

Accomack-Northampton Planning District Commission

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23372 Front Street, Accomac, Virginia 23301

# **Public Input Summary Report**

*Special Area Management Plan – Seaside of  
Virginia's Eastern Shore*

*Presented to the Study Panel Created by Senate  
Joint Resolution #330 (2011)*

*December 2011*

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**Virginia Coastal Zone**  
MANAGEMENT PROGRAM



*This project was funded by the Virginia Coastal Zone Management Program at the Department of Environmental Quality through Grant #NA10NOS4190205 of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended.*

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## **Introduction**

The seaside of Virginia's Eastern Shore is a unique and special place. Surrounded by the densely developed megalopolis that sprawls along the Atlantic Coast from Boston to Richmond, it boasts exceptionally clean marine waters, thousands of acres of highly productive salt marshes, mudflats, coastal bays and other habitats. This remarkable and unspoiled natural system is bracketed by undeveloped barrier islands to the east and valuable forests, farms and small villages and towns on the mainland to the west. This ecological system also helps support a clam aquaculture industry with over \$50-million in annual sales, a tourism industry with a value to the local economy of \$208-million, and thousands of visitors and residents who love to fish, bike, hike, bird, clam and relax here.

Virginia's Coastal Zone Management Program (VCZM) at the Department of Environmental Quality (DEQ), with the support of the National Oceanic and Atmospheric Administration (NOAA), has long supported the Eastern Shore community's efforts to protect and enhance the seaside. In recognition of its important natural and human values, VCZM has made funding available for a series of Special Area Management Planning (SAMP) efforts. In 2002, working with local and state partners, it established the Seaside Heritage Program which invested \$2.6-million over 6 years to protect, enhance and restore the resources of the Shore's seaside and to support the local eco-tourism and aquaculture industries. This included: restoration of eelgrass, oyster reef, marsh and shorebird habitats; a survey of the wild oyster population (estimated at 3.2-billion- almost double the number found in the rest of Virginia's waters); improvement of public access sites, a canoe/kayak water trail and map; eco-tourism training and certification; aquaculture Codes of Practice and Best Management Practices; and resource management and education tools. In addition, VCZM's web site has Coastal GEMS, an interactive, user friendly gateway to geospatial inventories and maps of seaside resources and other important information.

Recently, VCZM has supported a SAMP Project Team consisting of the Virginia Institute of Marine Science (VIMS), the Accomack-Norhampton Planning District Commission (A-NPDC), the Virginia Marine Resources Commission (VMRC), The Nature Conservancy, the Virginia Eastern Shorekeeper, and private aquaculture businesses. The purpose of the SAMP Team is to map and analyze past, present and future uses and allocations of space on the seaside, to better

understand natural productivity and habitats, to re-evaluate these uses in light of current and projected conditions, and to recommend guidelines for the allocation of space and resources that optimize the environmental and socio-economic benefits derived from this unique ecological system.

The SAMP Project Team used coastal marine spatial planning (CMSP) tools to develop a presentation that was given at a series of public input workshops in Accomack and Northampton Counties in December 2011. CMSP can be defined as “a comprehensive, flexible, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean and coastal areas. CMSP identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social/community/cultural objectives.”

CMSP tools are seen as a way to help analyze the most productive use of space and minimize/avoid use conflicts on the seaside. For example, the SAMP Project Team was able to look at Baylor Grounds on the seaside and learned that only 43% of natural oyster reefs actually lie within Baylor, 34% of Baylor could be available for other, more productive uses and just 10% might be suitable for clam or oyster cultivation. This analysis also revealed very little, if any, spatial conflict between natural habitats such as mud flats and shell piles for birds, eelgrass and oyster restoration sites, recreational fishing activities and clam and oyster aquaculture sites. In general, suitability analysis for these various habitats and uses indicates that they need to all be taken into account, and can be compatible, given the amount of overall area available on the seaside.

The purpose of the SAMP public workshops was to present the information gathered by the SAMP Project Team to seaside stakeholders, elected officials, and the general public and to solicit insights and input to help guide VMRC's and the legislature's future actions. State Senator Ralph Northam sponsored a resolution, passed by both houses, establishing a Study Panel to examine seaside habitats, uses and suitabilities and report back to the legislature with more flexible and efficient management approaches in January, 2012. Public input was recorded and compiled in the current report to aid the Study Panel with their deliberations.

## Public Meetings

A series of public workshops were held in December 2011 to both present information on the past, present, and future environmental and socio-economic conditions on the seaside and to solicit insights and input from the general public, stakeholders, and elected officials. The presentation given at the workshops is included in **Appendix A**.

The public workshops were strategically scheduled and advertised to optimize the public input solicitation process across the entire Eastern Shore. Workshops were held in Accomack and Northampton Counties in order to reach seaside stakeholders across the entire Eastern Shore. The workshops were advertised in local newspapers, on local radio stations, on the A-NPDC website, and in social media outlets to reach the general public. Additionally, the SAMP Project Team compiled a list of known seaside stakeholders from each primary stakeholder group and personally extended invitations via letters and electronic mail. Advertisements and invitations are included in **Appendix B**.

The public workshops were held on the following dates and at the following locations:

*Thursday, December 8, 2011 from 6:30 – 8:30 p.m. at  
the Barrier Islands Center in Machipongo, Virginia*

*&*

*Tuesday, December 13, 2011 from 6:30 – 8:30 p.m. at  
the Eastern Shore of Virginia Chamber of Commerce in  
Melfa, Virginia.*

The workshop agendas are included in **Appendix C**. The workshops were facilitated by A-NPDC staff and SAMP Project Team members were present to field questions regarding the SAMP process.

A-NPDC staff gave the presentation and then offered three suggestions for potential management scenarios that each differed from the current system on the seaside. The three suggestions presented were intended to generate discussion and comments amongst workshop participants and were as follows:

- 1) **Suggestion 1:** Re-survey & redefine appropriate boundaries of all commercial, recreational, & natural resources at 5 or 10 year intervals.*

- 2) **Suggestion 2:** *Recommend & designate spatial allocations for different uses based on suitability & percentages of bottom lands.*
- 3) **Suggestion 3:** *Authorize VMRC, with a local advisory committee to assist VMRC to refine the boundaries of all commercial, recreational, & natural resources. Evaluate applications based on suitability analysis and requiring public notices & public hearings on a site-specific basis.*

A-NPDC staff then fielded questions related to the presentation and redirected questions to SAMP Project Team members as needed. The public comment period was organized to allow each workshop participant the opportunity to submit comments in an interactive manner. Participants were provided comment cards and instructed to submit both pro and con comments for each of the three suggestions presented. A final space was allotted for participants to provide additional insight and input that was not captured by the three suggestions. Comment cards were color coded to allow for simple analysis and provide immediate feedback. Participants were given 30 minutes to develop and submit comments. A-NPDC staff analyzed comments as they were submitted and wrapped up the workshops by giving an overview of comments received. Participants were also offered the opportunity to submit additional comments via email to A-NPDC staff after the workshops.

