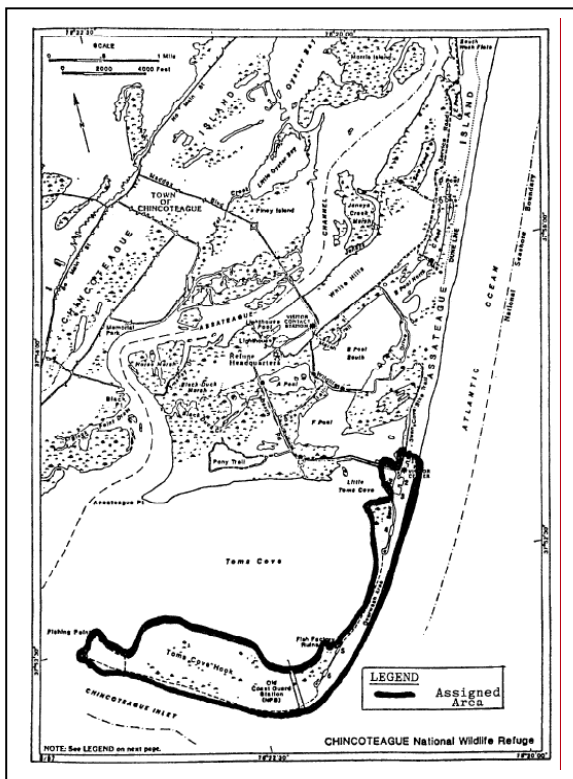
The Chincoteague-Assateague Beach Access Committee last met in August and September 2012 with the Town Council to review the status of the Chincoteague NWR CCP and the draft Economic Impact Study – baseline analysis. An update to the project timeline has been prepared for the Committee, with new items highlighted in bold text:

- ❖ January 2012 – Town sends letter summarizing 5 outstanding issues and concerns from the December meeting with specific proposals for refinements to the CCP alternatives and a request that FWS issue a newsletter to inform the public
- ❖ January 2012 – FWS receives \$1.5 million grant for purchase of Maddox Campground
- ❖ January 2012 – Town letter to Department of Transportation, Letter from Senator Webb and Senator Warner to USFWS Dan Ashe, FWS response letter to Rep. Rigell
- ❖ **January 2012 – USFWS signs draft Memorandum of Understanding (MOU) that relocates and reduces the NPS “assigned area”**
- ❖ February 2012 – Congressional hearing before House Committee on Natural Resources
- ❖ February 2012 – Questions submitted to USFWS from Natural Resources Committee

- ❖ February 2012 – Virginia General Assembly, House Joint Resolution regarding no federal purchase of property
- ❖ February 2012 – Town request for assistance with 6 concerns and 3 specific issues to Interior Department Secretary Ken Salazar
- ❖ March 2012 – Response from FWS Regional Director Wendi Weber and assignment of Regional Chief Scott Kahan as a point of contact
- ❖ **March 2012 – NPS Regional Director signs revised MOU with revised “assigned area”**
- ❖ **April 2012 – Regional Chief Kahan meets with Mayor Tarr to understand Town concerns**
- ❖ May 2012 – Regional Chief Scott Kahan hires consultant to provide advice on the CCP process. Don Hultman met with Refuge and Town staff on June 5th
- ❖ **May 2012 – Mayor Tarr sends letter thanking NPS and FWS for reconstruction of parking areas after Hurricane Irene storm damage. Superintendent Kicklighter responds with a good summary of NPS beach management strategy.**
- ❖ **May 2012 – USGS releases visitor survey results for 53 wildlife refuges**
- ❖ June 2012 – Chincoteague Natural History Association invites Professor Orrin Pilkey to speak about barrier islands
- ❖ June 2012 - Prime Hook NWR in Delaware releases draft CCP/EIS for public comment
- ❖ June 2012 – Congressional Sub-Committee receives USFWS responses to QFRs (questions for the record). Town submits letter to Rep. Rigell requesting additional consideration of QFR responses.
- ❖ July 2012 – US Army Corps of Engineers staff meets with USFWS, NPS and Town representatives at request of Supervisor Wanda Thornton to discuss environmental permitting requirements for the North Beach option. FWS Regional Chief assigns Joe McCauley, Regional Chief of Realty, as point of contact for Town of Chincoteague
- ❖ August 2012 – Prime Hook draft CCP comment period extended to August 27th
- ❖ **August 2012 – Town Council meets with Joe McCauley, USFWS Regional Office CCP Team Leader. Refuge expansion permitted under a 10% rule is discussed. FWS purchase offer for land in the Town of Chincoteague extended until March 2013**
- ❖ **August 2012 – USFWS provides the Town with copy of signed MOU with revised “assigned area” for public beach recreation**
- ❖ **September 2012 – USFWS presentation of draft Economic Impact Study – baseline analysis**
- ❖ **October 2012 – Hurricane Sandy strikes the East Coast – storm surge overwash impacts the recreational beach parking areas**
- ❖ **October 2012 – FEMA Region III issues revised 100 year flood elevations for mid-atlantic states showing minimal sea level rise along Assateague Island and protection of Chincoteague Bay provided by the unbroken barrier island**

- ❖ November 2012 – USFWS issues newsletter delaying the public release of the Draft EIS/CCP until February 2013
- ❖ December 2012 – Refuge Manager Lou Hinds grants interview with Wild Pony Tails.com to discuss Hurricane Sandy and the CCP process
- ❖ December 2012 – Prime Hook NWR final CCP published with 30 day review

The revised Memorandum of Understanding between the National Park Service and U.S. Fish and Wildlife Service for Interagency Cooperation at Assateague Island National Seashore and Chincoteague National Wildlife Refuge is attached. This replaces previous agreements dated October 1979 and December 1990 and changes the assigned area for NPS beach management to reflect the current active use area rather than the original area set aside for public recreation that included the Toms Cove Hook. The Town of Chincoteague has requested in our public comments that the MOU should be considered along with the draft CCP and draft GMP plans. This interagency agreement would have to be revised again once the plans are adopted.



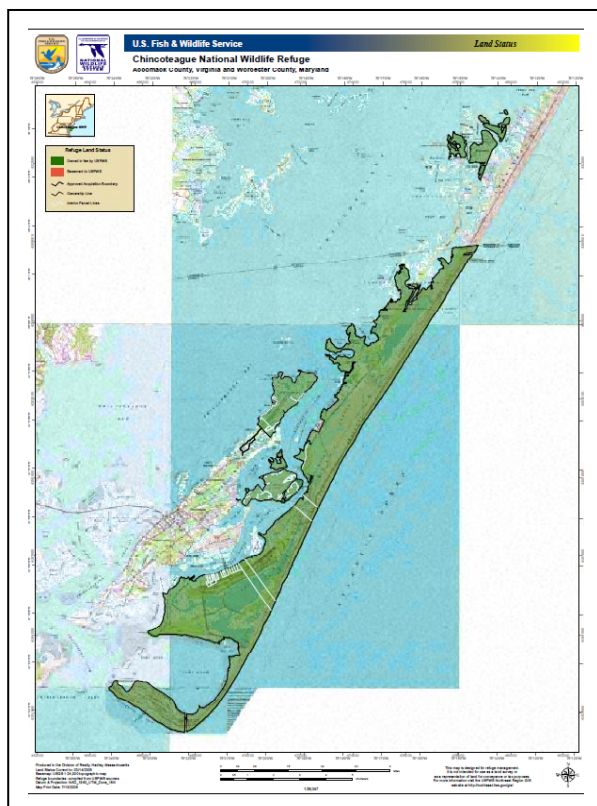
1990 Assigned Area



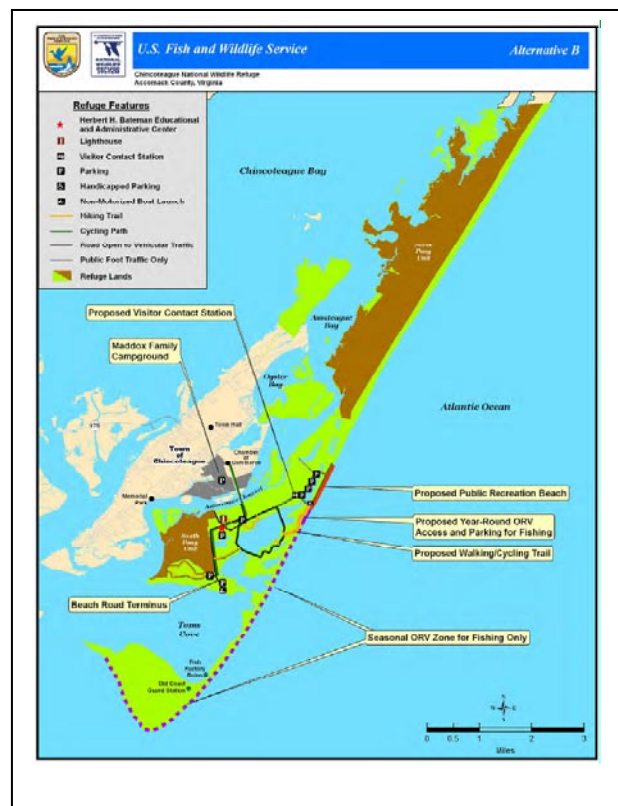
2012 Assigned Area

Several other FWS documents were mentioned by Mr. McCauley at the last meeting that may apply to future consideration of Refuge expansion and the possible purchase of land in the Town of Chincoteague. A Land Protection Plan (LPP) considers large areas surrounding existing refuges for possible inclusion in a Refuge Acquisition Boundary. This process may occur at the same time as a Comprehensive Conservation Plan or follow it within several years of adoption.

