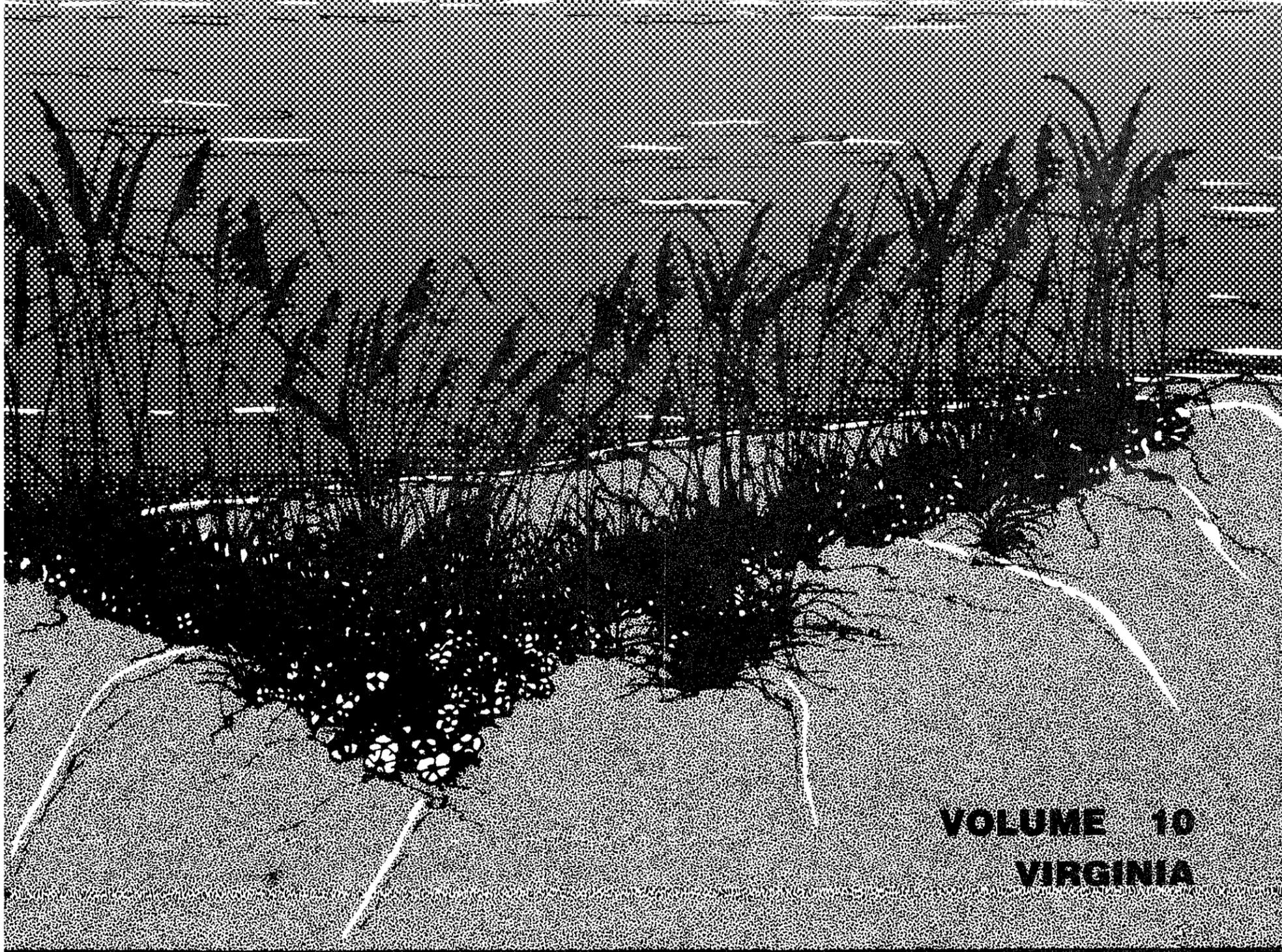


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# **REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM**

Recommendations for Additions to or Deletions from  
the Coastal Barrier Resources System



**VOLUME 10  
VIRGINIA**

U.S. Department of the Interior



**REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM**

**VOLUME 10**

**Recommendations for Additions to or Deletions from  
the Coastal Barrier Resources System**

**VIRGINIA**

Mapped, edited, and published by the Coastal Barriers Study Group

United States Department of the Interior  
William P. Horn, Assistant Secretary for Fish and Wildlife and Parks

1988

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## VIRGINIA

### INTRODUCTION

The Coastal Barrier Resources Act (CBRA) of 1982 (Public Law 97-348) established the Coastal Barrier Resources System (CBRS), a system of undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. This atlas of coastal barriers in Virginia has been prepared in accordance with Section 10 of CBRA (16 U.S.C. 3509), which states:

Sec. 10. Reports to Congress.

(a) In General.--Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) Consultation in Preparing Report.--The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) Report Content.--The report required under subsection (a) shall contain--

(1) recommendations for the conservation of fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effects, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

Under the direction of the Assistant Secretary for Fish and Wildlife and Parks, this report has been prepared by the Coastal Barriers Study Group, a task force of professionals representing the National Park Service, U.S. Fish and Wildlife Service, U.S. Geological Survey, and other Departmental offices.

This volume of the report contains delineations of the existing CBRS units in Virginia and delineations of additions to and modifications of the CBRS in this State which the Department of the Interior recommends to the Congress for its consideration.

### BACKGROUND

The State of Virginia contains about 1,800 miles of estuarine tidal shoreline surrounding Chesapeake Bay and approximately 112 miles of oceanfront shoreline along the Atlantic. Of this oceanfront shoreline, 78 miles are protected from development, 20 miles are developed, and 14 miles remain unprotected and undeveloped. State of Virginia statistics show that well over 60 percent of the State's population reside within the coastal areas.

The ocean shore from Chincoteague Island to Cape Charles is composed of 10 major barrier islands that front an extensive system of salt marshes and open bays. Wind, wave, and tidal processes created these relatively long, narrow islands and endowed them with sandy beaches and extensive dune systems. The barrier islands are separated by narrow, relatively deep tidal inlets. South of the entrance to Chesapeake Bay, Virginia's ocean shoreline consists of sandy beaches and dunes which form the Cape Henry spit complex, the Virginia Beach headland, and the barrier island that protects Back Bay.

Natural resources are abundant along Virginia's shorelines. Chesapeake Bay, the Nation's largest estuary, contains abundant fish and wildlife resources. Millions of wintering waterfowl stop over in this area annually, and over 75 percent of Atlantic flyway waterfowl overwinter in the bay.

The Atlantic coastline is also rich in aquatic and terrestrial wildlife resources.

The principal coastal industries in Virginia include shipbuilding, fishing, food processing, tourism, and agriculture. Two liquefied natural gas plants and a major oil refinery are located on the Lower Chesapeake Bay. The Port of Hampton Roads leads the Nation in volume of exports and in total foreign trade tonnage; a major deep-water port, it is capable of handling large volumes of every category of cargo. The Hampton Roads area also has the Nation's largest concentration of military installations, making the Federal Government another important contributor to the State's economy.

#### COASTAL RESOURCE MANAGEMENT

##### Virginia Coastal Resource Management

The State of Virginia began developing a coastal management program in 1975, largely as a study of the effects of exploration and development of oil and gas reserves on the Outer Continental Shelf. In 1976, the Coastal Study Commission was broadened to include development of the State's coastal resources management programs. By 1977, the commission published a draft document, "Proposals for Coastal Resources Management in Virginia." In 1979, the State and Federal Governments terminated their cooperative efforts to develop a Federally approved coastal zone management plan in Virginia because the Coastal Resources Management Act (S.B. 403) failed to pass both the State House and Senate. However, the State continued management efforts and developed "A Process for the Review and Evaluation of the Management of Virginia's Coastal Resources" in 1980. In 1982, the Governor endorsed coastal management in Virginia in his first address to the General Assembly. That endorsement, coupled with enactment of the Coastal Primary Sand Dune Protection Act and the incorporation of nonvegetated wetlands into the Wetlands Act, marked the beginning of a new effort by the State to define a Federally approved coastal zone management program. A draft environmental impact statement (EIS) for this program was issued in August 1985. On September 23, 1986, Virginia's Coastal Resources Management Program (VCRMP) was approved by the U.S. Department of Commerce. The VCRMP consists of 8 core coastal regulatory programs. The lead State agency is the Council on the Environment.

#### Local Actions

Taxes. The State has given cities and counties the authority to levy taxes for the purchase of open areas. The Open-Space Land Act (Va. Code Ann. 10-151 to 10-157 1974 and Supp. 1982) was passed in 1966 to help preserve recreational, historic, scenic, and park areas. Any county or municipality can acquire open space land and levy taxes to fund those acquisitions.

Zoning. Accomack County passed a Flood Plain Ordinance in June, 1984. This ordinance, which was adapted to the Federal Emergency Management Agency's standards, apparently discourages development on uninhabited barrier islands. Unfortunately, a copy of the ordinance was not available at the time of this writing.

#### EXISTING CBRS UNITS

The CBRS units comprise about 14 miles of shoreline facing the ocean. They are all barrier islands and have extensive saltwater marshes behind them. Cedar Island, Fishermans Island, and Assawoman Island are used seasonally by hunters and fishermen.

A brief description of each existing CBRS unit in Virginia is provided below. Each unit is identified by its ID code and name (established by Congress in 1982) and the county in which it is located.

K01-Assawoman Island (Accomack). This barrier island has a beach length of 4.2 miles. The island protects both an extensive salt marsh system and Kegotank Bay. Because of its limited access, the island's beach/dune systems are well preserved. The island is used seasonally for fishing and hunting. In the past, this area was considered a potential site for a pipeline crossing.