The public workshops were attended by over 50 people and 36 signed up to be included on a distribution list that will disseminate information regarding the seaside SAMP process going forward. **Figure 1** shows A-NPDC staff presenting at the December 13 workshop.



***Figure 1*** – A-NPDC staff presenting and facilitating the Seaside SAMP Public Workshop on December 13, 2011 in Melfa.

## **Public Comments**

**Tables 1-4** summarize all public comments received during the workshops and in emails following the workshops.

**Table 1**

**Public Comments on Suggestion 1:**

**Re-survey & redefine appropriate boundaries of all commercial, recreational, & natural resources at 5 or 10 year intervals.**

**Pro Comments (5 received)**

Re-survey should be done since so much has changed over 120 years.

Re-survey Baylor (20 years?).

Resurvey Baylor ground that has shifted either upland or into ocean and add additional acres from 83,000 acres of unassigned.

Benefit would be that areas of Baylor grounds that are now subtidal (and largely without reefs and unclamable as well) or in the ocean or on a barrier through barrier island retreat could be removed from consideration.

- Ed Hopkins

This would provide periodic updates and inventory of resources without which you cannot properly adapt and manage sensibly.

**Con Comments (12 received)**

Re-survey should not be any less than 10 years.

Would a resurvey be a new survey of (just) the existing Baylor grounds or of the entire seaside? If the latter, would current leased ground be at risk of "rezoning" for public use?

You cannot zone a dynamic system and expect folks to invest labor, BMPs, and capital in a 5-10 year plan.

The survey must involve the user if grounds are swapped; also, make sense the user if taken and have user's concurrence.

At 200,000 to 555,000 it is too expensive to fund every 5 to 10 years.

Environmental conservationists, boat recreation, homeowner, recreational fishermen, and clambers could lose out through non-representation on committees. All stakeholders need to share aquaculture. Clam beds can interfere with boating, recreational shell. and fin fishing (and environment?)

- Ed Hopkins

Do not break the Baylor!

Folks, this Baylor ground has been there for all Virginians. Please don't take it away. The loss of and migration of barrier islands is a fact of nature, live with it.

Do nothing.

Baylor Ground should be for public use.

Leave Baylor alone.

Will a current lease holder lose his lease to make up the shortfall in the Baylor survey if there is no net loss to Baylor ground and some of the Baylor ground is used for aquaculture?

- Wanda Thornton

<b>Table 2</b>	
<b>Public Comments on Suggestion 2:</b>	
<b>Recommend &amp; designate spatial allocations for different uses based on suitability &amp; percentages of bottom lands.</b>	
<b>Pro Comments (2 received)</b>	
Redesignate Baylor lands – keep acreage same – but eliminate >2010 subtidal, barrier, mudflat, or barrier island from Baylor ground. Pick up new public Baylor ground.	- Ed Hopkins
Compared to aquaculture, the public wild harvest contributes to less than one percent of the state harvest. The Baylor system is a waste.	
<b>Con Comments (11 received)</b>	
Who would determine use and suitability? Would it change over time? With administrations? With local VMRC staff? Not a good plan.	
Don't have the appropriate data (bathymetry, bottom type, etc.) to determine suitability.	
Percentages don't capture Constitutional mandate – must protect all natural oyster beds. Also, doesn't allow for growth if all percentages stay the same.	
For commercial activities, things can change quickly (new species, new techniques) and a reasonable allocation one year could be completely inappropriate a short time later.	
Mapping of the spatial allocations must make sense to both large and small resource managers or users.	
Baylor ground is the only ground guaranteed to the public for any local activity. So, there is no need to allocate it to different user groups.	
Baylor lands could be redesignated as to 2000's viability keeping acreage same (by trade off/substitution). Otherwise, could allocate incorrect proportions of citizen vs. commercial usage.	
- Ed Hopkins	
Do not break the Baylor!	
If there are people who want more ground, take it from the grounds currently available for lease. Then show everybody that this is sustainable aquaculture.	
Question: Who is going to replenish the turned out, exhausted ground?	
Leave Baylor alone.	
Do nothing. VMRC is doing a good job.	

**Table 3**

**Public Comments on Suggestion 3:**

**Authorize VMRC, with a local advisory committee to assist VMRC to refine the boundaries of all commercial, recreational, & natural resources. Evaluate applications based on suitability analysis and requiring public notices & public hearings on a site-specific basis.**

**Pro Comments (4 received)**

If this applies only to bottom currently in Baylor, but requested for private lease, could be reasonable approach. No reason to change how current practice of applying and obtaining ground already designated as available for private lease.

Reduces political influence on resource allocation by taking General Assembly out of the mix.

Make sure the unrepresented recreational interests are protected.

VMRC will probably be better suited to determine uses of natural resources.

**Con Comments (13 received)**

If commercial means leased areas, we already have public notice and a hearing if there are objections. If every lease had to go to public hearings, it would be an unwieldy system.

Don't have the appropriate data for suitability analysis. Need to collect it.

Don't want to give one organization the decision making ability.

This zoning will cause the loss of the current \$50M industry and prevent future growth.

Don NOT change process for leasing ground. It works efficiently and well.

If new ground becomes available, there can not be a gold rush. Ground should be allocated in some other way than first come first serve.

Do not break the Baylor!

VMRC is doing a great job under current laws. Do nothing.

Local government and private stakeholders should have a role in deciding the allocation of resources through the Committee including the regulated industries.

Limited number of acres per company and/or individual people in that company. If more acres are released from Baylor. A certain few companies can monopolize the newly released ground.

Leave the Baylor alone.

Committee should include recreation, natural fisheries, aquaculture, research. Not the Nature Conservancy. They not receive special consideration.

Not knowing the make-up of the advising panel, it could be bias in any direction.