Small additions to an existing Refuge may occur under the 10 Percent Rule without completing an LPP. The current approved Acquisition Boundary for Chincoteague NWR is attached along with a copy of the 10 rule memo. Note: 10% of 8,970 acres = 897 acres, and the proposed land acquisition of Maddox Campground is not currently included in the acquisition boundary.



Approved Acquisition Boundary



Proposed Alternative B Acquisition

Recent correspondence from Mr. Luther Carter to Mayor Tarr and the Town Council has been received in August and November of 2012 and is attached for committee review. Along with many good suggestions, Mr. Carter has emphasized the idea of a CCP which calls for two (2) all season public access beach areas (see below):

“For the better part of a year now I have been convinced that if, as contemplated by the F&WS and the National Park Service, there is to be a new beach (with parking for about 1,000 cars) a mile and a half to the north of the existing Tom’s Cove beach and parking lot, some part of the present beach should be kept for all-season use by visitors coming by foot, bike, kayak, and shuttle. If this were done, visitors would have open to them, at all seasons, a continuous beach up to about three miles in length, but with access by private car only at the north end.”
Luther Carter – letter dated August 2012

MEMORANDUM OF UNDERSTANDING

Agreement Number G4190120001
FWS Agreement Number FF05R00000-12-K002
Page 1 of 15

**Memorandum of Understanding
between the
National Park Service and U.S. Fish and Wildlife Service
for Interagency Cooperation at
Assateague Island National Seashore and Chincoteague National Wildlife Refuge**

This Memorandum of Understanding (hereinafter “Agreement”) is entered into by and between the National Park Service (hereinafter “NPS”), U.S. Department of the Interior, acting through the Superintendent of Assateague Island National Seashore, and the U.S. Fish and Wildlife Service (hereinafter “FWS”), U.S. Department of the Interior, acting through the Refuge Manager of Chincoteague National Wildlife Refuge.

ARTICLE I – BACKGROUND

Chincoteague National Wildlife Refuge (CNWR) was established on Assateague Island in 1943 to be administered by the FWS under the authority of the Migratory Bird Conservation Act. In 1959, under the authority of Public Law 85-57, the Secretary of the Interior granted to the Chincoteague-Assateague Bridge and Beach Authority (Beach Authority) an easement to build a bridge to and roadway across CNWR to the Toms Cove Hook area. Coincident to the easement, the FWS entered into an agreement with the Beach Authority allowing the development and operation of a public beach and recreational facilities. These actions were taken in recognition of the need for public recreational facilities on the Virginia portion of Assateague Island and under the assumption that regulated public use of the Toms Cove area could be permitted without preventing accomplishment of the purposes for which CNWR was established.

Assateague Island National Seashore (ASIS) was established in 1965 under Public Law 89-195 and its boundary drawn to encompass CNWR. Section 2(c) of P.L. 89-195 authorized the Secretary of the Interior to acquire all of the rights, title, or interests of the Beach Authority, including its real and personal property. When the acquisition was accomplished with NPS appropriations in 1966, the former Beach Authority easements merged with the United States' ownership interests.

Section 6(a) of Public Law 89-195 directs the Secretary of the Interior to administer ASIS for the general purposes of outdoor public recreation. This has been interpreted by the Secretary as also directing the NPS to aid the FWS in providing public recreation within the boundaries of CWNR. Public Law 89-195 stipulates, however, that the "land and waters in CNWR, which are a part of the seashore, shall be administered for refuge purposes under laws and regulations applicable to national wildlife refuges, including administration for public recreation uses in accordance with the provisions of the Refuge Recreation act of September 28, 1962 (P.L. 87-714)." The act authorizes the Secretary to administer refuges for recreational use, when such uses do not interfere with the area's primary purposes.

Amendments to the National Wildlife Refuge System Administration Act in 1976 (P.L. 94-223) direct that all areas in the system "shall be administered by the Secretary through the United States Fish and Wildlife Service", and that the FWS has ultimate decision-making authority within refuges. Subsequent opinions by Department of the Interior solicitors affirmed the authority of the FWS to cooperate with other Federal agencies in carrying out their responsibilities, and the NPS role in administering public recreation in the Toms Cove area as approved by the FWS.

The National Wildlife Refuge System Improvement Act of 1997 (P.L. 105-57) provides guidance to the Secretary for the overall management of the Refuge System. Key components of the Act include a strong wildlife conservation mission for the Refuge System; a process for determining compatible uses of refuges; a recognition that wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation, when determined to be compatible, are appropriate public uses of refuges; and

that compatible wildlife-dependent recreational uses are the priority public uses of the Refuge System.

Although beach recreation is not one of the priority public uses of refuges, legislative directives related to the management of Assateague Island by the FWS and NPS have made clear that beach recreation is an appropriate activity within CNWR so long as it remains compatible with the overall purposes of the Refuge. The continued appropriateness of beach recreation at CNRW was affirmed in an approved 2004 Compatibility Determination.

ARTICLE II – PURPOSE AND OBJECTIVES

The cooperative relationship between the NPS and FWS on Assateague Island has been defined in a series of agreements dating back to 1966; all of which have assigned certain management responsibilities to each of the two agencies. The agreements have evolved over time, reflecting changes in management goals as well as legislative changes to agency authority and administrative requirements.

The purpose of this Agreement is to provide an updated and contemporary framework for effective and efficient interagency cooperation on Assateague Island. This Agreement, unless otherwise specified, applies to the management of that portion of Assateague Island in the general vicinity of Toms Cove referred to as the “Assigned Area”, depicted on a map attached to and made a part of this Agreement. Should the Assigned Area change, this Agreement will be amended to address any associated changes in management responsibilities or administrative requirements.

The specific objectives of both the FWS and NPS with respect to management of the Assigned Area on Assateague Island are:

- A. To protect and enhance refuge and park resources, as well as the appropriate enjoyment and appreciation of same by the public;

- B. To provide high quality recreational, interpretive, and educational opportunities for the visiting public;
- C. To reduce confusion regarding each agencies' roles and responsibilities
- D. To eliminate unnecessary duplication of services, permitting, paperwork, and reviews.
- E. To effectively utilize the experience, skills, and expertise of the two agencies' personnel.

This Agreement supersedes and replaces the General Agreement dated October 18, 2001 between the FWS and NPS pertaining to the administration, development, and use of the Assigned Area on Assateague Island. Cooperative operational activities covered by this Agreement include visitor services, interpretive services, visitor and resource protection, facility management, land and resource management, and interagency communications. Cooperative law enforcement activities are further defined under a separate agreement.

ARTICLE III – AUTHORITY

Pursuant to 16 U.S.C. §1a-2(*l*), the NPS is authorized to cooperate with Federal, State and local park agencies for the more effective and efficient management of adjacent park areas, so long as the administrative responsibilities for any unit of the National Park System are not transferred.

ARTICLE IV – STATEMENT OF AGREEMENT FOR OPERATIONAL ACTIVITIES

A. Visitor Services

1. The NPS will:
 - a. Plan, facilitate, support, and manage appropriate recreational activities within the Assigned Area and other areas of NPS jurisdiction. Activities include swimming,

- fishing, motorized and non-motorized boating, clamming and crabbing, bird watching, beach combing, sightseeing, and other similar visitor uses compatible with the FWS and NPS missions.
- b. Consult with FWS prior to initiating or allowing any new or non-traditional recreational activities within the Assigned Area.
 - c. Assist in the day to day management of over-sand vehicle (OSV) use within the designated OSV zone by issuing permits, educating permit holders on OSV use regulations, and assisting the FWS with enforcing OSV use regulations, limits, and closures. Vehicle and equipment standards will be as defined by 36 CFR, 7.65(b).
 - d. Operate and manage a lifeguarded beach during the peak visitor use season in accordance with NPS policies and practices. The NPS will:
 - i. Have sole supervisory responsibility for lifeguards and lifeguard operations, including closure of the lifeguard protected beach for public safety. All beach closures require the approval of the Chief Lifeguard or his delegated supervisor.
 - ii. Use all-terrain vehicles (ATVs) in conducting lifeguard operations (including emergency medical response) within the Assigned Area.
 - iii. Provide 'First Responder' response by lifeguards to medical emergencies within the Assigned Area with continued emergency medical services as per the existing Memorandum of Agreement with the FWS and Town of Chincoteague.
2. The FWS will:
- a. Provide annual guidance for management of the OSV zone, to be defined and agreed to in advance through the Annual Operating Plan (AOP) as per Article V of this Agreement.
 - b. Define, on an annual basis through the AOP, the locations, circumstances, and conditions under which NPS lifeguards may operate outside of the Assigned Area (including use of ATVs for emergency response).
 - c. Assume primary responsibility for permitting all special park uses (Special use, research, photographic, etc.) within the Assigned Area.
 - d. Consult with the NPS about any special park uses with potential to affect normal visitor use or NPS operations within the Assigned Area. If it is determined that the

- proposed use will affect visitor use or NPS operations in the assigned area, the NPS will manage the permitting process.
- e. Provide government-owned housing, as available, at standard rates for NPS seasonal employees and volunteers working in the Virginia District of ASIS. The amount of housing available for NPS employees and volunteers will be defined and agreed to in the AOP, as per Article V of this Agreement.
3. The NPS and FWS will jointly:
 - a. Define the size of the lifeguarded beach, dates and times of operation, staffing levels, and the number, type and location of lifeguard stands on an annual basis in the AOP.
 - b. Honor entrance passes issued by the other agency
 - i. NPS will, in Maryland, honor valid daily and seven-day entrance passes, Federal Duck Stamps, and CNWR Annual Passes issued by the FWS.
 - ii. FWS will, in Virginia, honor valid seven-day entrance passes, National Park Passes, and ASIS Annual Passes issued by the NPS.
 - iii. Both agencies will honor valid “America the Beautiful” Annual, Senior, Access, and Volunteer passes.