K03-Cedar Island (Accomack). This unit is composed of 6.6 miles of beachfront and protects an extensive marsh and bay system. The Nature Conservancy owns a large tract of land on the northern part of the island outside the CBRS unit. The few cottages on the island are used seasonally by local residents when hunting and fishing.

K04-Little Cobb Island (Northampton). This small barrier island has a beach length of 0.7 mile. One structure and a wharf are the only developments on the island.

CBRS UNITS IN VIRGINIA ESTABLISHED BY CONGRESS, 1982

Unit Name	Unit ID Code	County	Shoreline Length (miles)	Total Area (acres)	Fastland Area (acres)
Assawoman Island	K01	Accomack	4.2	1,015.9	281.9
Cedar Island	K03	Accomack	6.6	9,280.6	634.7
Little Cobb Island	K04	Northampton	0.7	383.9	2.1
Fishermans Island	K05	Northampton	2.3	617.3	229.4
Totals:			13.8	11,297.7	1,148.1

K05-Fishermans Island (Northampton). This unit is located adjacent to Fishermans Island National Wildlife Refuge. Access to the island is limited to boat or foot traffic from the Chesapeake Bay Bridge-Tunnel Highway. The island supports abundant wildlife resources such as ospreys, peregrine falcons, herons, and bald eagles. Hunting and fishing are seasonal activities on the island.

#### RECOMMENDED ADDITIONS AND MODIFICATIONS

The Department of the Interior recommends that all undeveloped, unprotected coastal barriers and associated aquatic habitat in the Chesapeake Bay, the estuarine Potomac River, and along the Atlantic coast identified in Virginia be added to the Coastal Barrier Resources System.

The DOI also recommends that military and Coast Guard lands on coastal barriers and otherwise protected, undeveloped coastal barriers be excluded from the CBRS. However, if any otherwise protected, undeveloped coastal barrier is ever made available for development that is inconsistent with the purposes of the CBRA, the DOI recommends that it then be automatically included in the CBRS. A complete discussion of DOI's recommendations concerning otherwise protected, undeveloped coastal barriers appears in Volume 1. Federal assistance would continue to be available within otherwise protected areas for acceptable development. Maps of all otherwise protected, undeveloped coastal barriers in Virginia appear in the following section.

A table presenting the Department's position on each existing or proposed unit identified in Virginia follows this discussion.

The Department of the Interior's recommendations were developed after full consideration of the many public, State and Federal agency, and Congressional comments on the delineations in the Draft Report released in March 1987. The State of Virginia reviewed the 1987 Draft Report and supports the CBRS expansion in Virginia. The State made no specific comments on particular existing or proposed CBRS units. The State's positions on the DOI's general recommendations are discussed in Volume 1.

The Department received 14 other comment letters concerning Virginia. Eleven of these supported the CBRS additions in Virginia. Four letters also opposed the exclusion of military and Coast Guard lands, and two letters opposed the exclusion of otherwise protected barriers. Four letters suggested other areas in Virginia might qualify for addition to the CBRS. Four of these areas have been included in proposed CBRS units VA-12, VA-23, VA-47, and VA-48; however, other suggested areas are otherwise protected (Mockhorn and Godwin Islands, Ship Shoal) or do not qualify as coastal barriers according to DOI criteria (Custis and Zare Points) and are not recommended for addition to the CBRS. The Virginia Council on the Environment had several concerns about DOI's recommendations on Sections 5 and 6 of the CBRA. These are discussed in Volume 1. Substantive comments concerning individual existing or proposed CBRS units are discussed and reprinted in the following section, interspersed with the appropriate maps.

#### SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN VIRGINIA

Unit ID Code <sup>a</sup>	Unit Name <sup>b</sup>	County or Independent City	Congress. Dist. <sup>c</sup>	Shore-line Length (miles) <sup>d</sup>	Total Area (acres) <sup>e</sup>	Fast-land Area (acres) <sup>f</sup>	Recommendation <sup>g</sup>
K01	Assawoman Island	Accomack	1	4.2	4,691	282	Add wetlands to existing CBRS unit
K03	Cedar Island	Accomack	1	6.6	16,222	635	Add wetlands to existing CBRS unit
K04	Little Cobb Island	Northampton	1	0.7	384	2	No change to existing CBRS unit
K05	Fishermans Island	Northampton	1	2.3	2,242	299	Add wetlands to existing CBRS unit
VA-09	Elliotts Creek	Northampton	1	0.3	106	6	Add to CBRS
VA-10	Old Plantation Creek	Northampton	1	0.4	248	10	Add to CBRS
VA-11	Remus Creek	Northampton	1	1.7	484	130	Add to CBRS
VA-12	Church Neck	Northampton	1	2.6	396	192	Add to CBRS

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN VIRGINIA (CONTINUED)

Unit ID Code <sup>a</sup>	Unit Name <sup>b</sup>	County or Independent City	Congress. Dist. <sup>c</sup>	Shore-line Length (miles) <sup>d</sup>	Total Area (acres) <sup>e</sup>	Fast-land Area (acres) <sup>f</sup>	Recommendation <sup>g</sup>
VA-13	Westerhouse Creek	Northampton	1	0.4	161	7	Add to CBRS
VA-14	Shooting Point	Northampton	1	0.3	21	5	Add to CBRS
VA-15	Horse Island	Northampton	1	0.6	357	17	Add to CBRS
VA-16	Scarborough Neck	Accomack	1	2.7	359	36	Add to CBRS
VA-17	Craddock Neck	Accomack	1	2.6	1,233	31	Add to CBRS
VA-18	Bluff Point	Accomack	1	2.5	1,010	84	Add to CBRS
VA-19	Parkers Island	Accomack	1	1.4	962	65	Add to CBRS
VA-21	Beach Island	Accomack	1	1.0	156	25	Add to CBRS
VA-22	Russell Island	Accomack	1	0.5	87	9	Add to CBRS
VA-23	Simpson Bend	Accomack	1	1.6	708	69	Add to CBRS
VA-24	Drum Bay	Accomack	1	2.0	2,104	224	Add to CBRS
VA-25	Fox Islands	Accomack	1	1.4	1,293	51	Add to CBRS
VA-26	Cheeseman Island	Accomack	1	2.3	1,448	58	Add to CBRS
VA-27	Watts Island	Accomack	1	1.9	1,799	79	Add to CBRS
VA-28	Tangier Island	Accomack	1	2.3	772	88	Add to CBRS
VA-29	Elbow Point	Westmoreland	1	3.6	1,376	130	Add to CBRS
VA-30	White Point	Westmoreland	1	1.2	399	35	Add to CBRS
VA-31	Cabin Point	Westmoreland	1	0.7	117	11	Add to CBRS
VA-32	Glebe Point	Westmoreland	1	0.7	225	24	Add to CBRS
VA-33	Sandy Point	Westmoreland	1	0.3	46	6	Add to CBRS
VA-34	Judith Sound	Northumberland	1	0.8	254	62	Add to CBRS
VA-35	Cod Creek	Northumberland	1	0.7	175	30	Add to CBRS
VA-36	Presley Creek	Northumberland	1	0.4	108	17	Add to CBRS
VA-37	Cordreys Beach	Northumberland	1	0.5	146	27	Add to CBRS
VA-38	Marshall's Beach	Northumberland	1	0.3	83	8	Add to CBRS
VA-40	Gaskin Pond	Northumberland	1	0.3	83	3	Add to CBRS
VA-41	Owens Pond	Northumberland	1	0.8	126	11	Add to CBRS
VA-42	Chesapeake Beach	Northumberland	1	0.4	37	8	Add to CBRS
VA-43	Fleet Point	Northumberland	1	0.4	31	14	Add to CBRS
VA-44	Busse'l Point	Northumberland	1	0.5	41	11	Add to CBRS
VA-45	Harveys Creek	Northumberland	1	0.3	27	5	Add to CBRS
VA-46	Ingram Cove	Northumberland	1	0.3	20	5	Add to CBRS
VA-47	Bluff Point Neck	Northumberland	1	2.1	643	110	Add to CBRS
VA-48	Barnes Creek	Northumberland	1	1.5	263	28	Add to CBRS

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS IN VIRGINIA (CONCLUDED)

Unit ID Code <sup>a</sup>	Unit Name <sup>b</sup>	County or Independent City	Congress. Dist. <sup>c</sup>	Shore-line Length (miles) <sup>d</sup>	Total Area (acres) <sup>e</sup>	Fast-land Area (acres) <sup>f</sup>	Recommendation <sup>g</sup>
VA-49	North Point	Lancaster	1	1.4	320	52	Add to CBRS
VA-50	Windmill Point	Lancaster	1	0.4	18	6	Add to CBRS
VA-51	Deep Hole Point	Lancaster	1	1.6	343	38	Add to CBRS
VA-52	Sturgeon Creek	Middlesex	1	0.3	139	15	Add to CBRS
VA-53	Jackson Creek	Middlesex	1	0.4	46	8	Add to CBRS
VA-54	Stove Point	Middlesex	1	0.3	70	7	Add to CBRS
VA-55	Rigby Island/ Bethel Beach	Mathews	1	10.4	5,401	208	Add to CBRS
VA-56	New Point Comfort	Mathews	1	0.8	454	31	Add to CBRS
VA-57	Ware Neck	Gloucester	1	0.3	55	6	Add to CBRS
VA-57A	Severn River	Gloucester	1	6.5	4,542	159	Add to CBRS
Total - CBRS as Recommended				80.5	52,831	3,479	
Existing CBRS				13.8	11,298	1,148	
Net Change in CBRS				+66.7	+41,533	+2,331	

<sup>a</sup>UNIT ID CODE - State initials (VA) plus a number identify a proposed new unit. An existing unit is identified by the legal code letter (K) and number established by Congress in 1982.