<b>Table 4</b>	
<b>Public Comments Including Insight and Input Not Included within Suggestions 1-3.</b>	
	Must maintain current leases and lease system. If Baylor comes available, potential users for aquaculture should demonstrate past participation in industry.
	Start enforcing existing lease use requirements by retrieving unused resources.
	Gather data appropriate to making decisions and defining suitability <u>before</u> making decisions and defining suitability!
	Need new survey to determine where natural oyster (shellfish) restoration can occur. These grounds need to be reserved for restoration.
	Current aquaculture leasing process is efficient. DO NOT change leasing process.
	Re-do Baylor survey but include clam aquaculture along with potential for oysters.
	CURRENT LEASE GROUNDS SHOULD NOT BE CHANGED.
	When considering the criteria for the "appropriate" use of new grounds, take into account both potential productivity levels* from growers as well as the potential for employment opportunities. * In terms of clam/oyster seed planted and/or sales revenue
	No. Do nothing.
	As a recreational angler, I am concerned about fishing places being taken over and fishing excluded from large areas. Also, it may be unconstitutional for the state to set aside publically owned grounds for the exclusive commercial use of private individuals.
	Do nothing.
	Extend comment period 30 days and notify all lease holders for comment.
	No new regulations.
	Let's face it, this has already been decided. The greed and wants of a few have been satisfied at the expense of the needs of the many. Shame on all parties involved.
	Recreational representatives need to be part of any advisory committee, equal to aquaculture and commercial watermen, and proportional to the value of recreational fishing to the economy of the Eastern Shore.
	Hold new public hearings including the draft findings by the Committee and have the Committee members here to answer questions.
	Do nothing.
	Do nothing. Leave as is.
	Need to look at Marine Sanctuary or Marine Research Reserve and their takeover of ground.
	It's too big of an issue that effects too many people on the Shore to be decided in two days.

<b>Table 4 (continued)</b>
Look at concurrent jurisdiction such as the federal agencies' policies or solicitor opinions such as Fish and Wildlife and the National Park service; including the National Sea Shore agreement.
In defense of the positive impact which shellfish aquaculture production can offer to the seaside, I would like to say that hard shell clams and oyster populations: 1) Filter algae and nitrogen levels of which high levels can be detrimental to submerged vegetation. This natural process allows more sunlight to reach plants on the bottom which they can feed on. 2) The increase in SAV not only serves as a source of food for aquatic life, but also serves as a cover crop which can help to stabilize the bottom from dynamic erosion. 3) Finally, shellfish fields themselves help to stabilize the bottom floor from erosion.
Leave Baylor as is and add additional bottom that currently have natural oyster reefs on it.
Reclassify. Keep a decided upon percent of resource producing environments dedicated to public and rest to commerce. Give up "Baylor Grounds" but avoid "land grab" by commerce to protect ecotourism and citizens. - Ed Hopkins

During the public workshops, participants indicated that additional time was necessary to develop written ideas and insight. The following comments were submitted to A-NPDC staff.

**Comment A – Anonymously Submitted**

Recommendations for the Seaside SAMP

1. Tweak or update the existing Baylor Survey lines to eliminate all obvious mistakes. Keep it as a survey of existing or potential shellfish ground, i.e. for the natural propagation and/or restoration of oysters, wild clams, and seagrass/bay scallops.
2. Take back all leased ground from individual lessees that are presently not being used in any manner for shellfish propagation. Use harvest records and licenses to determine the proper use for shellfish propagation.
3. Eliminate the practice of individuals leasing private ground for clam dredging. In fact eliminate all clam dredging on the seaside. It's not propagation of shellfish nor is it sustainable. It is highly destructive.

4. Remind lessees that their grounds are owned by the citizens of the Commonwealth and it is a privilege, not a right, for them to utilize these grounds for their profit
5. Do not allow clam aquaculture companies and individuals to flip-flop their worn old clam beds for new virgin Baylor ground. If clam aquaculture is going to be sustainable going forward, it must occur within the present system of leased grounds or available for lease grounds and also involve crop rotation and other sustainable practices. Eliminate the harvest practice of washing clams with large HP outboard motors. It destroys the bottom and is not sustainable. Small mechanical hand dredgers and rakes should be allowed.
6. Set up and fund a process over 3-5 years to gather and synthesize the data needed to conduct suitability analysis of the coastal bays for different values including clam aquaculture, oyster and seagrass restoration, ecotourism, and other natural values. First data to be collected would include bathymetry and bottom types.
7. Once all the above is accomplished, then and only then consider revamping Baylor ground in light of oysters and oyster restoration, wild clams and aquaculture, seagrass restoration and bay scallops, ecotourism, and other natural values such as the global value of the coastal bays to migratory birds.

**Comment B** – Town of Chincoteague



# Virginia Seaside SAMP

Concerns/Solutions  
Public Workshop - December 13, 2011

<p>1. Local government and regulated industries are excluded from the 'partners' list</p>	<p>Local government and private industry should have a role in deciding "the allocation of resources in a manner that optimizes the environmental and socio-economic benefits derived from these unique systems" whether on land or within the coastal bays area. Support for multiple uses, marine spatial planning, and a local advisory committee to assist VMRC to refine boundaries.</p>
<p>2. Mapping must make sense to both large and small resource managers/users</p>	<p>Broad management strategies must make sense to the individual VMRC leaseholder who has made investment, income and lifestyle decisions on natural resource uses. Prepare and evaluate <u>alternate solutions</u> that make sense in one location under control by a conservation owner and other solutions if necessary for areas surrounding traditional fishing communities (one size does not necessarily fit all)</p>
<p>3. What happens to private lease areas of State bottom land?</p>	<p>The case has been made to re-map the Baylor Grounds. Any other areas subject to change such as private lease areas should be the subject of additional public workshops</p>
<p>4. No new regulations</p>	<p>Several SAMP partners typically only use one tool to measure ecosystem function and habitats – the impact of human activities. This tool often produces the result of more regulation that limits human impacts. Identify a SAMP partner that will use a tool to measure the socio-economic benefit to the Commonwealth of Virginia and the local communities of the Eastern Shore. <u>Revise mapping without new rules.</u></p>
<p>5. Applied research</p>	<p>All research activities identified under this SAMP should require applications that provide <u>positive commercial use of natural resources and economic benefit</u></p>
<p>6. Concurrent jurisdiction</p>	<p>Virginia must review the Federal Agency policies and Solicitor opinions that being built on the back of 'concurrent jurisdiction'. <i>Concurrent jurisdiction on the above</i></p>