B. Interpretive Services

1. The NPS will:
 - a. Plan, develop, and provide to the public appropriate interpretive and educational programs and activities (including the placement of waysides, kiosks, etc.). Unless otherwise approved by the FWS, these actions will take place exclusively within the Assigned Area or other areas of NPS jurisdiction including NPS-owned bridges, NPS visitor center, and waters within the Seashore boundary.
 - b. Operate the NPS visitor center within the assigned area with sole responsibility for thematic content, activities, staffing, and maintenance.
 - i. Coordinate operation of an Eastern National (EN) sales outlet in visitor center.
 - ii. Avoid the duplication of sales items with the Chincoteague Natural History Association operated sales outlet in the FWS visitor center.

- c. Recruit, train, supervise, and manage volunteers in accordance with NPS policies and practices to assist in providing those visitor services in the assigned area for which the NPS has primary responsibility.
2. The FWS will:
 - a. Allow intermittent use of the FWS visitor center, as available, without charge by NPS for special interpretive programs and events. The schedule and purpose of these special events will be defined and agreed to in the AOP.
 - b. Avoid the duplication of sales items in the FWS visitor center with the Eastern National operated sales outlet in the NPS visitor center.
3. The NPS and FWS will jointly:
 - a. Define the emphasis of each agency's interpretative programs and the locations where each will provide interpretive services to avoid overlap and/or duplication of effort. The types and location of activities will be defined and agreed to in the AOP.
 - b. Consult with one another prior to conducting activities which overlap with the other agency's interpretive activities or locations.
 - c. Define the locations within the Assigned Area where cooperators may provide interpretive services, and adopt scheduling protocols and lines of communication to assure that cooperator programs do not conflict with agency activities. The types and location of cooperator activities will be defined and agreed to in the AOP.
 - d. Provide mutual assistance in interpretive planning and programming. Major or recurring assistance requires advanced approval and will be defined and agreed to in the AOP.
 - e. Review and approve, as appropriate, any materials distributed by the other agency or their authorized cooperators dealing with agency policies and/or management. Review/approval will be by the CNWR Refuge manager and ASIS Superintendent.
 - f. Collaborate in training or cross-training volunteers as necessary to meet shared objectives.
 - g. Share volunteers as necessary and desirable to meet shared objectives. Major or recurring sharing of volunteers will be defined and agreed to in the AOP.

C. Visitor and Resource Protection

1. The NPS and FWS will jointly:
 - a. Integrate the law enforcement operations and activities of both agencies within ASIS/CNWR to enhance the existing agency partnership, eliminate employee confusion and lack of direction during incidents, and provide quality resource and visitor protection services within the limits of existing resources and staffing.
 - i. All activities of the NPS/FWS integrated law enforcement operation will be conducted as per the ASIS/CNWR Cooperative Law Enforcement Agreement.
 - ii. For the purpose of this Agreement, ASIS/CNWR is defined as the NPS and FWS lands and waters within the Virginia portion of ASIS, and the lands and waters within CNWR and Wallops Island NWR.
 - c. Provide 'First Responder' response to medical emergencies with continued emergency medical services provided as per the existing Memorandum of Agreement between the NPS, FWS and Town of Chincoteague.
 - d. Respond to and support emergency operations within ASIS/CNWR including, but not limited to wild land fires, hazardous material spills, storms and other weather related emergencies as per the ASIS/CNWR Cooperative Law Enforcement Agreement.
 - e. Support the operation and maintenance of existing and future radio communications equipment and infrastructure.

D. Facility Management

1. The NPS will:
 - a. Visitor Use Facilities and Infrastructure
 - i. Conduct all normal maintenance, repair, and upkeep of NPS visitor use facilities and infrastructure, including roads, bridges, and parking lots within the Assigned Area and other locations of NPS jurisdiction. All such activities shall be consistent with NPS policies, procedures, and standards.
 - ii. Consult with FWS prior to initiating any new construction or substantive modification/repair/rehabilitation of NPS visitor use facilities and infrastructure,

including the use or movement of sand resources within the Assigned Area, to ensure compatibility with the CNWR mission.

- iii. Conduct all necessary compliance and permitting actions associated with facility management activities in the Assigned Area and other locations of NPS jurisdiction.
 - b. Operational Facilities and Infrastructure
 - i. Conduct all maintenance, repair, and upkeep of NPS operational facilities and infrastructure in the areas assigned for that purpose by the FWS within CNWR and Wallops Island NWR.
 - ii. Consult with FWS prior to initiating any substantive modification/repair/rehabilitation of NPS operational facilities and infrastructure to ensure compatibility with the CNWR mission.
 - iii. Conduct all necessary compliance and permitting actions associated with the management of NPS operational facilities and infrastructure.
 - c. Assateague Beach Coast Guard Station
Provide normal maintenance, repair, and upkeep of the former Assateague Beach Coast Guard Station complex and associated utility systems.
 - d. Signage
Provide and maintain appropriate and adequate signage in the Assigned Area and other locations of NPS jurisdiction.
 - e. State Line Fence
Maintain the state line fence separating ASIS and CNWR for the primary purpose of restricting the movement of NPS horses and permitted OSVs onto the Refuge
2. The FWS will:
- a. Provide sites within the CNWR complex on both the Island and mainland sufficient to support NPS operational activities including vehicle/equipment storage, facility management, and other operational needs including housing for seasonal/temporary NPS employees.

- b. Provide the NPS with year round access across CNWR lands to the former Assateague Beach Coast Guard Station. The presence of sensitive resources may require the NPS to coordinate travel through certain areas with the FWS.
 - c. Maintain access to the Maryland/Virginia state line, as feasible, and assist the NPS in state line fence maintenance activities when requested and as available.
 - d. Take the lead role in all required compliance and permitting actions related to any future relocation of the Assigned Area and associated construction of new visitor use facilities and infrastructure.
3. The NPS and FWS will jointly:
- a. Assist one another in maintenance and facility management activities to the extent practicable or as agreed to by the Park Superintendent and Refuge Manager. This may include the sharing of equipment, staff, or facilities. Major or recurring assistance will be defined and agreed to in the AOP.
 - b. Identify essential maintenance employees in the AOP who will report during winter weather emergencies to conduct response activities such as snow removal.
 - c. Cooperate in sign management for the Park and Refuge. Except as otherwise agreed to, all signs within the Park/Refuge should be consistent in appearance and refrain from identifying agency names. The exceptions to this general rule are directional signs outside of the Park/Refuge, signs at the Park/Refuge entrance where both agencies should be given full recognition, and signs for the visitor centers which may recognize the operating agency only.

E. Land and Resource Management

1. The FWS will:
 - a. As with the entire Virginia portion of Assateague Island, assume primary responsibility for managing the wildlife and other natural resources within the Assigned Area, with the understanding by both agencies that recreational use will be planned and carried out to minimize adverse impacts.
2. The NPS and FWS will jointly:

- a. Collaborate in natural and cultural resource management and related research activities including, but not limited to, invasive species control, threatened species management, and hunting management. Where appropriate, research findings and other resource information will be shared, activities of mutual interest will be planned jointly, professional expertise will be shared, and technology transfer will occur.
- b. Recognize that each agency has distinct policies and approaches to resource management but that management of the barrier island ecosystem as a whole is environmentally sound.
- c. To the extent allowed by their respective missions, seek to manage the land and waters of Assateague in a manner that protects, restores, and enhances the ecological health of the barrier island system.

F. Interagency Communications and Information Sharing

1. The NPS and FWS will jointly:
 - a. Notify one another as soon as possible about all incidents, problems, violations, or management actions (e.g weather emergencies, Refuge closures, storm response) with potential ramifications for the other agency.
 - b. Designate points of contact for each primary operational area covered by this Agreement (visitor services, interpretation, visitor and resource protection, maintenance, resource management, and administration). These individuals will meet at least twice annually (March-April and September-October) to identify and discuss the specifics of the AOP, operational problems or issues, and other matters of mutual concern.
 - c. Coordinate the production and release of all publications, press releases, and other publically distributed information related to the Assigned Area or other areas of shared responsibility.
 - d. Seek to keep one another informed about their respective activities and share all information of potential interest to the other agency.
 - e. Cooperate in the collection, analysis and reporting of visitor use statistics. Insofar as possible, similar methods will be used by both agencies to collect and tabulate visitor use data. Monthly visitor use statistics and reports will be shared between agencies.