<sup>b</sup>UNIT NAME - For proposed new units, this is a provisional name based on a prominent local feature. For existing CBRS units, this is the legal name.

<sup>c</sup>CONGRESSIONAL DISTRICT - U.S. Congressional District in which unit is located.

<sup>d</sup>SHORELINE LENGTH - For existing units with additions or deletions, this length is for the entire unit, as modified.

<sup>e</sup>TOTAL AREA - For existing units with additions or deletions, this area is for the entire unit, as modified.

<sup>f</sup>FASTLAND AREA - This acreage is a rough estimate of the portion of the total area that is above the mean high tide line (i.e., the non-wetland area). It is a very general representation of the potentially developable land.

<sup>g</sup>RECOMMENDATION - A brief explanation of the Department's recommendations to Congress. For more detailed explanations, see the following section. Abbreviations: FWS = Fish and Wildlife Service, NPS = National Park Service, CBRS = Coastal Barrier Resources System.

STATE COMMENT LETTER

1660



COMMONWEALTH of VIRGINIA

Gerard L. Baliles  
Governor

Office of the Governor  
Richmond 23219

September 21, 1987

The Honorable Donald Paul Hodel  
Secretary of the Interior  
18th and C Streets, N.W.  
Washington, D. C. 20240

Dear Mr. Secretary:

I am writing to respond to the Department of the Interior's proposed recommendations for additions, deletions, or modifications to Coastal Barrier Resources System (CBRS) units in Virginia pursuant to the Coastal Barrier Resources Act. Thank you for the opportunity to comment.

The intent of the Act, to minimize loss of human life, to reduce damage to fish and wildlife habitat and the natural resources of coastal barriers, and to reduce the wasteful expenditures of federal funds, is sound. While economic growth and development are essential to the citizens and communities of Virginia, the burden of financial risk should logically be borne by those who choose to live on or develop coastal barrier areas and not by the American taxpayer. The methods being used to manage these coastal barriers, such as withdrawing federal programs that provide incentives for developing coastal areas, are preferable to the promulgation of new federal regulations. The removal of development incentives on selected coastal barriers is compatible with Virginia's goals as described in our federally-approved Coastal Resources Management Program.

We encourage the Department to continue its efforts pursuant to the Coastal Barriers Resources Act. Many of the areas proposed for inclusion in the CBRS include the types of coastal resources essential, in their natural state, to the tourism and fisheries industries which are the economic base of many coastal communities. Virginia's Council on the Environment is submitting additional comment on the CBRS modification directly to the Department's Coastal Barrier's Study Group.

I understand that the Department of the Interior will prepare a Supplemental Environmental Impact Statement prior to

The Honorable Donald Paul Hodel  
September 21, 1987  
Page Two

submitting its final recommendations to Congress. I look forward to our review of the document and may make additional comments at that time.

With kindest regards, I am

Sincerely,

|x|

Gerard L. Baliles

GLB/km

cc: The Honorable John W. Daniel, II

OTHER GENERAL COMMENT LETTERS CONCERNING VIRGINIA

1647



COMMONWEALTH of VIRGINIA

Council on the Environment

KEITH J. BUTTLEMAN  
ADMINISTRATOR

September 23, 1987

Mr. Frank McGilvrey  
Department of the Interior  
Coastal Barriers Study Group  
18th and C Streets, N.W.  
Washington, D.C. 20240

Dear Mr. McGilvrey:

This letter constitutes a response to some of the changes recommended for the Coastal Barrier Resources System (CBRS). These comments reflect our position on certain revisions to the CBRS as well as important issues that will require further consideration before the proposed changes are adopted and implemented.

We support the changes you have recommended with regard to "Otherwise Protected Areas." The proposed amendment to have undeveloped coastal barriers already held for conservation purposes by private, non-profit owners included as Coastal Barrier Resource System units seems reasonable given the goals of the Act. The proposed inclusion of privately owned property within a conservation or recreation area established by Federal, state, or local law on undeveloped coastal barriers by reference in the Coastal Barrier Resource System also seems consistent with the Act. However, federal support should be available for development of an infrastructure to allow visitor access to areas already protected by federal, state, or local governments for recreation. Provision of reasonable visitor access to these areas for recreation is a legitimate purpose of their public ownership.

We also agree with your recommendation that federal agencies should undertake studies to develop new guidelines concerning redevelopment of coastal barriers following major storms or hurricanes. The provision of federal assistance for reconstruction on coastal barriers following major storms or hurricanes should be examined in the light of the history of a given coastal barrier and the frequency of major storms, the extent of damage inflicted by major storms, and the cost of storm damage repair. To continually rebuild on high-risk coastal barriers at the expense of taxpayers seems at odds with the aim and intent of the Act.

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It appears that in some cases the application of geological and geographical criteria used in the coastal barrier selection and designation process were inconsistent. Upland areas that are part of the mainland but contiguous with coastal barriers should not be included in units proposed for CBRS designation. For example, site VA-11 contains about 109 acres of upland area partially dissected by Remus Creek but continuous with the mainland. VA-11 also includes about 15 acres of land, of very recent geologic origin, that would be classified as a barrier spit. In this instance, we recommend that only the spit portion of the proposed CBRS unit be included as a CBRS unit and the upland portions be excluded.

The Report addresses several other important issues that require clarification and further consideration before the proposed recommendations are adopted. The first of these is the question of "associated aquatic habitat." While we appreciate the ecological unity of fastland and the "adjacent wetlands, marshes, estuaries, inlets, and nearshore waters" (i.e., the area protected by the coastal barrier from major storm effects), we are also cognizant of the need for Virginia watermen to respond to natural biological and geological changes. Specifically, they must be provided access to new waters in response to fish movements over time. A prohibition on federally assisted dredging in "associated aquatic habitats" would create potentially significant future hardships on watermen. We therefore propose that the limitations on federal assistance that would be imposed on "associated aquatic habitats," when they are added to Coastal Barrier Resource System units, be tailored to permit aid where passage through a Coastal Barrier Resource System unit is sought but to prohibit it where passage to a Coastal Barrier Resource System unit is sought. Such a provision would protect the coastal barrier resources but allow the dredging and maintenance of channels across designated areas when needed to allow boat passage to areas outside the Coastal Barrier Resources System unit.

Your suggested rewording of Section 6 (a)(2) of the Act to require that "the maintenance of existing channel improvements ... including the disposal of dredge materials ... shall be performed in a manner consistent with the purposes of this Act" will form a basis to provide additional protection of coastal barrier units. We support this recommendation because more careful attention to dredged material disposal locations and methods will reduce the likelihood of damage to these areas.

Another concern about the proposed recommendations relates to the prohibition of federal funding for new facilities such as utilities, bridges, wastewater treatment plants, etc. We agree that "Federal funding for a facility located outside a CBRS unit whose direct purpose is to provide a tangible product within the CBRS unit" should not be allowed. We want to be assured that federal funding will be allowed on needed projects even though

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they may incidentally serve potential development projects in a CBRS unit. The major criterion for receiving federal funding assistance should be the value of the proposed project in light of the needs it will serve, and it should not be disqualified because the circumstance of its location may serve development in a CBRS unit.

We are informed that the Department of the Interior will prepare a Supplemental Environmental Impact Statement (EIS) prior to submitting its final recommendations to Congress. We look forward to our review of the Supplemental EIS and may make additional comments at that time. Thank you for the opportunity to comment on this report.

Comments from interested state agencies, localities and other parties are enclosed. We urge you to consider these opinions as well.

Sincerely,

Keith J. Buttleman

- cc: The Honorable John W. Daniel II  
Mr. Harold L. Johnston, Accomack County  
Mr. R. Keith Bull, Northampton County  
Mr. Eston E. Burge, Westmoreland County  
Mr. John R. Burton, Northumberland County  
Mr. Daniel Cavanaugh, Middle Peninsula PDC  
Mr. Paul F. Berge, Accomack-Norfolk PDC  
Mr. Arthur L. Collins, Southeastern Virginia PDC  
Mr. Henry L. Cochran, Peninsula PDC  
Mr. Jon Grimm, Northern Neck PDC  
Mr. Norman E. Larsen, MRC  
Ms. Bonnie E. Greenwood, DCHR  
Mr. William E. Neal, CCIF  
Mr. K. E. Wilkinson, DOT  
Mr. C. E. Easlick, SWCB

3



COUNTY OF ACCOMACK  
OFFICE OF THE COUNTY ADMINISTRATOR

P. O. BOX 388  
ACCOMACK, VIRGINIA 23501  
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Harold L. Johnston  
County Administrator

May 21, 1987

Mr. Charles H. Ellis, III  
Senior Environmental Programs Analyst  
Council on the Environment  
903 Ninth Street Office Building  
Richmond, Virginia 23219

RE: Coastal Barrier Resources Systems Report to Congress dated February 19, 1987

Dear Mr. Ellis:

At a meeting of the Accomack County Board of Supervisors on May 20, 1987, regarding the referenced report, the Board voted that they agreed in principle with the report, but reserve the right to make further specific comment at a future date should it become necessary.

Thank you for your assistance.