	<p>mentioned lands and waters pursuant to the Deed of Cession, as further discussed below, became effective upon acceptance by the National Park Service and the United States Fish and Wildlife Service, and the subsequent recording of the Deed in Accomack County, Virginia on December 17, 1993, at 1:20 p.m.</p> <p>SUPPLEMENTARY INFORMATION: On December 17, 1993, a Deed of Cession of jurisdiction changes in Accomack County, Virginia was recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia at 1:20 p.m. The Deed of Cession cedes to the United States concurrent jurisdiction over those portions of Assateague Island National Seashore, managed by the National Park Service, and Chincoteague National Wildlife Refuge and Wallops Island National Wildlife Refuge, managed by the United States Fish and Wildlife Service. Acting upon a request of the National Park Service and the United States Fish and Wildlife Service to convey concurrent jurisdiction over lands and waters situated within the administrative boundaries of the above mentioned Federal reserves, the Deed of Cession was signed on February 24, 1993, by then Governor of Virginia, the Honorable L. Douglas Wilder, and by then attorney General of Virginia, Stephen D. Rosenthal, pursuant to the authority conferred upon them by section 7.1-21 of the Code of Virginia. The jurisdiction cession was accepted on September 15, 1993 by Roger G. Kennedy, Director of the National Park Service, and Richard N. Smith, Deputy Director of the United States Fish and Wildlife Service, Department of the Interior, pursuant to the authority conferred by section 255 of title 40 of the United States Code.</p>
<p>7. SAV restrictions/TES waters/Anadromous Fish Use Areas</p>	<p>Page 31 of the powerpoint presentation shows the scientific data collection and mapping that is available for public information on the Coastal GEMS website. There needs to be a very firm line</p>

	<p>created between map information and a map that is adopted for regulatory or management purposes.</p> <p>This public workshop has directed attention toward the shellfish industry and the Baylor Grounds mapping. The public needs to understand to what extent subaquatic vegetation(SAV), threatened and endangered species(TES) and anadromous fish use areas will restrict all other shared use of the Coastal Bays. Support of one element of the SAMP, the Baylor Grounds, should not be taken as a blanket support for mapping and control of all the resources equally.</p>
8. Marine Sanctuary/Marine Research Reserve	<p>Both NPS and FWS have proposed a Marine Reserve in Central Chincoteague Bay that has the potential to dramatically change the permitted use of a shared set natural resources. The Virginia SAMP needs to deal with this issue head on and inform the public about what is really intended.</p>

## Public Input Summary and Conclusions

Several recurring themes were recognizable in public comments from both workshops for each of the three suggestions made. These themes are summarized in the following sections.

**Suggestion 1:** *Re-survey & redefine appropriate boundaries of all commercial, recreational, & natural resources at 5 or 10 year intervals.*

*Comment Total (17) – Pro (5), Con (12)*

*Recurring Themes –*

Pro:

- Resurveying is needed and would allow for adaptation and sensible management
- Baylor grounds should reflect current environmental conditions

Con:

- Leave current system as is/Do nothing (5 comments)
- Resurveying of Baylor Grounds cannot include taking of current leased lands
- All stakeholders must be properly represented in development of any new management system
- If new surveys done, they should be done at least 10 years apart

**Suggestion 2:** *Recommend & designate spatial allocations for different uses based on suitability & percentages of bottom lands.*

*Comment Total (13) – Pro (2), Con (11)*

*Recurring Themes –*

Pro:

- Baylor grounds determined not suitable for shellfish growth could be better utilized for other uses

Con:

- Leave current system as is/Do nothing (4 comments)
- All stakeholders must be properly represented in development of any new management system
- System would require improved data on seaside uses and suitability
- System would not allow for economic growth
- Suitability determination would have to be immune and protected from politics
- Suitability changes more frequently than system could manage

**Suggestion 3:** *Authorize VMRC, with a local advisory committee to assist VMRC to refine the boundaries of all commercial, recreational, & natural resources. Evaluate applications based on suitability analysis and requiring public notices & public hearings on a site-specific basis.*

*Comment Total (17) – Pro (4), Con (13)*

*Recurring Themes –*

Pro:

- VMRC probably best suited to determine uses of natural resources
- System is protected from political influence

Con:

- Leave current system as is/Do nothing (4 comments)
- All stakeholders must be properly represented in development of any new management system (3 comments)
- System could result in a few companies monopolizing resources (2 comments)
- System would require improved data on seaside uses and suitability
- System would not allow for economic growth

- System should not change the current application and lease system

In conclusion, the A-NPDC facilitated two public workshops to engage seaside stakeholders on the Eastern Shore in an effort to solicit their input for consideration by the study panel created by Senator Northam's joint resolution, SJR-330. The A-NPDC presented three theoretical management scenarios to generate discussion and guide the public input process. Participants were also encouraged to develop and submit concepts that were not included within the realm of the suggestions. These comments were taken both during and after the workshops and compiled by A-NPDC staff for submission to the SJR-330 Study Panel.

Workshop participants were directed to submit comments for and against the three proposed theoretical suggestions. The vast majority of comments were against the proposed theoretical management scenarios with most comments suggesting that no changes be made to the current system and if changes are to be made, they should be done so only if adequate suitability and use data is first attained and if any advisory panels formed consist of local stakeholder representatives from all different seaside stakeholder groups. A fewer number of comments received acknowledged potential positive impacts of any changes made to the current management system. The greatest number of comments not related to the three suggestions were related to the public input process and many stakeholders requested more opportunities to provide input to be considered by the SJR-330 Study Panel.

The A-NPDC respectfully requests that each comment received during the public workshops is reviewed and thoroughly considered by members of the SJR-330 Study Panel.

**Appendix A**  
**Public Workshop Presentation**  
***"Seaside Special Area Management Plan***  
***Public Input Workshop"***  
**December 8 & 13, 2011**

# Seaside Special Area Management Plan Public Input Workshop

Partners:

Accomack-Northampton Planning District Commission  
Virginia Institute of Marine Science  
Virginia Marine Resources Commission  
The Nature Conservancy  
Virginia Eastern Shorekeeper  
Virginia Coastal Zone Management Program

*Funded by Virginia Coastal Zone Management Program*



Virginia Coastal Zone  
MANAGEMENT PROGRAM



## SAMP Mission

- to map, analyze, and interpret the current uses, economic values, and ecosystem functions associated with habitats in the seaside bays;
- to re-evaluate these uses in light of current and projected conditions;
- to recommend guidelines for the allocation of resources in a manner that optimizes the environmental and socio-economic benefits derived from these unique systems

## Meeting Purpose:

To solicit public input

- What's important to you?
- What are your concerns?
- Suggested solutions?