ARTICLE V – ANNUAL OPERATING PLAN

The NPS and FWS will jointly develop an Annual Operating Plan by December 1st of each year covering cooperative activities for the following calendar year. The AOP will define specific details of the aforementioned cooperative operational activities authorized by this Agreement. The AOP will be approved annually by the ASIS Superintendent and the CNWR Refuge Manager.

ARTICLE VI – TERM OF AGREEMENT

This Agreement will be effective for a period of five years from the date of final signature, unless it is terminated earlier by one of the parties pursuant to Article VII below.

ARTICLE VII– MODIFICATION AND TERMINATION

- A. This Agreement may be modified only by a written instrument executed by the parties.

- B. Either party may terminate this Agreement by providing the other party with thirty (30) days advance written notice. In the event that one party provides the other party with notice of its intention to terminate, the parties will meet promptly to discuss the reasons for the notice and try to resolve their differences.

ARTICLE VIII – KEY OFFICIALS

- A. Key officials are essential to ensure maximum coordination and communication between the parties and the work being performed. They are:

1. For the National Park Service:

Patricia Kicklighter
Superintendent
Assateague Island National Seashore
7206 National Seashore Lane
Berlin, MD 21811
E-mail: trish_kicklighter@nps.gov
Telephone: (410) 629-6080
Facsimile: (410) 641-1099

2. For the U.S. Fish and Wildlife Service:

Louis Hinds
Refuge Manager
Chincoteague National Wildlife Refuge
PO Box 62
Chincoteague, VA 23336
E-mail: louis_hinds@fws.gov
Telephone: (757) 336-6122
Facsimile: (757) 336-5273

- B. Changes in Key Officials – Neither the NPS or FWS may make any permanent change in a key official without written notice to the other party reasonably in advance of the proposed change.

ARTICLE IX – SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) set forth below.

FOR THE NATIONAL PARK SERVICE:

Signature: Patricia Kicklighter

Name: Patricia Kicklighter

Title: Superintendent, Assateague Island National Seashore

Date: 1/10/2012

Concur: Dennis R. Reidenbach

Name: Dennis R. Reidenbach

Title: Regional Director, Northeast Region

Date: 3/8/2012

FOR THE U.S. FISH AND WILDLIFE SERVICE:

Signature: Louis S. Hinds

Name: Louis Hinds

Title: Refuge Manager, Chincoteague National Wildlife Refuge

Date: 12, JAN. 2012

Concur: Wendi Weber

Name: Wendi Weber

Title: Regional Director, Northeast Region

Date: 1/31/12



National Park Service Assigned Area

Memorandum of Understanding G4190120001



Land Protection Planning for the National Wildlife Refuge System

The following questions are often asked when the U.S. Fish and Wildlife Service (Service) begins to study land conservation opportunities. The Service's answer follows each question.

Questions and Answers about the Land Protection Study.

1. What is the Service studying?

The Service will study land conservation opportunities within a study area, including protecting and managing some of the study area lands as part of the National Wildlife Refuge System

2. What is the National Wildlife Refuge System?

The National Wildlife Refuge System (Refuge System) is the world's largest and most diverse collection of public lands set aside specifically for the conservation of fish, wildlife, and plants. More than 560 national wildlife refuges have been established from the Arctic Ocean to the South Pacific, from Maine to the Caribbean. This System of lands encompasses more than 93 million acres of land and water and at least one can be found in every state and U.S. Territory.

3. What is a study area and how is it decided what lands it encompasses?

A study area is a specific geographic area defined to focus wildlife and habitat evaluation. The Service typically identifies lands having high quality wildlife habitat values and good habitat restoration potential where wildlife, such as threatened and endangered species or migratory birds, would benefit from long-term habitat protection and management. Habitat enhancement and management could also improve habitat for many wildlife species and create new opportunities for the public to enjoy wildlife.

4. Will Service personnel enter my property without permission to study it?

No, much of the study can be conducted by examining aerial photos; reviewing local, State, and other federal agencies' studies and records; reviewing public input; talking to local residents with historical knowledge of the area; and talking to interested landowners. The Service will not enter your property without either an invitation or permission granted well in advance.

Land Protection Planning for the National Wildlife Refuge System

The following questions are often asked when the U.S. Fish and Wildlife Service (Service) initiates the Land Protection Planning process. The Service's answer follows each question.

Questions and Answers about the Service's Land Protection Planning Process.

1. What is the Land Protection Planning (LPP) process?

The LPP process is an evaluation, planning, and compliance process. It is used by the Service to study land conservation opportunities including adding lands to the National Wildlife Refuge System. Protection can be accomplished through a variety of approaches such as purchasing land or an easement or establishing a long term lease.

The LPP process is initiated when wildlife habitat areas of interest are identified in long term resource plans or brought to our attention by another agency, conservation group, or interested individuals. The Service evaluates an area to determine if detailed planning—which includes developing a National Environmental Policy Act (NEPA) compliance document, Land Protection Plan, and Conceptual Management Plan—is appropriate. The Director of the U.S. Fish and Wildlife Service (Director) makes this determination after reviewing the evaluation. Detailed planning—the LPP process—commences upon the Director's approval.

Once approval to conduct detailed planning is granted, a Planning Team consisting of Service biologists, planners, realty specialists, and refuge managers identifies a study area—a geographic area where the detailed planning and evaluation will be conducted. Next, the Team announces the study seeking public input to gather information and identify issues. Based on habitat protection needs and the issues and concerns raised during public involvement, the Team develops habitat conservation and refuge boundary alternatives. These alternatives are described, analyzed, and published for public review and comment in the following documents.

- A NEPA document—either an Environmental Assessment (EA) or Environmental Impacts Statement (EIS)—evaluates the effects each alternative would have on the physical, biological, social, and economic environment.

- A Land Protection Plan (LPP) is developed for affected landowners. It describes resource protection needs, a proposed Refuge boundary, and identifies ownerships in priority order that may be acquired from willing sellers.
- A Conceptual Management Plan (CMP) describes potential refuge management needs, activities, and public uses, and determines which public uses would be compatible with the purpose of the proposed refuge.

Public comments are reviewed and considered during development of the final decision documents which are forwarded to the Director for approval. The Director reviews the documents and decides what course of action, if any, the Service will take. The Director's approval is necessary to establish a refuge and implement the LPP and CMP.

2. What is NEPA?

The National Environmental Policy Act, or NEPA, requires that federal planning activities be documented to insure that environmental, economic or social effects are thoroughly evaluated and disclosed to the public. The Service develops an environmental report analyzing wildlife protection needs, proposed alternatives, and the effects of the proposed alternatives on the human environment. The document also addresses compliance with other laws and regulations the Service must fulfill in order to gain authority to add land to the National Wildlife Refuge System by a number of different means such as purchase or cooperative agreement.

3. Will all the land within the study area become part of the proposed refuge?

When a study area is identified, it is normally too early in the evaluation and planning process to answer yes or no. A study area is identified to focus further habitat evaluation on a specific geographic area. Habitat conditions and other factors are evaluated by the Planning Team to determine what lands, if any, should be included in a refuge study area. After public comments are received on the study area and issues are identified, and after further analysis of wildlife use, current and past land use, and local land use planning issues, the Planning Team may modify the study area. The Team then develops alternative refuge boundary locations and potential habitat protection measures which are presented for public review and comment in a NEPA document and a LPP. These documents identify the lands and habitats within the study area which would be suitable for inclusion in the National Wildlife Refuge System.

4. How is it determined what lands will be included within the final refuge boundary?

After the public comment period for the NEPA document and LPP, the Planning Team reviews and considers public comments, and develops a final preferred alternative that identifies the preferred boundary and habitat protection measures for the decision documents that are submitted to the Director for approval. The Director determines the course of action, if any, the Service will take. The Director's approval is required to establish an approved refuge boundary.

5. What does an approved refuge boundary mean?

An approved refuge boundary identifies important and sensitive resource areas that the Service is looking to protect for a long period of time. Landowners within a refuge boundary retain all the rights, privileges, and responsibilities of private land ownership, (for more information see Refuge Planning Information Brochure 3 Landowner Rights questions and answers). After the Director approves a refuge boundary, the Service can make offers to purchase land, or enter into management agreements with willing landowners within the approved boundary. Lands do not become part of the National Wildlife Refuge System unless they are purchased or are placed under a management agreement with the individual landowner.

6. How can I get involved in the planning process?

You can request to be placed on our mailing list, provide comments early in the process, review and comment on the documents, and participate in public workshops if any are held. Your input helps us identify the issues, alternatives, and solutions that make the National Wildlife Refuge System work for both wildlife and people. If you are on our mailing list, you will be notified of all the planning activities and opportunities to provide information and comments.

Land Protection Planning for the National Wildlife Refuge System

The following questions are often asked when the U.S. Fish and Wildlife Service (Service) initiates the Land Protection Planning process. The Service's answer follows each question.