Cordially,

Harold L. Johnston  
County Administrator

HLJ:ynw

cc: Coastal Barriers Study Group

7



R. KEITH BULL  
COUNTY ADMINISTRATOR  
PHONE: 804-678-5148

**Board of Supervisors of Northampton County**  
Castville, Virginia 23347

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BOARD OF SUPERVISORS  
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June 9, 1987

Mr. Charles H. Ellis, III  
Council on the Environment  
903 Ninth Street Office Building  
Richmond, VA. 23219

Re: Coastal Barrier Resources Act

Dear Mr. Ellis:

Northampton County believes that the basic purposes of the Coastal Barrier Resources Act are reasonable; however, the present proposal, though improved from that presented in 1985, still has many problems. For that reason, the Northampton County Board of Supervisors is opposed to any new designations under the Act at this time.

The areas proposed for designation in Northampton County are inconsistent. For example, Mockhorn Island, which is owned by the Commonwealth of Virginia, is in close proximity to Wreck Island, also owned by the Commonwealth of Virginia. Wreck Island has been excluded in the new proposal from designation while Mockhorn is included. Ship Shoal and Godwin Islands are owned by The Nature Conservancy as are a number of islands including Myrtle and Smith, which are in close proximity. Ship Shoal and Godwin Islands have been included while other Nature Conservancy properties including Myrtle and Smith have not. The Mockhorn Island area which is the largest single proposed Coastal Barrier Resources System area in Northampton County, is largely "Otherwise Protected", while many similar areas on Northampton County's seaside in private ownership and unprotected, are omitted. On the bayside of Northampton County, the Wescott Point area designated as VA-11 is included while a similar geological formation at the end of Great Neck on the bayside of Hungar's Creek is excluded. In short, Northampton County contends as it did in 1985, that the Coastal Barrier Resources System areas proposed for Northampton County were selected by a method known in the planning trade as "quick and dirty."

Northampton County still has many of the concerns expressed in 1985 since the Coastal Barrier Resources Act is in a state of change and we are uncertain as to the final regulations which will exist in areas

Mr. Charles H. Ellis, III  
Page Two  
June 9, 1987

designated under the Act. We are also still concerned primarily because of our unique geography, as to the Act's impact on future dredging projects, rural electrification, County sewer, water, and road needs, and the harmful effects on local property values and what would appear to be in some cases, a taking of property without just compensation.

The Northampton County Board of Supervisors, therefore, respectfully requests that no additional property in Northampton County be included in the Coastal Barrier Resources System until a reasonable proposal is developed and is properly coordinated with the State and local governments.

Sincerely yours,

R. KEITH BULL  
County Administrator

RGB:jw

CC: The Hon. Gerald L. Baliles  
The Hon. Paul S. Tribble, Jr.  
The Hon. John W. Warner  
The Hon. Herbert H. Bateman  
The Hon. William E. Fears  
The Hon. Robert S. Blixson  
The Hon. John W. Daniel, II  
Mr. Keith Buttleman  
The Coastal Barriers Study Group



**Northern Neck of Virginia  
Audubon Society**

P. O. Box 991, Kilmarnock, Virginia 22482

June 17, 1987

949

Coastal Barriers Study Group  
National Park Service  
U. S. Department of the Interior  
P. O. Box 37127  
Washington, D. C. 20013-7127

Sirs:

A study of the Draft Report to Congress: Coastal Barrier Resources System, March 1987 is the basis for the following comments.

Proposed recommendations for additions to or deletions from CBRS, A through D, should be adopted.

Proposed conservation recommendation A should be adopted. Recommendation B contains the statement, "Requiring regulatory consistency at the Federal level would depart from the basic CBRA premise that conservation can be achieved without increasing Federal regulatory involvement, by simply withdrawing financial support for development of undeveloped coastal barriers." It is true that denying Federal financial support can frustrate some developers, but those projects that hold out the prospect of enormous financial reward to the developer will, nevertheless, be undertaken without Federal support. Further, since States vary in the emphases placed on coastal zone maintenance, reliance on State regulatory standards may or may not produce the ends of CBRA.

The inclusion of secondary barriers to CBRS is a logical and much desired step but one that requires a general rethinking of recommendation B. In the long run, denial of Federal flood insurance, important as it is, may be the only deterrence to development of secondary barriers; in our opinion, it would not be enough to discourage much development.

Proposed recommendation C is acceptable at this time. However, the effects of the Tax Reform Act of 1986 on the purposes of CBRA should be monitored carefully, lest the act's effectiveness is unduly curtailed.

Proposed conservation recommendations D(1), D(2)(a), and D(2)(b) should be adopted. Recommendation D(2)(b) is long overdue and should eliminate the excesses of the Corps of Engineers. The COE should be required to meet all requirements of CBRA.

The Northern Neck of Virginia Chapter of The National Audubon Society

Coastal Barriers Study Group  
June 17, 1987  
Page 2

In our opinion, COE policy is based on so-called cost effectiveness and political considerations, not on conservation. We predict a vigorous and powerful effort on the part of the Corps to defeat this recommendation.

Comments on recommendation D(2)(c) show that the term "recreational project" is open to various interpretations. Our comments are made without knowledge of Section 6(a)(6)(A) but it is safe to presume that the several States that raised questions did so with full knowledge of the reference section. We would counsel a good-faith effort to provide further clarification now.

Recommendation D(2)(d) proposes no amendment to Section 3(j) because the term "technical assistance" is generally considered as a form of "indirect Federal assistance" as listed in Section 3. Since "technical assistance" has already been clarified in the draft report, the clarification should be included in the reference section. Not to do so would invite future requests for clarification with attendant delays, etc.

Recommendation D(2)(c) is extremely weak in that it states, "The Department believes most agencies (underscoring ours) have incorporated compliance with CBRA regular program activities." CBRA is the law of the land; all agencies should comply. The extent of monitoring recipients will vary from agency to agency as required. To require each to establish "coordinated tracking systems" would, indeed, be an over-reaction. Reasonable monitoring is sensible, responsible, and essential.

Recommendation D(3) treats all affected agencies equally. Those affected agencies that have not incorporated the requirements and prohibitions of CBRA are more likely to disregard them. Annual certification by the Director of CBM should be required until such time as the agencies incorporate these requirements and prohibitions.

Recommendation E would explore an area where change is essential. We urge its adoption and implementation.

We would further recommend an addition to Report to Congress: Coastal Barrier Resource System, volume 10, February 1987. Map 38 of the Fleets Bay, Virginia quadrangle includes an area in which many of us live and is known to most of the membership. The properties lying between proposed additions VA-47 and VA-48 are undeveloped and meet the three objectives of CBRA. We urge the inclusion of this area in the proposals to extend CBRA to include secondary barriers.

Very truly yours,  
Northern Neck Audubon Society

By:   
A. T. Seay, Jr.



1521

Robert F. Deegan  
340 Ramapo Road  
Virginia Beach, VA 23462

June 20, 1987

Coastal Barriers Study Group  
National Park Service  
U.S. Dept. of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sir:

**Introduction.** These comments are submitted on behalf of the Chesapeake Bay Group of the Sierra Club which has over 600 members. Our area of cognizance within the Sierra Club includes the entire Atlantic Coast of Virginia and a substantial portion of the shoreline of the east side of the Chesapeake Bay. We are keenly interested in protection of these environmentally sensitive areas in Virginia, especially the coastal dune systems, aquatic habitats associated with coastal barriers, and wetlands adjacent to coastal barriers. We compliment the Coastal Barrier Study Group for the work it has done on its proposed recommendations to Congress on the Coastal Barrier Resources System (CBRS).

**Strong Support for Expansion of the CBRS in Virginia.** We strongly support the proposed expansion of the Virginia area within the system from 14 miles of shoreline to at least 88 miles. Because of the rapid development occurring in eastern Virginia, it is particularly important to expand CBRS coverage in Virginia. Moreover, the results of solely state management of these areas have proved it to be inadequate. The extensive rationale presented by the Dept. of the Interior is compelling for the inclusion of the expanded areas of Virginia in the CBRS. If anything, the proposal does not go far enough, as will be discussed below.

**Strong Support for Including Shoreline of Chesapeake Bay in the CBRS.** Barriers around the Bay play an important role in buffering the mainland from storms, erosion, and sea level rise. They also provide vital habitat for an abundance of fish and wildlife species and support important fishing and shellfish industries, just as primary barriers do.

**Support for Including Private Preserves of Conservation Organizations in the CBRS.** Because a substantial number of the barrier islands of the coast of Virginia are in this status, we support the automatic inclusion of land held for conservation purposes by private organizations if the land is later sold for development.

"When we try to pick out anything by itself, we find it hitched to everything else in the universe."



Robert F. Deegan  
340 Ramapo Road  
Virginia Beach, VA 23462

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**Support for Restrictions on Disposal of Dredged Material.** Because of the large amount of dredging that is done in the lower Chesapeake Bay and off the southern coast of Virginia, it is important that all disposal of dredged material must be consistent with the conservation goals of the Coastal Barrier Resources Act.

**Recommendation that Military Lands be Included in the CBRS.** A substantial portion of the shoreline of southern Virginia is military land. Not all defense spending is necessary for national security and military coastal barriers need protection from unnecessary development as much as barriers on private lands. We recommend that military lands be included in the CBRS, perhaps with the provision that the President may certify specific exceptions to the Act for purposes of national security. This also applies to NASA land, e.g. Wallops Island.

**Recommendation that "Otherwise Protected" Areas be Included in the CBRS.** We strongly recommend that state and local parks, refuges, and seashores be included in the CBRS. A substantial portion of the Virginia shoreline is in such a status. The conservation policies of state and local agencies vary with time and location, and they may be lax or relaxed. It is important that there be no use of federal funds or subsidies on these lands that does not comply with the Act.

Please send me a copy of your final report and recommendations to Congress when they are completed.