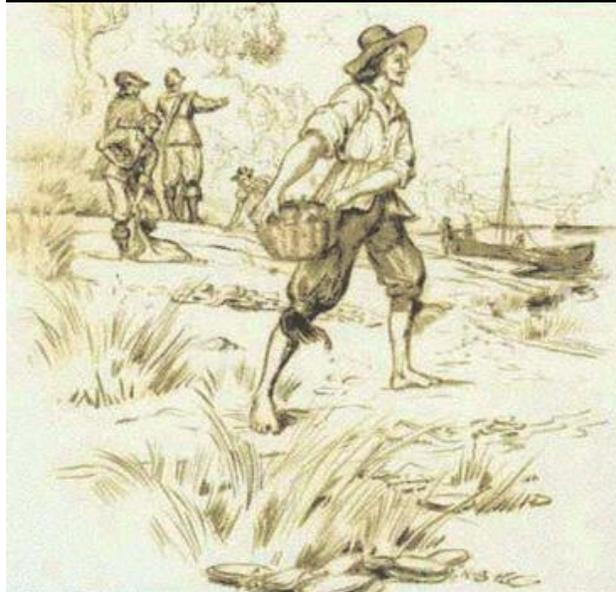


## Principal Issues

- We have an obligation to protect and enhance the natural resources and habitats on the seaside;
- We have a desire to promote sustainable shellfish aquaculture;
- We have a responsibility to support the management and fishery of wild shellfish populations

## The Early Years

**1600s**



“mussels  
and oysters  
. . . lay on  
the ground  
as thick as  
stones.”

Captain John  
Percy (one of  
John Smith’s  
shipmates),  
1607

## 1700s

“...There are whole banks of them so that the ships must avoid them. . . . They surpass those in England by far in size, indeed they are four times as large.” -

Francis Louis Michel, 1701



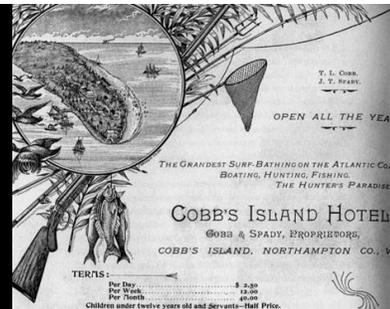
## Early 1800s

- Populations increased as more European settlers arrived
- Oysters were abundant and provided cheap food
- The oyster industry exploded



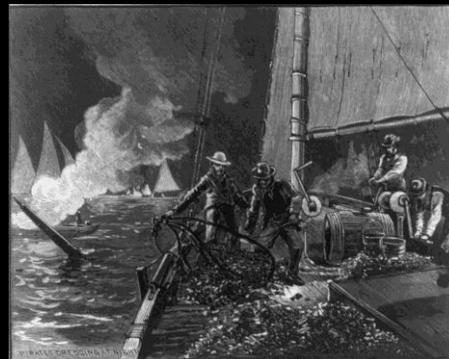
## Mid-1800s

- Commercial fisheries were on the rise
- Recreational uses flourished



## Late 1800s

- Oyster populations were being decimated by dredging;
- The first legislation to protect oysters via license fees and seasonal limits were put in place (1870s);
- Clashes between authorities, legal watermen, and oyster pirates became known as the **Oyster Wars (1865-1959)**



# Protection of Public Shellfish Beds in Virginia

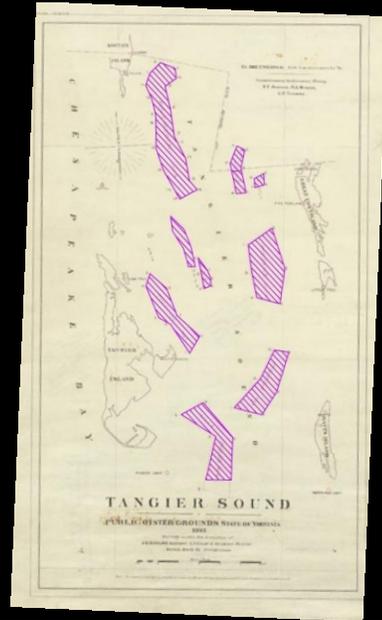
## Virginia Constitution Article XI, Section 3

Requires that the state maintain the natural shellfish beds in state-owned submerged bottoms for the benefit of the citizens of the Commonwealth.



## Baylor Ground Surveys

- 1890: General Assembly commissions Lt. Baylor of the US Navy to survey the productive shellfish beds
- 1895: Surveys are completed
- 1924: Request to re-survey shellfish beds was never done



## Baylor Grounds Today

Baylor has defined public shellfish grounds for 120 years.

VA Code 28.2-603  
Areas of state-owned submerged bottom not included in Baylor, or otherwise protected, are available for leasing by the Commonwealth for the “purpose of planting and propagating shellfish”



# 1930s

Baltimore Sun File Photo

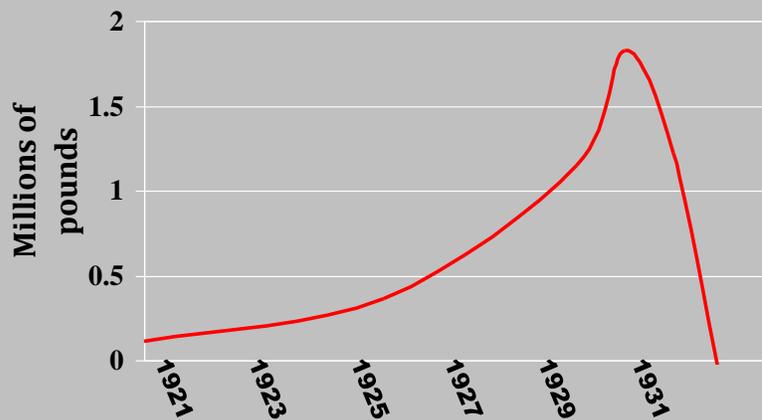
Hurricanes, eelgrass, disease, and over-harvesting wiped out the seaside's natural resources and ecotourism.