Questions and Answers regarding Landowner Rights Within a Refuge Boundary. *These questions and answers apply to landowner rights within a study area, a proposed refuge boundary, and an approved refuge boundary.*

1. How will a refuge boundary affect my private property rights?

Private property rights are not affected. Landowners within a refuge boundary retain all the rights, privileges, and responsibilities of private land ownership including the rights to access, control trespass, sell to any party, and develop their properties, even if the Service has acquired interest in the land surrounding them. Development of land continues to be subject to local regulations and land use zoning.

2. Does land use regulation increase within a refuge boundary?

No, landowners within a refuge boundary retain all the rights, privileges, and responsibilities of private land ownership, even if the Service has acquired interest in the land surrounding them. Private lands remain in control of the owner unless the property has been sold to the Service. Service management of access, land-use practices, water management, hunting, fishing, and general use within a refuge boundary is limited to the lands that the Service has acquired.

3. What if I don't want to sell my property to the Service?

Landowners within a refuge boundary are under no obligation to sell their property to the Service. It is the Service's long standing policy to acquire land from only willing sellers.

4. Does the Service use the power of condemnation (eminent domain) to acquire property?

It is the Service's long standing policy to acquire land from willing sellers. Eminent domain is rarely used by the Service. Service policy is to acquire land through condemnation only in order to: determine the legal owner (clear title); settle a difference of opinion of value (when the owner is agreeable to court action); or prevent uses which would cause irreparable damage to the resources that the unit (refuge, etc.) was established to protect. The Service, like many other federal agencies, has the power of eminent domain. This power is granted in the Constitution and General Condemnation Act of 1888 and can be used to acquire lands and interests in lands for the public good.

5. What if I don't want to sell my property and wish to develop it?

The refuge boundary does not preclude owners from developing their properties. You may choose to develop your land within the refuge boundary. All such development would be subject to local zoning and regulatory authorities.

6. What if I am not interested in selling my property right now?

Refuge boundaries identify important and sensitive habitat and wildlife resource areas. The Service is looking at the long-term protection of these areas. Acquisition of lands can be phased in over time as willing sellers make their lands available to the Service and funding is available. There is rarely a rigid time frame to purchase specific habitats. Because most threats are long-term in nature, phasing in land acquisitions would not cause appreciable harm to the resources. However, properties with significant development may no longer be desired for refuge purposes if development results in habitat loss.

7. How will I benefit if a refuge is established?

Refuges enhance the quality of life for local residents by preserving the region's ecological value and aesthetic beauty. Communities also benefit from open space which does not burden the municipal infrastructure, but still provides revenues under the Refuge Revenue Sharing Act. Landowners within a refuge boundary wishing to sell their properties to the Service benefit from our Acquisition Program. Other benefits include increased opportunities for wildlife-dependent recreation which may attract visitors to the area, increasing tourism revenues earned by local businesses.

Land Protection Planning for the National Wildlife Refuge System

The following questions are often asked when the U.S. Fish and Wildlife Service (Service) initiates the Land Protection Planning process. The Service's answer follows each question.

Questions and Answers about the Service's Land Acquisition Program. *These questions and answers apply only if a refuge boundary has been approved.*

1. When can the Service begin acquiring lands?

After the Director approves a refuge boundary the Service can make offers to purchase land from willing sellers if funding is available, or enter into management agreements with willing landowners within the approved boundary. Lands do not become part of the National Wildlife Refuge System unless they are purchased or are placed under an agreement with the individual landowner. Landowners within an approved refuge boundary could sell their land at any time to any buyer. Landowners would not be compelled to sell their lands to the Service; it is a long-standing Service policy to purchase lands from willing sellers.

2. How does the Service identify which lands to purchase first?

Priority lands are identified in the LPP. Priority is based on the biological significance of the land, existing and anticipated threats, and willingness of the landowner to sell or otherwise make the property available to the Service. Purchase of priority lands and easements from willing sellers would proceed according to availability of funds.

3. Does the Service intend to acquire all the lands within the refuge boundary?

Willing sellers and available funding determine the amount of land to be acquired. Another factor that can determine Service acquisition is development. An approved refuge boundary does not preclude landowners from developing their properties. Properties in different stages of development may no longer be desired for refuge purposes as development occurs and habitat is lost. Acquisition of land from willing sellers remains a critical tool in safeguarding wildlife and habitat while providing

opportunity for wildlife-dependent recreation. But increasing land costs, limited acquisition funding, and the needs of existing refuges present challenges to continued and timely additions to the Refuge System.

4. What types of interests in lands does the Service acquire?

Often, the Service acquires full ownership of the property by fee-simple purchase. Other options available include a conservation easement, long-term lease, cooperative agreement, memorandum of agreement, and donation. Owners sometimes choose to donate all or a portion of their land as a lasting memorial or for tax purposes.

5. Does the Service use the power of condemnation (eminent domain) to acquire property?

It is the Service's long standing policy to acquire land from willing sellers. Eminent domain is rarely used by the Service, and we would need a compelling reason—such as a request from the landowner to clear title, or imminent threat resulting in irreparable damages to resources—to use it to purchase land for a refuge. The Service, like many other federal agencies, has the power of eminent domain. This power is granted in the Constitution and General Condemnation Act of 1888 and can be used to acquire lands and interests in lands for the public good.

6. How is land acquisition funded?

Funding for national wildlife refuge land acquisitions comes from Federal Duck Stamp sales, entrance fees to certain national wildlife refuges, import taxes on fire arms and ammunition, and appropriations under the Land and Water Conservation Fund Act, and the Migratory Bird Conservation Fund. These are all public funds and programs established to benefit wildlife.

7. Does the Fish and Wildlife Service buy at fair market value?

Yes, Federal law requires the Service to offer fair market value for all land purchases. The value is based upon a professional appraisal completed in accordance with the Uniform Standards for Federal Land Acquisitions. The appraisal is reviewed by an experienced review appraiser to insure that all purchase offers properly reflect the sale prices of comparable properties in the vicinity.

8. Does the designation of a refuge boundary affect the value of my land within or adjacent to the boundary?

The designation of a refuge boundary does not by itself affect the value of your land. Land values are determined by a number of complicated real estate market factors. The market value of lands both within and adjacent to an approved refuge boundary are affected to a much larger degree by such factors as supply and demand, interest rates, and the local economy.

9. If I sell my land to the Service, will I be reimbursed for expenses incurred in selling?

Yes, the Service pays or reimburses many of the transaction expenses. The Service pays for title evidence, mortgage prepayment penalties, mortgage releases, boundary surveys, recording fees, relocation assistance, applicable moving costs, and other expenses incidental to the transfer of title. The Service cannot pay for realtor brokerage fees or fees charged by attorneys retained by the landowner.

10. Will Service land acquisition help or hurt my community?

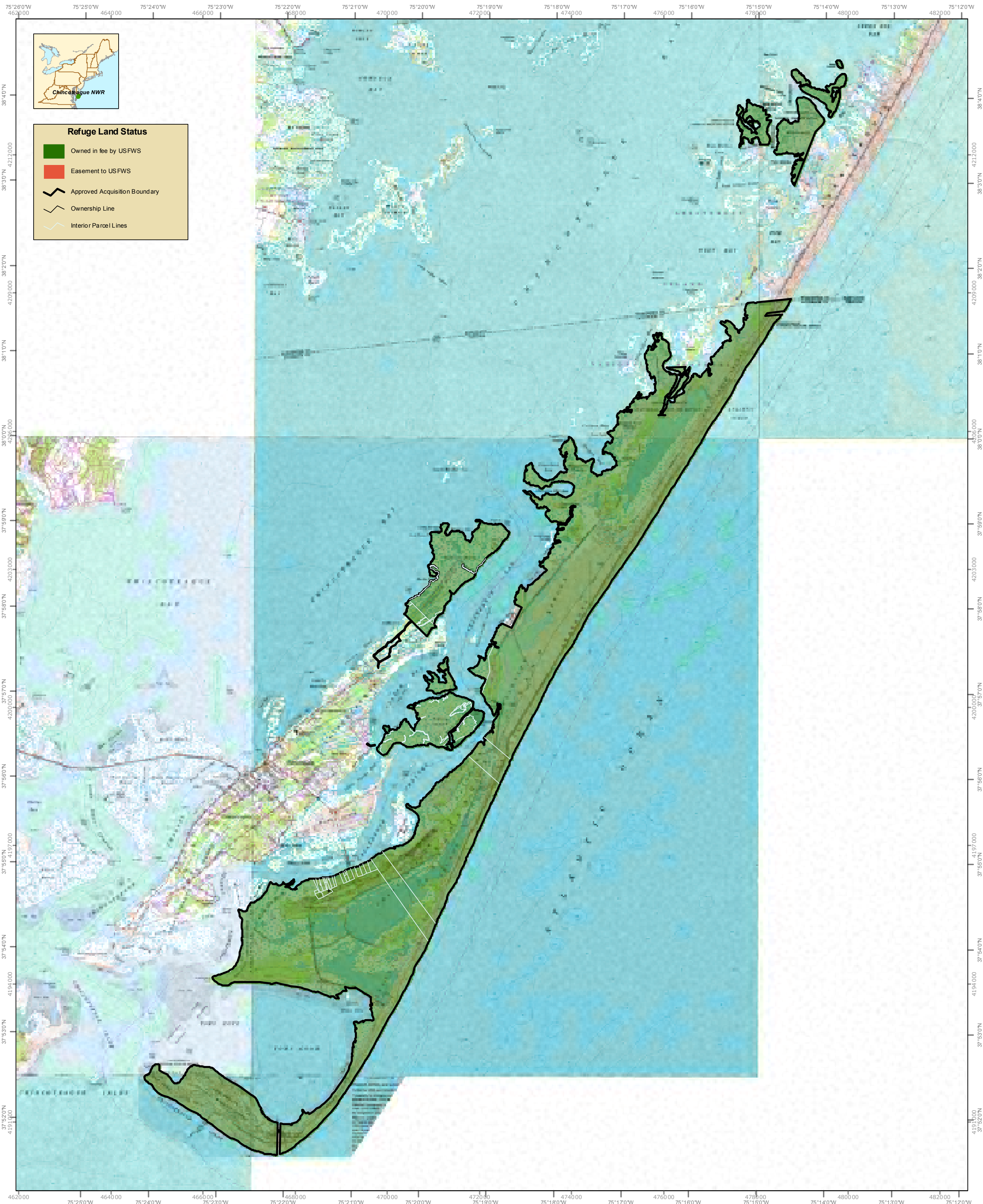
Communities benefit from refuges in many ways. Nearby refuges enhance the quality of life for local residents by preserving the region's aesthetic beauty, providing open space, and offering numerous wildlife-dependent recreational and educational opportunities. Bird watchers, photographers, educators, researchers, hunters, anglers, and hikers visit refuges that allow their particular use. Public uses of a refuge must undergo public assessment and be compatible with the refuge's purpose. There are more than 500 wildlife refuges in the United States. Public use programs attract 34-million visitors per year to national wildlife refuges. These visitors can be an important source of revenue for the local economy.