Sincerely,

Robert F. Deegan  
Chesapeake Bay Group Chair

"When we try to pick out anything by itself, we find it hitched to everything else in the universe."

948



THE VIRGINIA SOCIETY OF ORNITHOLOGY

Route 1, Box 1506  
Kilmarnock, VA 22482  
June 17, 1987

Coastal Barriers Study Group  
National Park Service  
U. S. Department of the Interior  
P. O. Box 37127  
Washington, D. C. 20013-7127

Dear Sirs:

The Virginia Society of Ornithology is an organization of a thousand members dedicated to the study and protection of birdlife. The position of our Northern Neck of Virginia Audubon Society chapter on the Draft Report to Congress: Coastal Barrier Resources System - Executive Summary, March 1987 clearly reflects the views of this organization. We enclose a copy of their letter of June 17, 1987 with our endorsement and ask that you consider these comments when drafting the final report to the Congress.

Yours truly,

A. T. Seay, Jr.  
Conservation chairman

encl.

1282



Working for the Nature of Tomorrow  
NATIONAL WILDLIFE FEDERATION  
1412 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 796-6800

Coastal Barriers Study Group  
Department of the Interior  
National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

RE: Comments on the Coastal Barrier Resources Act--Section 10 Draft Report to Congress, 52 Federal Register 9618-9619

Dear Sir or Madam:

The National Wildlife Federation, the Natural Resources Defense Council, the Coast Alliance, and the Oceanic Society are writing in response to the Department of the Interior's Federal Register Notice of March 23, 1987 soliciting comments on the Draft Report to Congress: Coastal Barrier Resources System--Executive Summary.

Our organizations have a longtime interest in the conservation of coastal barriers. The Natural Resources Defense Council was the founding organization of the Barrier Islands Coalition in 1978. Likewise, the National Wildlife Federation, the Coast Alliance, and the Oceanic Society became members of that coalition in 1979 to help seek protection of coastal barriers.

Our organizations have led efforts to pass legislation which would conserve the natural resources of coastal barriers--first, the flood insurance prohibition in the Omnibus Reconciliation Act in 1981 and then, the Federal financial prohibition in the Coastal Barrier Resources Act (CBRA) in 1982. We continue to support the goals of CBRA and expansion of the Coastal Barrier Resources System (CBRS) throughout the United States and its territories. The federal government should not be subsidizing development in hazardous areas which destroys productive coastal ecosystems, endangers the lives and properties of shoreline residents, and costs federal taxpayers millions of dollars each year in flood insurance claims and disaster relief.

The need for an expanded Coastal Barrier Resources System in which federal development subsidies are prohibited is becoming increasingly critical in light of the projected rise in sea levels due to global warming. As water levels rise, so will the costs of protecting existing structures, the damages from erosion and flooding, and the risk to human life and property. Unfortunately, however, development in these unstable coastal areas continues to grow at a frightening pace. We feel strongly, therefore, that it is essential that the Department recommend maximum expansion of the System to include the eligible areas on all of America's coasts

before these sites are irrevocably committed to development. An appendix of specific comments on additions to and deletions from the System follow our general comments.

PROPOSED RECOMMENDATIONS FOR ADDITIONS TO  
OR DELETIONS FROM THE CBRS

We support the Department's recommendation to expand the definition of a "coastal barrier" to include landforms which function as coastal barriers in protecting the mainland and adjacent aquatic habitats, even if they are not composed of unconsolidated sediments as are barriers in the traditional definition. Use of this expanded definition in delineating CBRS units is consistent with the conservation goals of CBRA and would allow for the inclusion of such new geological formations as undeveloped beach rock, cemented dunes, fringing mangroves and associated coral reefs, cheniers, discontinuous outcrops of bedrock, and coarse glacial deposits. Since these areas serve the same function as coastal barriers and are as vulnerable to development pressure, sea level rise, and storm damage as traditionally-defined coastal barriers, it is appropriate that they also be protected within the System.

Virginia

Much of the development occurring along the Virginia shoreline is the construction of second homes. The pollution resulting from this development--overflowing septic tanks, gas and oil leaks from heavy motorboat traffic--as well as direct destruction of wetland habitat is causing the decline of local fish and wildlife populations, including the commercially important oyster.

K-01 Assawoman Island

Although this island is less than a mile in width, it protects an area of wetlands over twice its size.

K-03 Cedar Island

This unit is currently experiencing intense development pressure, primarily to build second luxury homes for wealthy landowners. Erosion, however, has forced the relocation of the only significant structure yet completed in the unit.

In addition to the Department's recommendations for expansion of the System in Virginia, we propose the addition of the following areas:

1. Morris Island--This area is subject to much flooding, making it an unstable area for development. Lack of infrastructure has thus far prevented development in this area.

Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service, Box 37127  
Washington, D.C. 20013

Dear Sirs:

I would like to express support for expanding the Coastal Barrier Resources System.

Here on the coast of Virginia, the islands themselves represent only a tiny portion of the barrier system. Assawoman Island, for instance, averages less than half a mile in width, but protects an area of marshland more than twice that width. Surprisingly, people can and do build on these marshes. Hunting "shacks" exceed some of the nearby mainland homes not only in size, but in value of appointments as well. I find it inconceivable that tax dollars might be spent to replace such recreational homes in the event of a major storm. Since these structures are on the open marsh, with little or nothing to protect them from winter storms and hurricanes, destruction by storm is merely a matter of time. Cedar Island, south a few miles from Assawoman, is currently under intense development pressure. The development is for second homes for wealthy people desiring their own private beach.

It is very undemocratic for such luxury homes to be supported by the local taxpayers, many of whom earn their income as "watermen". The homes they are helping to finance are slowly destroying their livelihood. Overflowing septic tanks, gasoline and oil leakage from heavy boat traffic, and destruction of the marsh environment are currently stressing many of the local resources, some beyond the point of recovery. Oysters, for instance, have shown a sharp decline in recent years. It is not right for the people who labor on the water to be forced into subsidizing those who are destroying their livelihood. I therefore urge you to please include adjacent wetlands in the Coastal Barrier Resource System.

Because of the politically explosive issue at Cedar Island, I also urge you to reject Mobile Point, Alabama's attempts to be excluded. If development of a barrier, after passage of the Act, can exempt it from the requirements of the Act, what good is the Act? Cedar Island developers will surely seize this issue and use it to demand federal investment in their

Ailes; Page 2

island. You might want to note that there is only one significant structure completed to date on Cedar. It was finished less than ten years ago, but had to be moved this year. Erosion forced the move. As a taxpayer, I prefer not to pay for such nonsense.

Though I reside in Virginia, I grew up in California. There was a sand spit not far from my home, which formed a partial dam where a small river met the Pacific. Due to the spit, there was an extensive brackish-water marsh, where some of the best birding in the area could be found. Biology classes went there to study the abundant invertebrates, and botany classes used it constantly as a laboratory. It has been built up considerably, but there are still significant areas where wildlife is even more abundant than the students. I heartily endorse including the Pacific and Great Lakes coast lines in the Coastal Barriers Resources Act, partly in memory of my own favorite childhood haunts, and partly in the knowledge that there are other such places. I have spent some time in a few of them, especially in Oregon and Alaska. They are special places, economically more important than their size indicates, educationally invaluable, and recreationally irreplaceable.

Naturally, private inholdings should not be exempt, nor should conservation lands later sold. Military areas brings up a sticky problem. On Wallops Island, for instance, there is considerable construction for the Navy Aegis program. We have a highly technological military machine, but the man who punches the buttons may not have the education to match. To correct this potentially fatal flaw, training centers are required. Barrier islands provide ideal sites for the Navy, because training can be coordinated with ship movements. Danger to civilians is minimized, and exercises can proceed without fear of harming bystanders. Erosion is a problem, but with careful siting the erosion problem becomes insignificant. By the time the beach is lapping at the front door, the building will have become obsolete, anyway.

On Wallops Island, the Navy is being as careful as possible to respect the unique environment. That surely is not always the case, nor can I guarantee that it always will be the case here. Nonetheless, Wallops and the Aegis program demonstrate that vital defense needs can be met without filling the marshes. Somehow, a line must be drawn between vital security needs which can not be satisfied elsewhere, and the construction of beach houses for off-duty recreation.

Assateague Island is a case in point. This island is just north of Wallops, and suffers the same heavy erosion damage experienced on Wallops. For many years, a road led down Assateague along the dunes. Each year, the dunes became shorter, narrower, and less quickly rebuilt after the winter

Ailes; Page 3

storms. About five years ago, the road began washing out. Pressure from the nearby community of Chincoteague was so strong, that the road was rebuilt. The government spent \$80,000 to replace and repave the road. It lasted almost three months. I consider that a waste of tax money. Perhaps government spending could be limited in areas eroding more rapidly than, say, 5 meters per year. Above 10 meters a year, spending for any purpose other than to save life might be forbidden.

Thank you for this opportunity to express my opinions. Essentially, I feel that in this time of budget deficits, there is no excuse for financially subsidizing recreational development of areas which should be maintained for the benefit of "We, the People".

Sincerely yours,

  
Marilyn Ailes

602

JAMES B. MURRAY  
PANORAMA FARMS  
EARLYSVILLE, VA. 22936

5/25/87

To: Coastal Barrier Study Group

I strongly support the Interior Department's draft proposals to expand the Coastal Barrier Resources Act. I oppose any deletions from the system especially military and Coast Guard lands. Here in Virginia the federal government owns much land in this fragile area and should help protect the marine life so vital to commercial and recreational interests of our state. Please stand by your very reasonable and conservative proposals.