Archived coverage: Great Storm of 1933

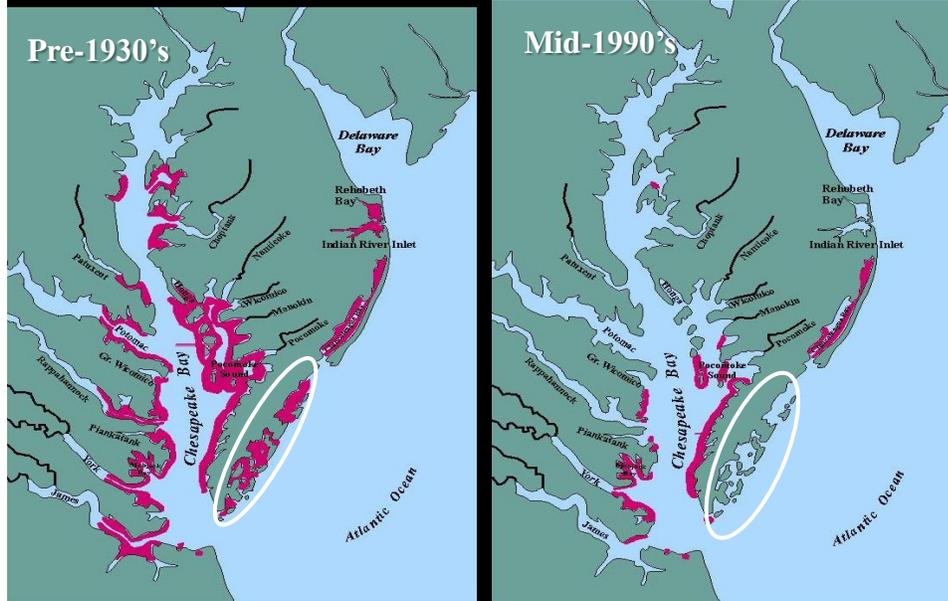


## Decline in Seaside Bay Scallops

Annual Seaside Bay Scallop Harvests 1920-1933



# Loss of Submerged Grass Beds



# Changing Landscape



## Summarizing Decades of Declining Resources

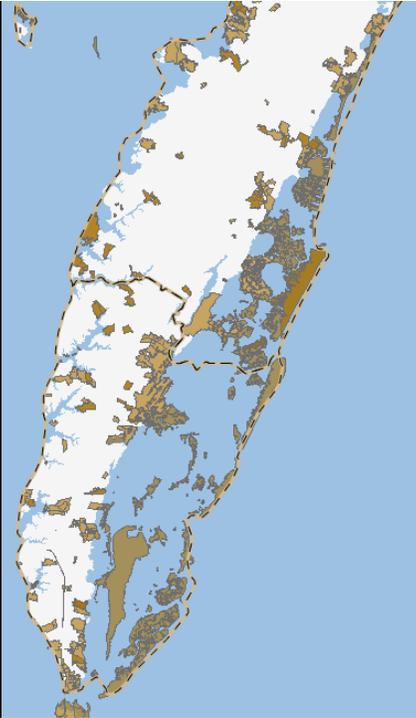
- Decline in shellfish → decline in prosperity
- Loss of SAV → decline in finfish and crab habitat
- Movement of seaside barrier islands →
  - shifting bird habitat
  - reduced recreational opportunities



## The Rebirth (1960s-present)

## Land Conservation and Protection

- Since 1960s: \$100 million public & private funds invested → **112,000 acres protected**
- 1972: Virginia adopts the Tidal Wetlands Act → **82,962 acres of vegetated wetlands protected** on the seaside



## Aquaculture is Launched

1980s: clam aquaculture launched

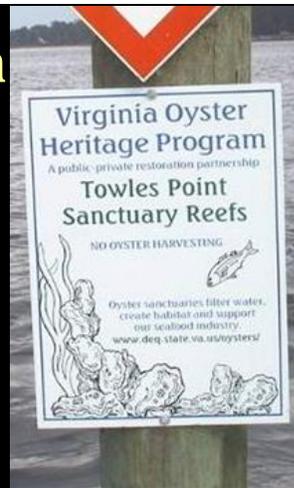
2005: hatchery-based oyster aquaculture begins



- **\$220K** for research and development  
water quality, best management practices, growth impacts
- **\$50 million industry**

## Oyster Reef Restoration

- ~ \$1,545,000 to create ~50 acres of reefs
- \$140,000 for oyster inventory  
– 3.2 billion oysters on the seaside (2006)



## Sea Grass Restoration

300 acres of seagrass planted  
spread to ~ 5,000 acres



## Bay Scallop Restoration

Three years after re-introduction of the Bay Scallop  
.... there are promising signs



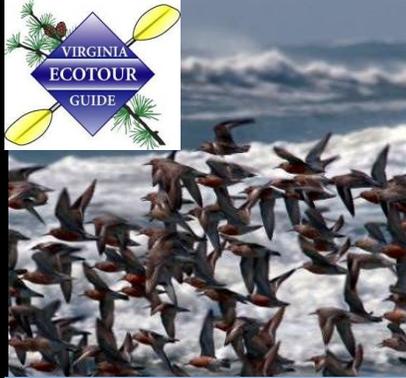
## Recreational Fishing

- Increase in public access
- New businesses
  - Bait shops, marinas, lodging, restaurants and fuels facilities



# Ecotourism

- Increased public access and nature trails
- National Wildlife Refuge
  - \$61 million/yr economic impact
  - > 2 million visitors annually
- Kiptopeke State park
  - ~500,000 people annually
- Bird Habitat Restoration & birdwatching



# Multi-Use Environment



## Multiple Uses → Competition for Space

### Marine Spatial Planning

### Designation of state-owned bottom

<u>Component</u>	<u>Acreage</u>	<u>%</u>
State-owned bottom	153,176	
Unassigned	83,861	55
Baylor grounds	50,256	33
Leased bottom	19,059	<u>12</u>
		100
Eelgrass coverage (2011)	5,000	4
Restored oyster areas	2,000	2

# Existing Spatial Allocations



# Principal Issues

- We have an obligation to protect and enhance the natural resources and habitats on the seaside;
- We have a desire to promote sustainable shellfish aquaculture;
- We have a responsibility to support the management and fishery of wild shellfish populations

## Need flexible policy to manage a diverse and dynamic system; without compromising our need to protect public resources