11. Are property tax revenues affected when land is acquired by the Service?

National Wildlife Refuges, like other Federal, State, and County-owned lands are not subject to property taxes. However, under provisions of the Refuge Revenue Sharing Act, the Service annually reimburses counties for revenue lost as a result of acquisition of fee title to private property. Payments are based on the highest value as determined by one of the following three equations—three-fourths of 1 percent of the fair market value of the land; 25 percent of net receipts; or \$.75 per acre. Congress may appropriate, through the budget process, supplemental funds to ensure full payment. The Act also requires a reappraisal of acquired lands every 5 years to ensure payments to local governments are based on current land values.



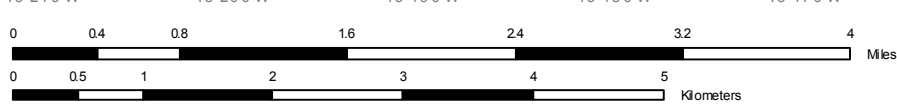
Chincoteague National Wildlife Refuge Accomack County, Virginia and Worcester County, Maryland



Refuge Land Status

- Owned in fee by USFWS
- Easement to USFWS
- Approved Acquisition Boundary
- Ownership Line
- Interior Parcel Lines

Produced in the Division of Realty, Hadley, Massachusetts
 Land Status Current to: 03/14/2005
 Basemap: USGS 1:24,000 topographic map
 Refuge boundaries: compiled from USFWS sources
 Datum & Projection: NAD_1983_UTM_Zone_18N
 Map Print Date: 7/13/2006



This map is designed for refuge management.
 It is not intended for use as a land survey or
 as a representation of land for conveyance or tax purposes.
 For more information visit the USFWS Northeast Region GIS
 website at <http://northeast.fws.gov/gis/>



1:58,047



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:

FWS/RE: CCU95-01965

June 27, 1996

Memorandum

To: Regional Directors, Regions 1-7

From: Director

Subject: Delegation of Authority - Additions to Existing Refuges

This memorandum increases the authority of Regional Directors to expand existing unit boundaries; via purchase, exchange, or donation; from the current limitation of 40 acres to a cumulative total of 10 percent of the approved acquisition boundary acreage or 40 acres, which ever is greater. This delegation is subject to the following:

1. The addition must be contiguous or adjacent to the established unit and clearly beneficial for its management. Adjacent is defined as being located within one mile from the established boundary. This delegation cannot be used to acquire a separately managed division of the initial unit or to acquire a parcel with no programmatic relationship to the established refuge.
2. A Preliminary Project Proposal (PPP) need not be completed; however, all other appropriate Service planning and compliance requirements must be completed.
3. The Director will receive three copies of the Regional decision document, or its equivalent, for each addition. The accompanying maps are to be sufficient in detail to accurately depict the new unit boundary and allow for the transfer of the detail to subsequent status maps.

This delegation of authority also applies to additions to an established refuge via Memoranda of Understanding, Cooperative Agreements, or similar agreements where

lands or interests in lands are not acquired; however, the acreage limitation does not apply.

Director's approval of a PPP will continue to be obtained if acquisitions are to exceed a cumulative total of 10 percent of the Director's approved acreage for the unit. An exception is that a refuge whose specific boundary is established or expanded by congressional direction, as opposed to general legislative authority, is exempted from the PPP process.

This delegation of authority cannot be reassigned.

If you have questions regarding this delegation of authority, contact the Assistant Director - Refuges and Wildlife or Jeffery Donahoe, Chief, Division of Realty at (703) 358-1713.

/s/ John G. Rogers

<http://www.fws.gov/policy/m0024.html>

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Mayor Jack Tarr
Chincoteague Town Hall
6150 Community Drive
Chincoteague, Virginia 23336

November 26, 2012

Dear Mayor Tarr,

A week ago we had a chance to talk about beach access and what it might take for the Town to reach agreement with the Fish & Wildlife Service and the National Park Service on a new plan. Since then I've given a lot of thought to what you said, especially about the Town's felt need for greater trust in the agencies, the process, and the ultimate outcome.

When the F&WS issues its draft environmental statement in January for the Chincoteague National Wildlife Refuge's Comprehensive Conservation Plan for the next 15 to 20 years we all expect the agencies' preferred alternative to be the creation of a new all-season public beach, with parking for 1,000 cars, a mile and a half north of the existing beach at Tom's Cove. This latter beach, absent a change of mind by the F&WS, would return to nature once the new beach is created to the north.

As I read your concerns, the Town still questions whether the agencies would, over time, stand squarely behind a commitment to establish the new beach with all the parking promised.

Louis Hinds, the refuge manager, has said to me, and no doubt to you, that the Town will gain trust and confidence in the agencies through partnering with them in pursuit of agreed upon goals. In my mind while Hinds is right about this in principle, the Town has every reason to endeavor to have the goals defined to its best advantage.

I'll preface my suggestions on that score by citing two stark political realities I see flowing from the country's fiscal crisis and from hurricane Sandy and the frenzied concern now evident up and down the Atlantic seaboard about protecting threatened waterfronts. First, it's folly to imagine that in the case of an

undeveloped ocean beach that Congress would fund a plan for visitor access that turns on costly and controversial engineering solutions.

Second, unless all the major parties, the Town prominently among them, unite behind a sensible, cost-effective plan they will be at a marked disadvantage in competing for the scarce funding available. What I suggest is that the Town join with the F&WS and the NPS in support of the new north beach proposal, but with these important conditions and understandings:

- 1. Robust and early restoration of that length of the beach road and causeway between the pony corral and the Tom's Cove Visitor Center, not just to restore visitor traffic to the beach but to strengthen the causeway as a protective dyke against major storm surges potential damaging to the Bateman Center, the Wildlife Loop, and other parts of the refuge. Once the new north beach is open to visitors and their cars, it's understood that the restored segment of beach road will be closed to all traffic except authorized vehicles such as shuttle buses.**
- 2. Early restoration of parking at the Tom's Cove beach, all 961 spaces if possible, pending availability of the new north beach with parking there.**
- 3. Designation of some portion of the existing Tom's Cove beach, once the new north beach is established, as an all-season public beach for visitors arriving by shuttle as well as by foot, bike, kayak or water taxi. The present Visitor Center would continue as an attractive amenity. The Tom's Cove beach should be linked to the beach to the north, with visitors to either of these beaches free to walk along the ocean front between them, with other areas roped off as necessary for nesting shore birds. This beach, virtually free of cars and traffic, could hold a strong appeal for many visitors and offer a convincing test of the importance of a voluntary, optional shuttle service to a beach-access system.**
- 4. Direction and control of a new shuttle system will be assumed by the Town itself under an understanding with the F&WS and the NPS as to the necessary level of service, financial support, and regulation. The shuttle service, with stops at both all-season public beaches, the Bateman Center, and the Assateague Lighthouse, would look to multiple pick-up stations in the town. Only with the Town's consent**

and encouragement would such a station be established by the F&WS at the Maddox Campground.