Thanks,  
James B. Murray

1591

11623 Sourwood Lane  
Reston, VA 22091  
June 1, 1987

To: Coastal Barriers Study Group

From: Marian Buckner *Marian Buckner*

As a private citizen, I am very interested in saving America's coastline. I would like to comment on several things that I want you to consider:

- (1) I support the proposed addition of over a million new acres in the Coastal Barrier Resources System, including areas in the Florida Keys, the U.S. Virgin Islands, Maryland, New Jersey, large embayments, and adjacent water habitats.
- (2) I would like to see the Great Lakes and the Pacific Coast be included in the System.
- (3) I oppose the deletion of military and Coast Guard lands from the Coastal Barrier Resources System.

1654

October 13, 1987

Dear Mr. Mc Kilinney,

I have enclosed a copy of a letter which I received this past weekend from the Governor's office regarding the Coastal Barrier Resources System, and the letter I sent to Governor Baliles urging his support. I thought you might be interested in the comments.

I regret that my comments did not reach the governor's office in time for staff review, but hope that the Council on the Environment will have the opportunity to discuss them with the Coastal Barriers Study Group.

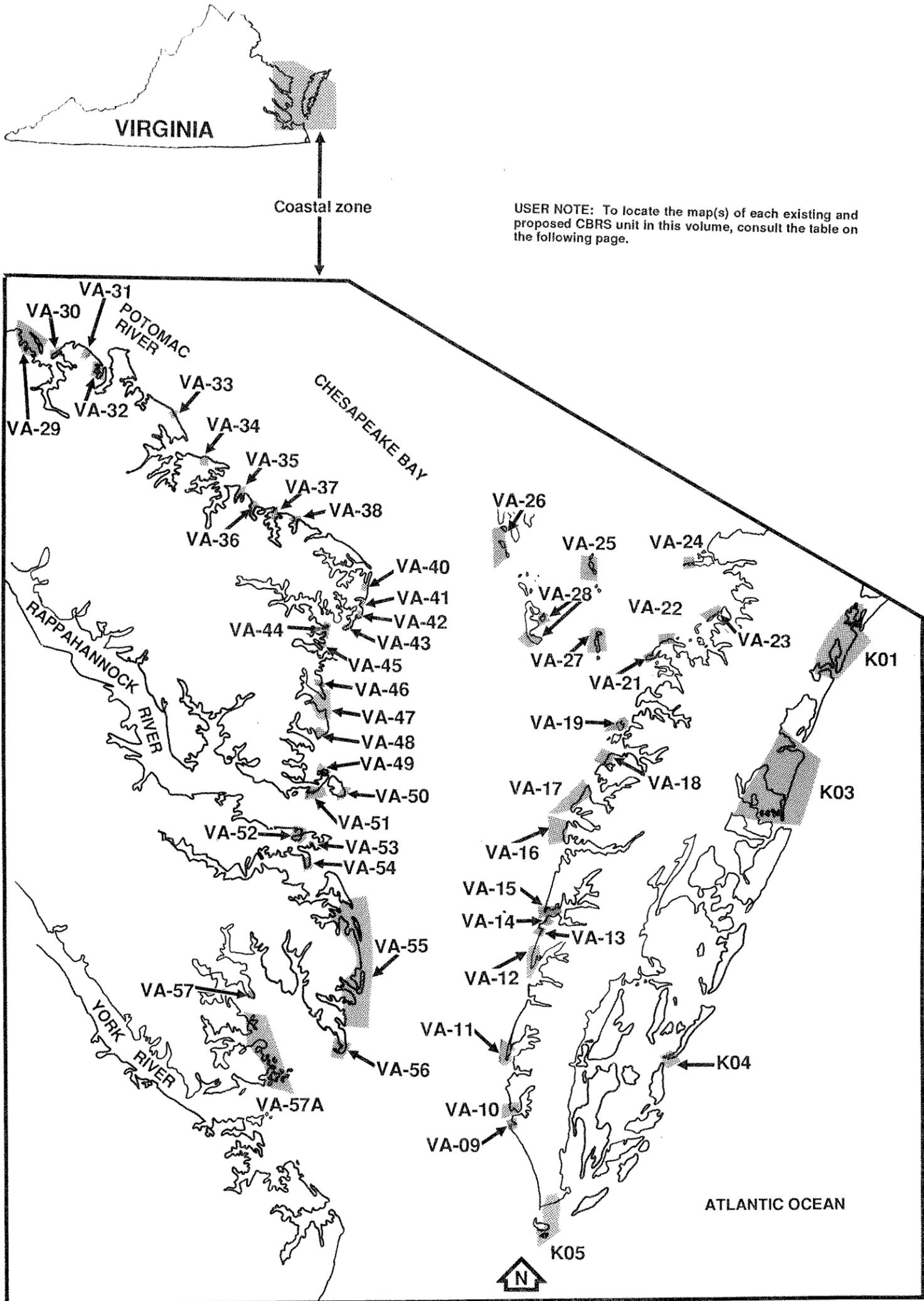
It seems to me, however, if there is going to be a public comment period, it should allow time for the public to comment before government and government agencies respond!

The third paragraph of Mr. Daniel's letter refers to a question I asked regarding what Governor Baliles was doing to support a Critical Areas Act in Virginia.

I will be interested in the Coastal Barriers Study Group's decisions.

Most sincerely,  
Mac Hall

# INDEX TO EXISTING AND PROPOSED CBRS UNITS IN VIRGINIA



MAPS DEPICTING EXISTING AND PROPOSED CBRS UNITS

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K03	Cedar Island	Metomkin Inlet	20
		Wachapreague	21
K04	Little Cobb Island	Cobb Island	24
K05	Fishermans Island	Townsend	26
		Fishermans Island	27
VA-09	Elliotts Creek	Elliotts Creek	28
VA-10	Old Plantation Creek	Elliotts Creek	28
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VA-12	Church Neck	Franktown	31
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VA-53	Jackson Creek	Deltaville	51
VA-54	Stove Point	Deltaville	51
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		New Point Comfort	53
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\*Public comment summaries and DOI responses follow unit maps.

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COAST GUARD LANDS ON UNDEVELOPED COASTAL BARRIERS\*

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Wallops Island	Federal	18
Bloxom	Federal, Private	19
Metomkin Inlet	Private	20
Wachapreague	Private	21
Quinby Inlet	Private	22
Great Machipongo Inlet	Private	23
Cobb Island	State, Private	24
Ship Shoal Inlet	Private	25
Townsend	Federal, State, Private, Military	26
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\*These maps are provided for information purposes only. DOI is not recommending the addition of these areas to the CBRS unless they are made available for development that is inconsistent with the CBRA purposes.

MAP KEY

-----	Existing CBRS units
_____	Recommended additions to or deletions from the CBRS
.....	Military, Coast Guard, or otherwise protected, undeveloped coastal barrier
ADD	Area recommended for addition to the CBRS
DELETE	Area recommended for deletion from the CBRS
EXCLUDED	Area excluded from an existing or proposed CBRS unit because it is developed
FEDERAL	Federally protected, undeveloped coastal barrier; for information only
STATE	State protected, undeveloped coastal barrier; for information only
LOCAL	Locally protected, undeveloped coastal barrier; for information only
PRIVATE	Privately protected, undeveloped coastal barrier; for information only
MILITARY	Undeveloped coastal barrier owned by the military; for information only
COAST GUARD	Undeveloped coastal barrier owned by the Coast Guard; for information only

Maps are arranged in geographic order from north to south on the Atlantic coast, then up the eastern shore and down the western shore of the Chesapeake Bay.



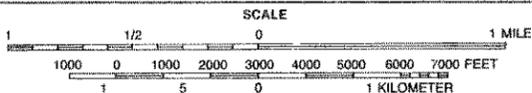
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
by the Coastal Barriers & Group  
U.S. Department of the Interior  
Washington, D.C. 20240

QUADRANGLE  
**BOXIRON**  
VIRGINIA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



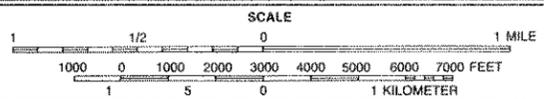
UNITED STATES  
DEPARTMENT OF THE INTERIOR