Baylor boundaries do not reflect current conditions

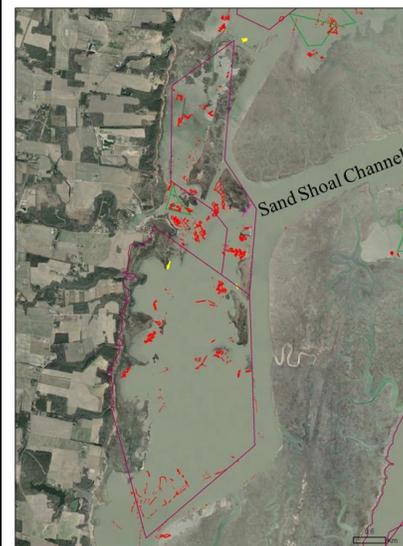


## Natural beds outside of Baylor

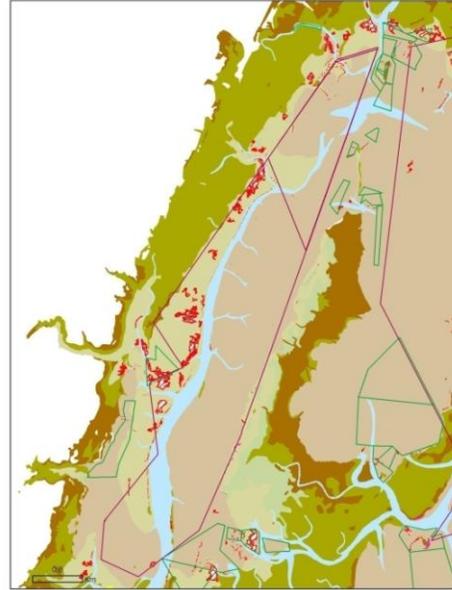
Hog Island Bay



Sand Shoal Channel

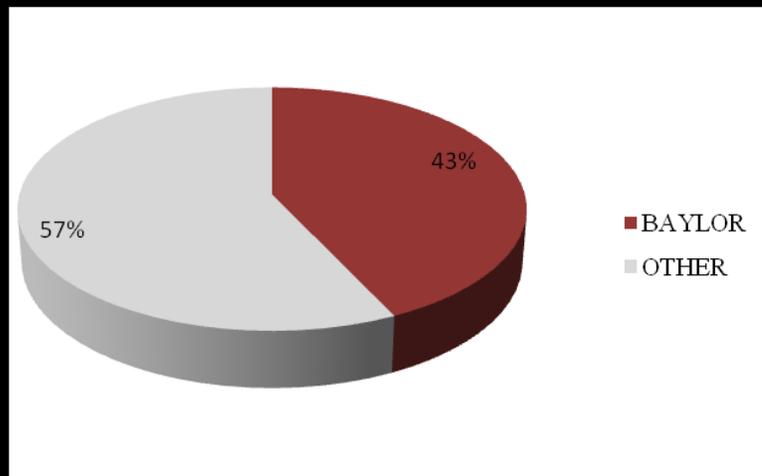


## Ramshorn Bay



## Current Distribution of Natural Reefs

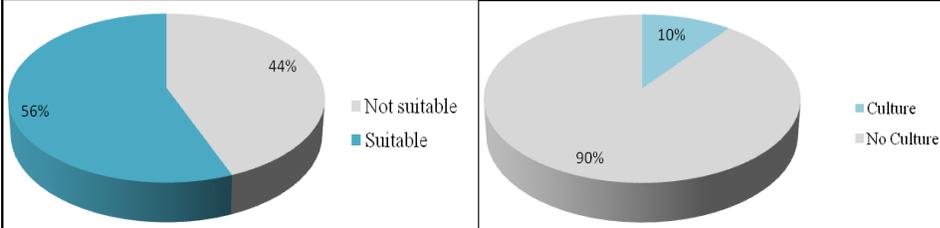
- 43% of “natural” reefs lie within Baylor Ground
- 57% of “natural” reefs lie outside outside of Baylor.



## Conditions within Baylor

56% suitable for oyster restoration or have wild oysters

10% suitable for hard clam and oyster cultivation



## Summary of Baylor

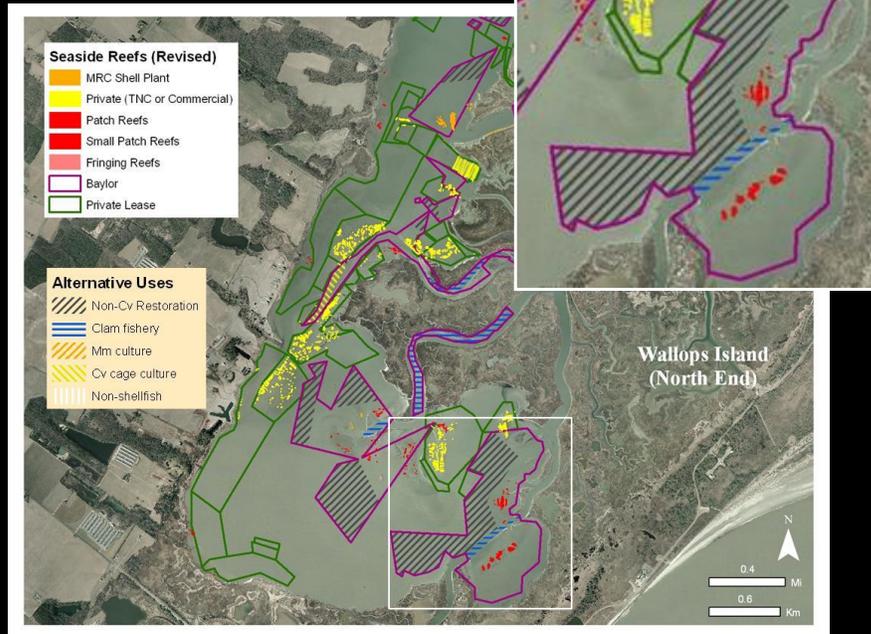
Only 56% have wild beds or are suitable for restoration

Only 10% suitable for clam or oyster cultivation

Only 43% of natural reefs actually lie within Baylor

34% of Baylor could be available for other uses

# Examples of other uses



## Policy Measures to Address these Issues

Senator Northam's Senate Joint Resolution #330

## **Senate Joint Resolution #330**

RESOLVED by the Senate, the House of Delegates concurring,

That the Virginia Institute of Marine Science and the Virginia Marine Resources Commission be requested to jointly study ways the subaqueous bottomland on the seaside of Virginia's Eastern Shore might be better utilized.

## **Senate Joint Resolution #330**

Study Panel shall examine how these bottomlands can be utilized to:

- (i) support the management and fishery of wild shellfish populations,
- (ii) promote sustainable shellfish aquaculture,
- (iii) enhance habitat restoration, and
- (iv) protect natural resources.

And recommend more flexible and effective allocation of space on the Seaside

## Suggestions

Suggestion 1: Re-survey & redefine appropriate boundaries of all commercial, recreational, & natural resources at 5 or 10 year intervals.

Suggestion 2: Recommend & designate spatial allocations for different uses based on suitability & percentages of bottom lands.

- Example: The % public ground stays the same, but could be re-located by VMRC.

Suggestion 3: Authorize VMRC, with a local advisory committee to assist VMRC to refine the boundaries of all commercial, recreational, & natural resources. Evaluate applications based on suitability analysis and requiring public notices & public hearings on a site-specific basis.