5. **Vigorous lobbying will be undertaken by the Town, together with its tourism-dependent business community, to persuade the Obama White House and the Congress for the funding necessary to begin work post-haste on all aspects of the beach-access plan. This should include an early start on the north beach project as well as restoration of the Tom's Cove parking. To allow repeated delays in creating the new beach at its far less exposed location would only prolong the Town's significant risk of losing its principal public beach from a severe storm at the height of the tourist season.**

By staking out the foregoing, the Town would be asserting itself in a forceful yet accommodating manner and facing up to the very real challenge of protecting its vital interests as a gateway for the Chincoteague National Wildlife Refuge and the Assateague National Seashore. Indeed, this would be a partnership bearing on Chincoteague's very survival as a successful resort community.

Mr. Mayor, back in the 1990s when the Town and its tourist businesses were lobbying hard for funding for the Bateman Center, Marsha and I were pleased to have a few lobbyists stay with us here at our home in Washington and to offer a buffet supper for all who came up to press the Town's case in Congress. Another occasion for vigorous lobbying appears close at hand and we shall be pleased to extend the same welcome again this time around.

Attached to this letter are a few brief notes speaking to the Chincoteague National Wildlife Refuge's history of benign environmental manipulation. This history leaves ample room to believe the manipulation will continue whenever there is convincing need or good cause. With respect and affection,

Sincerely,

Luther J. Carter

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August 20, 2012

Dear Mayor Tarr and Members of the Town Council,

I write in anticipation of your meeting this coming Thursday, August 23, with the Beach-Access Committee and Mr. Joseph McCauley, the Fish & Wildlife Service's Regional Lead for the Comprehensive Conservation Plan (CCP) which will guide use and development of the Chincoteague National Wildlife Refuge and the Virginia end of the Assateague National Seashore over the next two decades. While I won't be able to attend this meeting, I hope by this letter to highlight certain possibilities which might be of enormous benefit to the Town and the National Seashore.

For the better part of a year now I have been convinced that if, as contemplated by the F&WS and the National Park Service (NPS), there is to be a new beach (with parking for about a 1,000 cars) a mile and a half to the north of the existing Tom's Cove beach and parking lot, some part of the present beach should be kept for all-season use by visitors coming by foot, bike, kayak, and shuttle. If this were done, visitors would have open to them, at all seasons, a continuous beach up to about three miles in length, but with access by private car only at the north end.

I have written several newspaper articles advocating this idea beginning as far back as late last September but it's been lost in the clash between, on the one hand, the F&WS and NPS belief that the Tom's Cove beach must be replaced by a new beach with parking at a less wash-over prone location farther north, and, on the other hand, the Town's belief that the present beach will continue to be usable given appropriate engineering solutions, including sand replenishment.

This is a clash over fundamentals and until it's resolved one way or the other, the Town can hardly embrace my idea of two all-season beaches since it is tightly linked to having the new beach to the north. The F&WS, for its part, certainly isn't going to embrace this idea absent a strong push by the Town because its present thinking is to return all of the existing beach to nesting habitat for shore birds. In fact, whether F&WS officials would ever agree to such a concession is by no means a sure thing.

Nonetheless, it's not a bit too early for everyone to begin re-thinking the larger beach-access question with the possibility of two all-season beaches as part of the mix.

In December the F&WS will issue its draft environmental impact statement for the CCP and by this document will formally identify its preferred alternative for beach access. As the Town knows from past discussions with F&WS and NPS officials, the F&WS is unlikely to back away from its proposal for the new beach to the north. Although a final decision will await further review after public comment, the matter will have been as good as decided by the agency.

Now, meanwhile, the presidential and congressional elections will have taken place, and if there is a change of administrations and Republican majorities are elected in both the House and Senate, the Town may be tempted to go to the new officials at the Department of Interior and seek a complete redoing of the comprehensive plan. But if Barack Obama prevails and the Democratic position in Congress is either improved or essentially unchanged, the prospects for such a redoing will be zero. In either case, federal budgets will remain so tight that appropriations in support of a high-cost, infinitely demanding, and easily challenged engineering item such as sand replenishment to maintain an undeveloped ocean beach will be hard to come by, especially with environmental groups strongly opposed, as surely they will be.

My suggestion is that the Town begin redefining its position to go along with a new beach with parking to the north but with some fraction (not less than a fourth and maybe as much as a third or half) of the existing beach at Tom's Cove to become an all-season beach without parking. There is already a well built visitors center in place together with numerous lesser facilities including public toilets and even a new shelter for beachgoers to repair to in case of storms. Piping plovers and other shore birds have been found to favor nesting sites on the far west side of the beach along Swan's Cove, and this area is already roped off for their protection.

What's called for, as I see it, is a strong, determined lobbying effort by the Town and its resort businesses to persuade the F&WS to accept two all-season beaches and to help Fish & Wildlife and the Park Service obtain the appropriations necessary. This will be a challenge even with the support of the environmental community, for the new North beach will entail major costs. The new beach would, however, offer several important things in its favor: the average annual loss of beach-front to erosion is less than a third what it is at Tom's Cove; also, with no Tom's Cove present, there would be room aplenty behind the new beach to make maintaining the parking lot far easier; finally, and not least, our visitors would have nearly three miles of superb beach to enjoy.

So, Mr. Mayor and Town council members, let's count our blessings and take full advantage.

Sincerely,

Luther Carter

Storms Raise Everyone's Eyebrows as They Look to Future of the Islands

Posted on [December 18, 2012](#) by [Admin](#)

[Reply](#)

Sandy 'A Storm of Two Faces'

By Zack Hoverson and Robert Boswell



As management at the Chincoteague National Wildlife Refuge on Assateague Island looks ahead to the upcoming release in January of its choice of a conservation plan, it again takes into account the wide impact of storms in recent history.

Chosen from three plans that have all drawn strong criticism from the Town of Chincoteague and the business community, the preference of the U.S. Fish and Wildlife Service will spell out the direction for the Refuge for the next 15 years, in particular access to the widely used white sand Atlantic Ocean beach.

Lou Hinds, Refuge manager, in an interview with Wild Pony Tales last week, was not about to indicate which plan he favors. He was more focused on the work his staff is doing to clean up from the latest hurricane and make the Refuge safe for visitors. Each year some 1.4 million visitors come to the Island which consists of more than 14,000 acres of beach, dunes, marsh and maritime forest. The Island is also home to the famous Chincoteague wild ponies that live in two fenced in areas, although since Hurricane Sandy some are still running loose.

Last month Sandy toppled many trees including the one on the Wildlife Loop where the live eagle camera was mounted. The images from that camera had become a favorite with Refuge visitors who could record their feelings in a journal after the thrill of watching an eagle mom feed its newborn hatchlings.

Sandy also caused extensive road damage and, like the other big wash-over storms, all but destroyed the recreational beach parking lots, although the ocean has returned much of the sand to the beach itself which will be wide and sparkling as ever to beachgoers this coming summer.

But it will take another \$800,000 to restore beach parking back to the 961 parking spaces. The money has again been requested from federal highway funds and if approved, work will begin in March. Ish Ennis, chief of maintenance for the National Park Service in Assateague, which has responsibility for the mile-long recreational beach, said it would take 60 to 90 days to complete. Parking for about 50 cars has already been restored.

There have been three major storms in the past four years including the 2009 November nor'easter as well as Hurricane Irene in 2011 and Hurricane Sandy last month. The refuge management has learned to cope with these storms, starting well ahead of time to remove beach structures, pick up trash cans and secure anything that might blow around. Mr. Hinds, said, "With the frequency of storms, staff members have become used to packing up their offices and relocating to the Marine Science Consortium on Wallops Island." That is where they went before Sandy hit and remained there until Wednesday when things had calmed down. Before reentering the Refuge, Mr. Hinds and the team of 30 who accompanied him had been kept abreast of conditions by two employees and families who live and stayed on Assateague Island during Sandy.

Sandy had a wide and diverse impact on the Refuge. With their nest on the ground, the Bald Eagles have chosen a new tree near the old one and are already rebuilding, although Mr. Hinds wishes they would find another location. He is not sure the new tree could stand much wind. "To put a camera in the nest without disturbing the eagles is quite an undertaking, according to Michael Dixon, manager of visitor services. He and Mr. Hinds agreed it is probably too late to remount the camera this year. The cameras have just been recovered.

Mr. Hinds said that after taking a helicopter tour of the damage over the refuge he felt that the northern part of Assateague Island did not have as much tree damage as the south end due to Chincoteague Island protecting Assateague. Another observation made by Mr. Hinds was that Irene and Sandy both created breaches in the beach into Swan Cove Pool which helped drain the flooding created by both storms. This did not happen in the 2009 nor'easter and the refuge remained flooded much longer. With him on the helicopter tour were Chincoteague Mayor Jack Tarr, and Trish Kicklighter, superintendent of Assateague Island National Seashore. "My biggest surprise," said Mr. Hinds, "was that most of the damage, 95 percent of it, was on the south end of the Island. As we flew further north there was not the same amount of damage, not as many trees down." As Mr. Hinds called Hurricane Sandy "a storm of two faces," he said that the winds coming from the North-East, which caused the storm surge flooding of the impoundments was one face, the other being the very strong winds from the South West which caused severe damage to Beach Road. As the winds came, northwest Chincoteague Island took the brunt of them, weakening the winds as they hit the western shore of Assateague Island.