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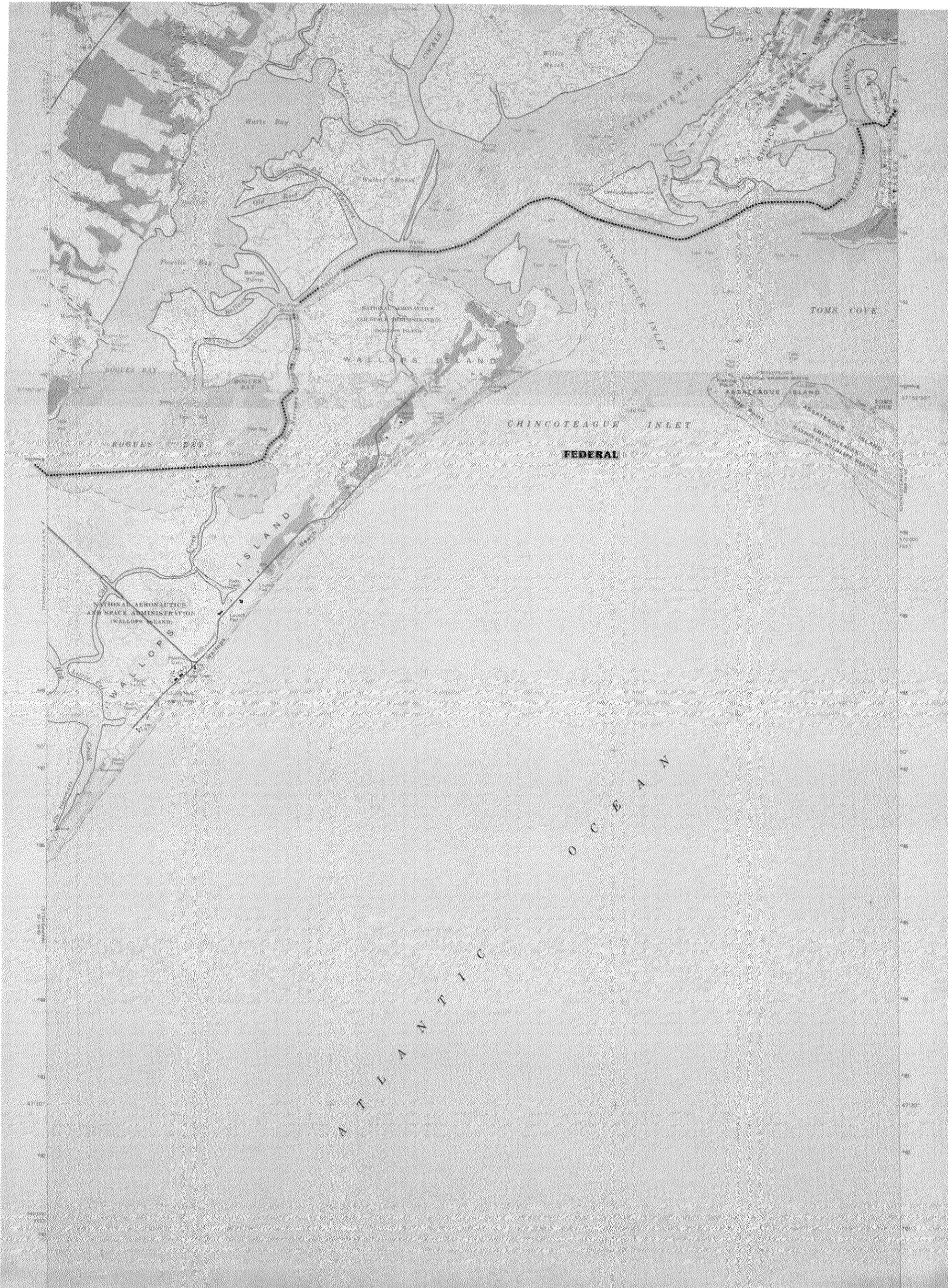
**Report to Congress on the Coastal Barrier Resources System**

QUADRANGLE  
**CHINCOTEAGUE EAST**  
VIRGINIA



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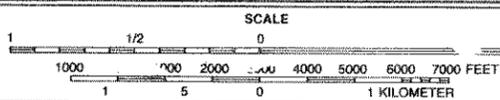
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UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
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U.S. Department of the Interior  
Washington, D.C. 20240

QUADRANGLE  
**WALLOPS ISLAND**  
VIRGINIA

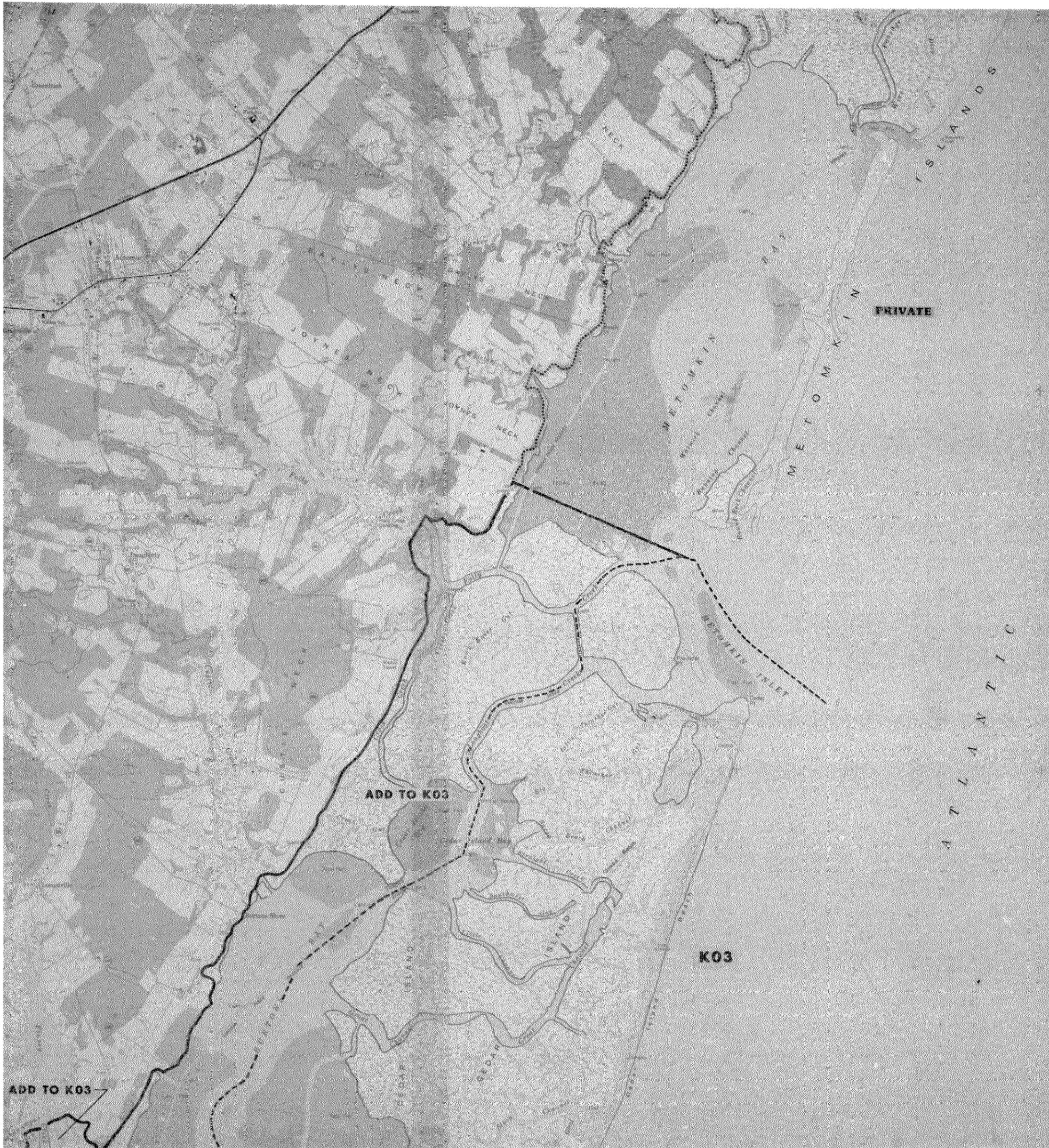


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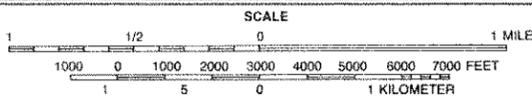
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DEPARTMENT OF THE INTERIOR



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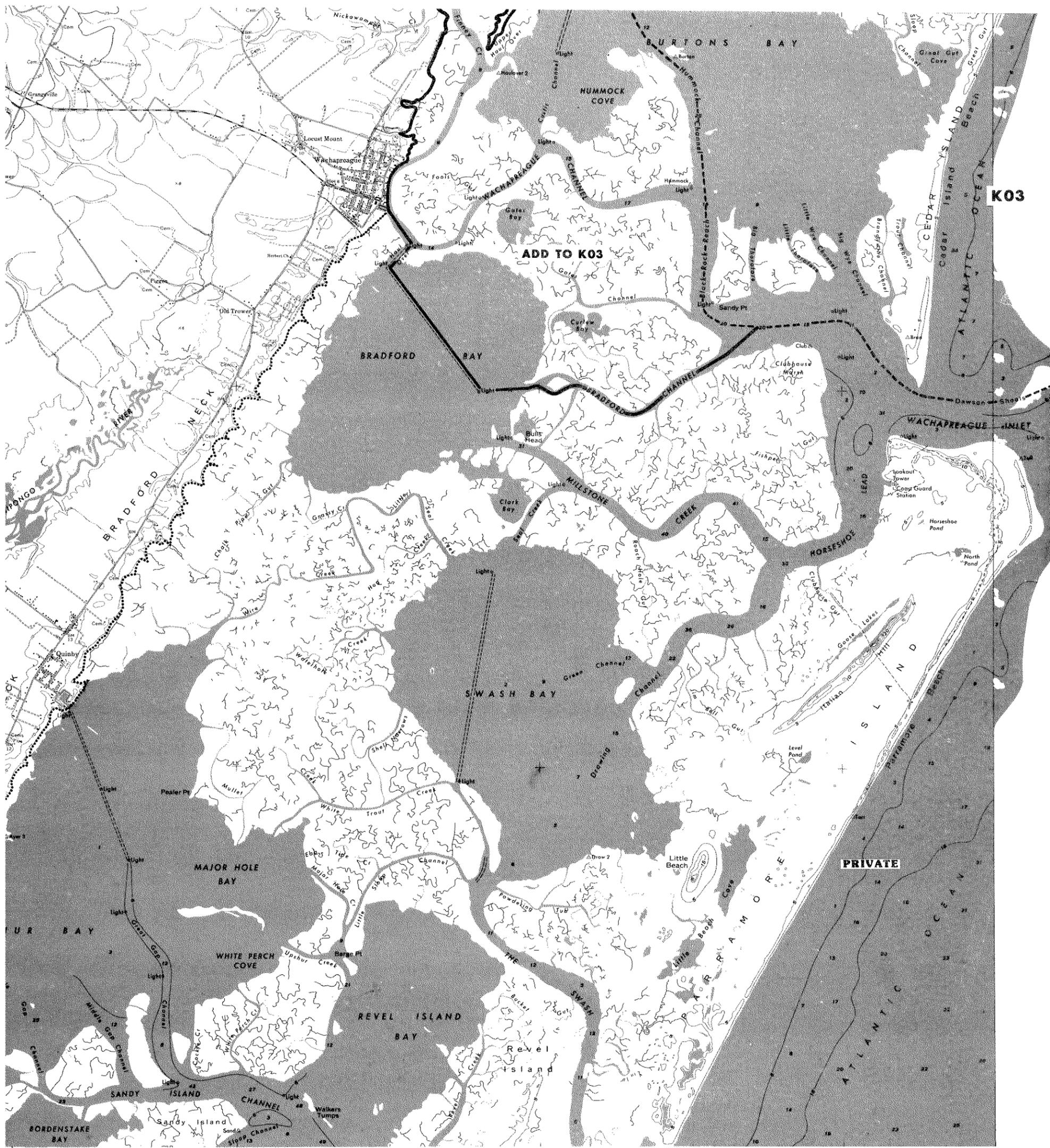
QUADRANGLE  
**METOMKIN INLET**  
VIRGINIA