## We Need Your Input



**Appendix B**  
**Public Advertisements and Invitations**

# **AQUACULTURE, FISHING, BIRDING, BOATING, WILD HARVEST, RESTORATION**

Public Workshops on the Past, Present and Future  
Management of Marine Resources on the Seaside

*Thursday, December 8, 2011, at the Barrier Islands Center,  
just off Rt. 13, Machipongo from 6:30 - 8:00 p.m.*

*and*

*Tuesday, December 13, 2011, at the Eastern Shore  
Chamber of Commerce, just off Rt. 13, Melfa from 6:30 - 8:00 p.m.*

The purpose of the workshops is to gain your views of what policy and regulatory changes might be made to help the Virginia Marine Resources Commission more effectively manage and allocate state-owned subaqueous bottomland on the seaside of Virginia's Eastern Shore.

Hosted by The Accomack-Northampton Planning  
District Commission

Sponsored by The Virginia  
Coastal Zone Management Program

Contact Curt Smith (757) 787-2936  
csmith@a-npdc.org



VA-000033119



## A-NPDC

### ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

PO BOX 417 • 21072 FRONT STREET • ACCOMACK, VIRGINIA 23001  
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221  
EMAIL: anpdc@npdc.org • WEBSITE: www.a-npdc.org

November 21, 2011

Dear Seaside Stakeholder:

The Accomack-Norhampton Planning District Commission (A-NPDC) is pleased to invite you to a Public Workshop on past, present and future uses of the seaside bays of Virginia's Eastern Shore.

Two workshops will be held as follows:

*Thursday, December 8, 2011 at the Barrier Islands Center,  
just off Rt. 13, Machipongo from 6:30 – 8:00 p.m.*

&

*Tuesday, December 13, 2011 at the Eastern Shore Chamber  
of Commerce, just off Rt. 13, Melfa from 6:30 – 8:00 p.m.*

The purpose of the workshops is to gain your views of what policy and regulatory changes might be made to help the Virginia Marine Resources Commission (VMRC) more effectively manage and allocate state-owned subaqueous bottomland for aquaculture, wild harvest, restoration, fishing and other recreational uses in the face of dynamic changes to the seaside bays, marshes and other habitats.

#### **Background:**

The Virginia Constitution (Article XI, Section 3) requires that natural shellfish beds in state-owned submerged bottomlands be maintained for the benefit of the citizens of the Commonwealth. The state-owned bottom lands on the seaside are currently designated based on surveys completed in 1895 known as the Baylor Ground Surveys. These surveys are presently relied on despite a need for re-surveying that was identified in 1924 due to the drastically changing seaside environment. In order to develop a management protocol that could maximize the efficiency of state-owned bottomlands for the broad array of users that economically depend on the seaside's natural resources, the Commonwealth adopted Senator Northam's Senate Joint Resolution No. 330 in 2011, which tasked the Virginia Institute of Marine Science (VIMS) and VMRC to jointly study ways the subaqueous bottomland on the seaside of the Eastern Shore might be better utilized and make recommendations to the Governor and General Assembly by January 1, 2012. The A-NPDC has been tasked to solicit



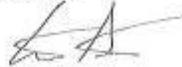
public input that will be included in VIMS and VMRC's report and recommendations to the Governor and General Assembly.

Following a presentation on the historical and current state of the natural environment on the seaside, you will be invited to provide your input on how to protect, enhance, and restore the seaside's natural resources, promote sustainable shellfish aquaculture, and support the management and fishery of wild shellfish populations. Furthermore, the A-NPDC will request you to share what is important to you and what your concerns are, as well as suggesting solutions for how to best manage the multi-use seaside environment. Your input will be recorded by A-NPDC staff and summarized in a report that will be submitted to the joint state panel.

A-NPDC staff will be on hand to record all input and suggestions and representatives from VIMS, VMRC, the Nature Conservancy, and Virginia Eastern Shorekeeper will be in attendance to serve as an informational resource and assist in answering any questions you may have. Refreshments and light appetizers will be served.

If you have any questions, I may be reached by emailing to [csmith@a-npdc.org](mailto:csmith@a-npdc.org) or calling (757) 787-2936, ext. 114.

Sincerely,



Curt Smith  
Regional Planner



*The Seaside Special Area Management Plan and these workshops are funded by multiple grants from the Virginia Coastal Zone Management Program of the Department of Environmental Quality through Grant #NA10NCS4150205 of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended.*

**Appendix C**  
**Public Workshop Agendas**  
**December 8 & 13, 2011**

## Seaside Special Area Management Plan (SAMP) Public Input Workshop

December 8, 2011

6:30 – 8:00 p.m.

Barrier Islands Center, Machipongo, VA

### AGENDA

6:30 – 6:35	Introduction
6:35 – 7:05	Presentation
7:05 – 7:15	Questions from Workshop Participants
7:15 – 7:40	Public Comment Period <i>*Participants will submit comments on comment cards provided to them during the meeting.</i>
7:40 – 7:55	Public Comment Review and Summary
7:55 – 8:00	Review of Next Steps
8:00	Adjourn

#### **Guidelines for Seaside SAMP Public Input Workshop:**

- If you would like to join a distribution list to receive updates and other relevant information regarding the Seaside SAMP process, then please provide your email address on the sign-in sheet near the entrance.
- Please mute or turn-off your cell phones to minimize interruptions.
- Listen with an open mind and heart – it allows deeper understanding and, therefore, progress.
- Please write comments and suggestions legibly on the comment cards so that your submission is accurately recorded.
- Signing your name to the comment card is optional. If you would like to have your name accounted for, then please sign the card at the bottom and consider including other information such as town or county of residence and connection to the seaside (i.e. wild harvester, recreational fisherman, interested resident, etc.)
- Please ask A-NPDC staff members, Curt Smith or Barbara Schwenk, if you need assistance with properly submitting your comments and they will gladly assist you.



## Seaside Special Area Management Plan (SAMP) Public Input Workshop

December 13, 2011

6:30 – 8:00 p.m.

Eastern Shore of Virginia Chamber of Commerce, Melfa, VA

### AGENDA

6:30 - 6:35	Introduction & Kickoff by Senator Ralph Northam
6:35 - 7:05	Presentation
7:05 - 7:15	Questions from Workshop Participants
7:15 - 7:40	Public Comment Period <i>*Participants will submit comments on comment cards provided to them during the meeting.</i>
7:40 - 7:55	Public Comment Review and Summary
7:55 - 8:00	Review of Next Steps
8:00	Adjourn

#### **Guidelines for Seaside SAMP Public Input Workshop:**

- If you would like to join a distribution list to receive updates and other relevant information regarding the Seaside SAMP process, then please provide your email address on the sign-in sheet near the entrance.
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