Mr. Hinds said a strong storm surge filled Refuge impoundments and the water was high enough to wash across Beach Road, eroding a lot of roadway. In the helicopter, Mr. Hinds said while they did not find more trees down to the north, they could see how badly the town of Chincoteague was flooded. The mayor banned non-emergency vehicles from Chincoteague streets during most of the storm. Mr. Hinds said despite the heavy damage, there is nothing to cause any changes to the Comprehensive Conservation Plan, known as the CCP.

"The CCP is a 15 year plan that is a framework from which other plans are made," he said. He said the plan influences what is put into pony management, hunt and other plans." One change that has recently developed, Mr. Hinds said, is a need to reduce the populations of Canada and Snow Geese. "This will be something to address in the new hunt plan after the CCP is completed. There may be limited goose hunting allowed on Assateague Island."

As these storms become more and more frequent, hurricane Sandy being the most recent, it forces the refuge management to look at considerations on how to reduce the damage done to not only the Refuge but also to the recreational beach which will be addressed in the CCP.

One of lessons already learned by the Refuge management concerning the beach was that the old dune system was not as beneficial as previously thought. As Mr. Hinds explained, "Some islands will support dunes and others don't due to their unique geological features." He also said the dunes were very expensive to maintain.

An unintended result of the dunes, he said, was the disruption of the over wash which would have built a new island to the west. Instead it extended Tom's Cove Hook on the southern tip of Assateague. As a

result, the elimination of the dune system has allowed the natural cycle of things to take place, with the Island moving westward from approximately Swan Cove bike trail.

A common request Mr. Hinds hears is to install a snow fence on the recreational beach. "If the request were to install it for wildlife, we might consider it. But when people say to me putting a snow fence along the section would protect the town of Chincoteague then I have to ask myself, are we taking on a whole new aspect to the CCP that's not part of the refuge purposes."

The CCP has three options as how to address storm problems and they are labeled A, B, and C. The option of A is to proceed as the status quo and not change management plans. Option B is a balanced approach which calls for the integration of public use and access with species protection and habitat management. It also, calls for the relocation of the recreational beach and all 961 parking spaces 1.5 miles north of their current location where beach erosion and storm damage is not as much of a constant threat.

The C Alternative, labeled as the reduced disturbance option, focus on maximizing the habitat and wildlife management strategies and reduction of public access and of the recreational beach which would still be relocated 1.5 miles north but with only 480 parking spaces. In both options B and C the option of purchasing off-refuge parking would not be pursued.

Mr. Hinds said he hopes when the preferred option of the Refuge is released to the public in January that they will "look objectively at it." Said Mr. Hinds, "This is a 15 to 20 year plan. We have to look at climate change, sea level rise and the constant damage during these major storm events."

Mr. Hinds said the selected plan will be released first to the public, giving people time to digest it. Then a public meeting will be held.

The National Park Service manages the recreational beach and also, has input in developing the CCP. The CCP will then after release and public input is taken into consideration be revised and released at a later date. What remains to be seen is how the community will react and what input citizens will have to preserve their businesses and community.

For more information go to <http://www.fws.gov/northeast/planning/Chincoteague/ccphome.html>

For more information and videos on the eagle's nest go to: <http://wildponytales.info/archives/1754>



Down to the Cubic Yard, Ish Ennis has Beach Plan Ready

Posted on **December 20, 2012**

<http://wildponytales.info/archives/date/2012/12>

Using a CAD program on his computer which architects use to create blueprints and schematics for various structures, Ish Ennis, chief of maintenance for the National Park service on Assateague Island, created this layout of the recreational beach parking lot. Starting with an aerial photograph, Mr. Ennis highlighted the Wet Land line of delineation which is the border of wetland marsh altered by the storm as measured by the Army Corps of Engineers. From the red line back is the "limit of disturbance" Mr. Ennis can build upon and not disturb the environment. As major storms have become increasingly frequent, Mr. Ennis whenever possible inches the parking lot back a couple hundred feet at a time if possible. A clear sign of this is a comparison of the blue outline of the 2010 and 2011 parking lot location to the purple outline of the 2012 parking lot. Mr. Ennis uses the purple lines to measure and plot the individual parking spaces when totaled are 961. – Zack Hoverson

SHORE STYLE

Assateague among 'best beaches on Earth'

Travel + Leisure.com gives island high ranking

4 CHINCOTEAGUE — Travel + Leisure.com calls the Assateague beach one of "the best beaches on Earth" in its Jan. 10 edition.

After receiving nominations for their favorite beaches from "many savvy readers," the online magazine says "it grouped beaches by type," which, it said, "the voters then ranked." Assateague won third place as the world's beach "Best for Wildlife Viewing."

The Chincoteague Chamber of Commerce nominated Assateague National Seashore for the Travel + Leisure.com competition in July 2012, by calling the magazine's attention to the fact that Assateague is considered a "Global Important Bird Area" by the Audubon Society.

Audubon ranks Assateague among places worldwide that are important for their many rare species of migratory birds.

The Chincoteague Chamber's Travel + Leisure nomination also included information

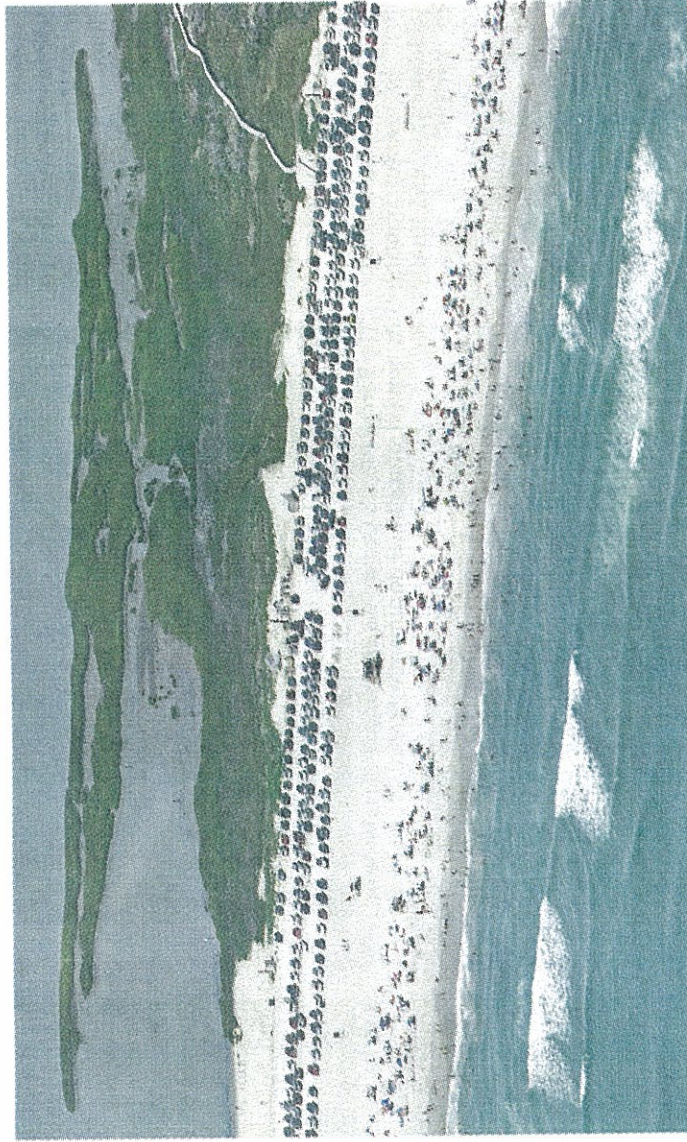
about Assateague's most famous wildlife species, the Chincoteague ponies, as well as features of the Town of Chincoteague. Assateague was vying with Bahia Gardner, Española Island in the Galapagos Islands, as number one in the world wildlife viewing.

Chincoteague has recovered from the effects of Hurricane Sandy and invites visitors to explore the landscape that sheltered its famous equine residents from the October storm.

The Chincoteague National Wildlife Refuge says all wild Chincoteague ponies are accounted for and other Assateague Island species remain hardy in the 14,000-acre-conservation compound.

Chincoteague Island's economy, based mainly on tourism, is fueled by 1.4 million yearly visitors to the Wildlife Refuge and beach.

The Chincoteague Chamber invites the general public to its annual general membership meeting at the Chincoteague



Travel + Leisure.com calls the Assateague beach one of "the best beaches on Earth" in its Jan. 10 edition.

TODD DUDEK PHOTO

Community Center, 6155 Community Drive, beginning Feb. 12 at 1 p.m.

The Chamber will feature speaker Dale K. Nash, newly appointed executive director of the Virginia Commercial Space Flight Authority and Mid-Atlantic Regional Spaceport.

Nash, who most recently served as CEO of Alaska Aerospace, has 30 years of experience in the aerospace industry.

He replaced Billie Reed who had served 17 years as the Authority's founding executive director and who lead the development and operation of the

Mid-Atlantic Regional Spaceport (MARS) at the NASA Wallops Flight Facility.

Chincoteague is the economic engine of Virginia's Eastern Shore peninsula. In 2011, the town collected \$672,366 in lodging excise taxes and \$638,865 in food service excise taxes.