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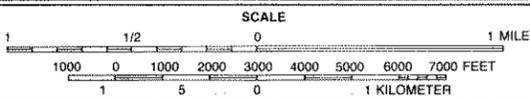
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DEPARTMENT OF THE INTERIOR**



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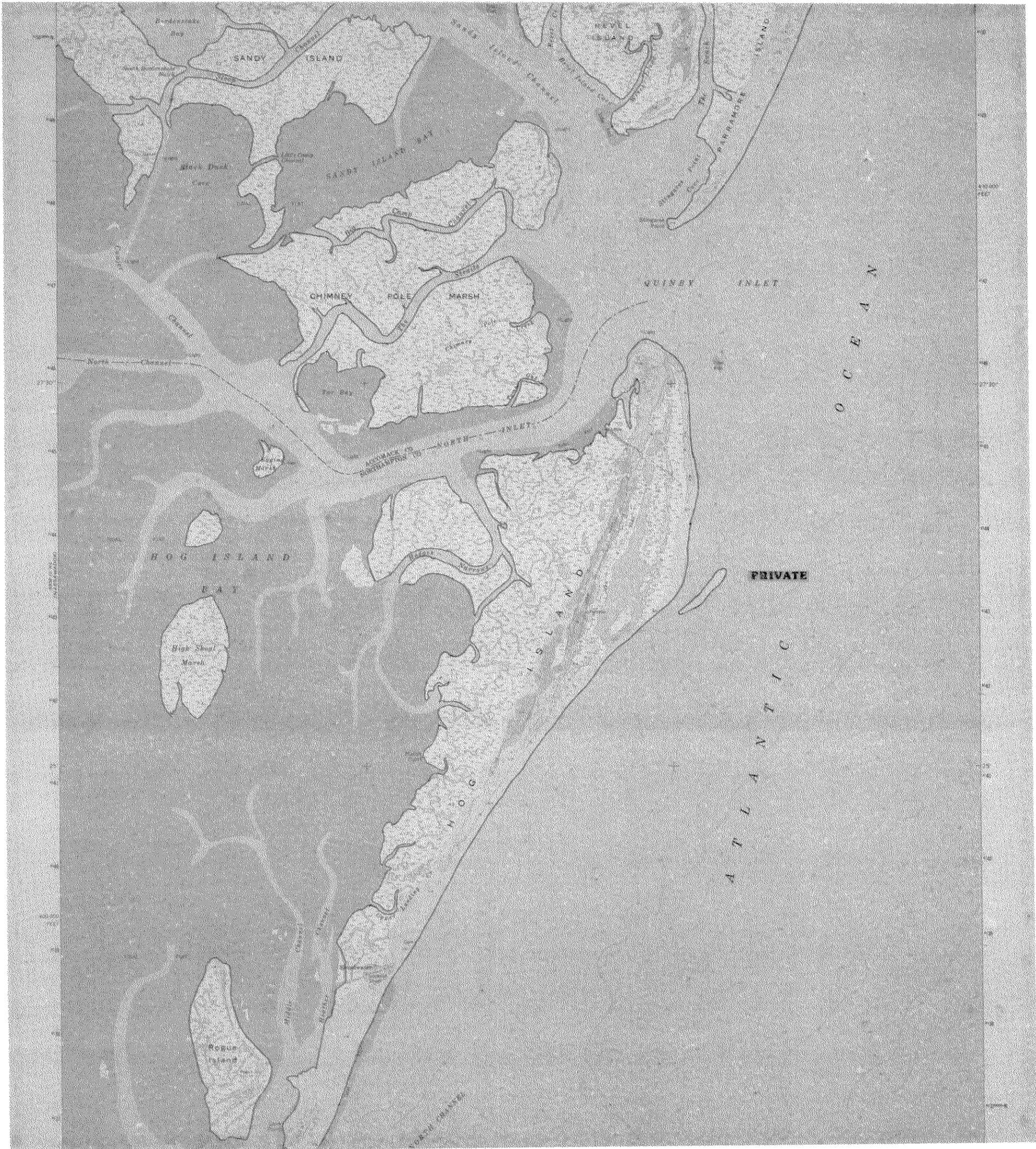
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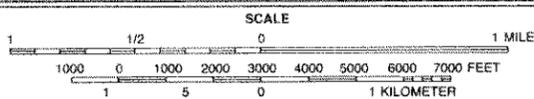
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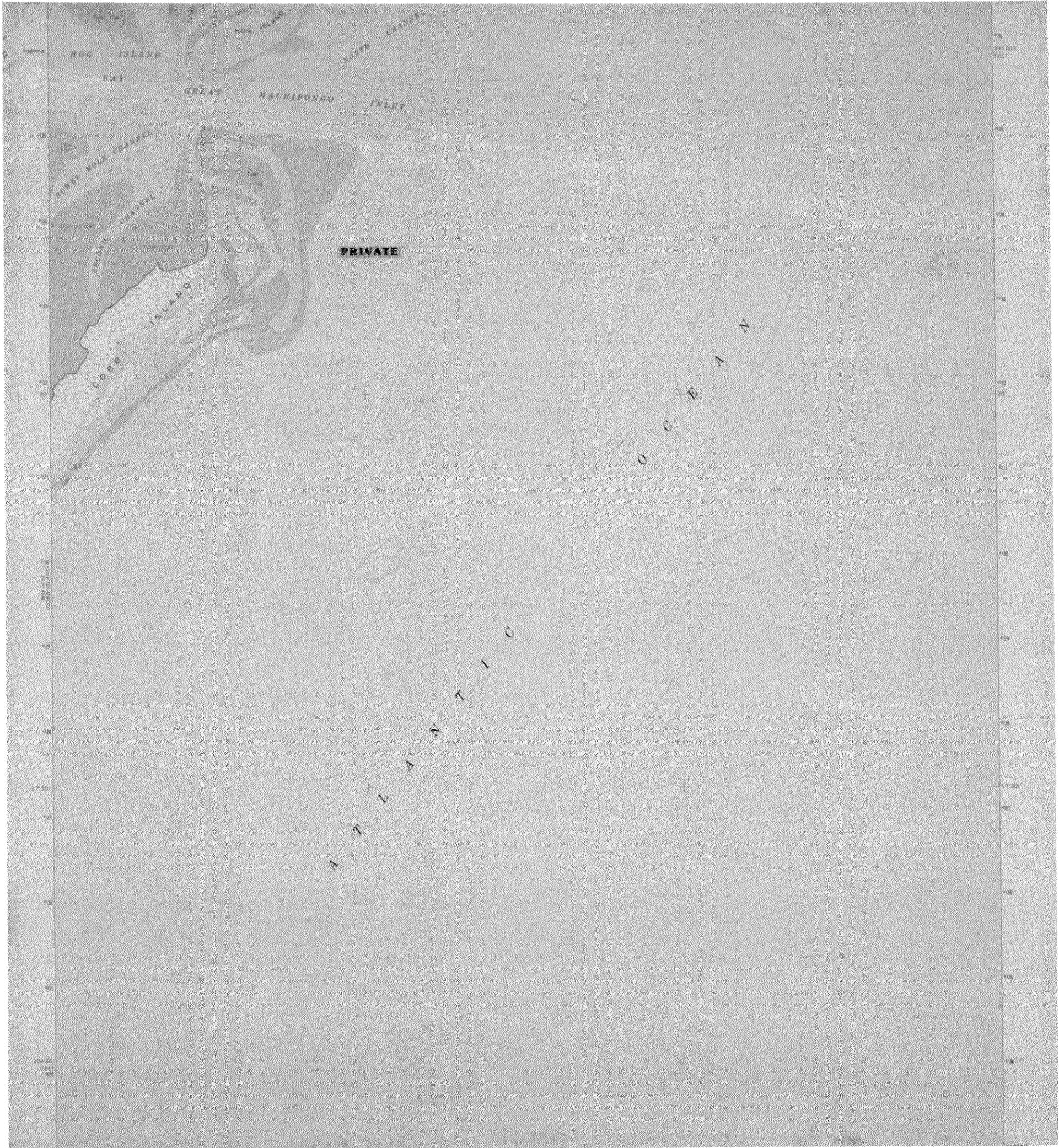
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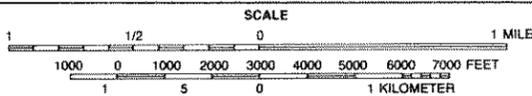
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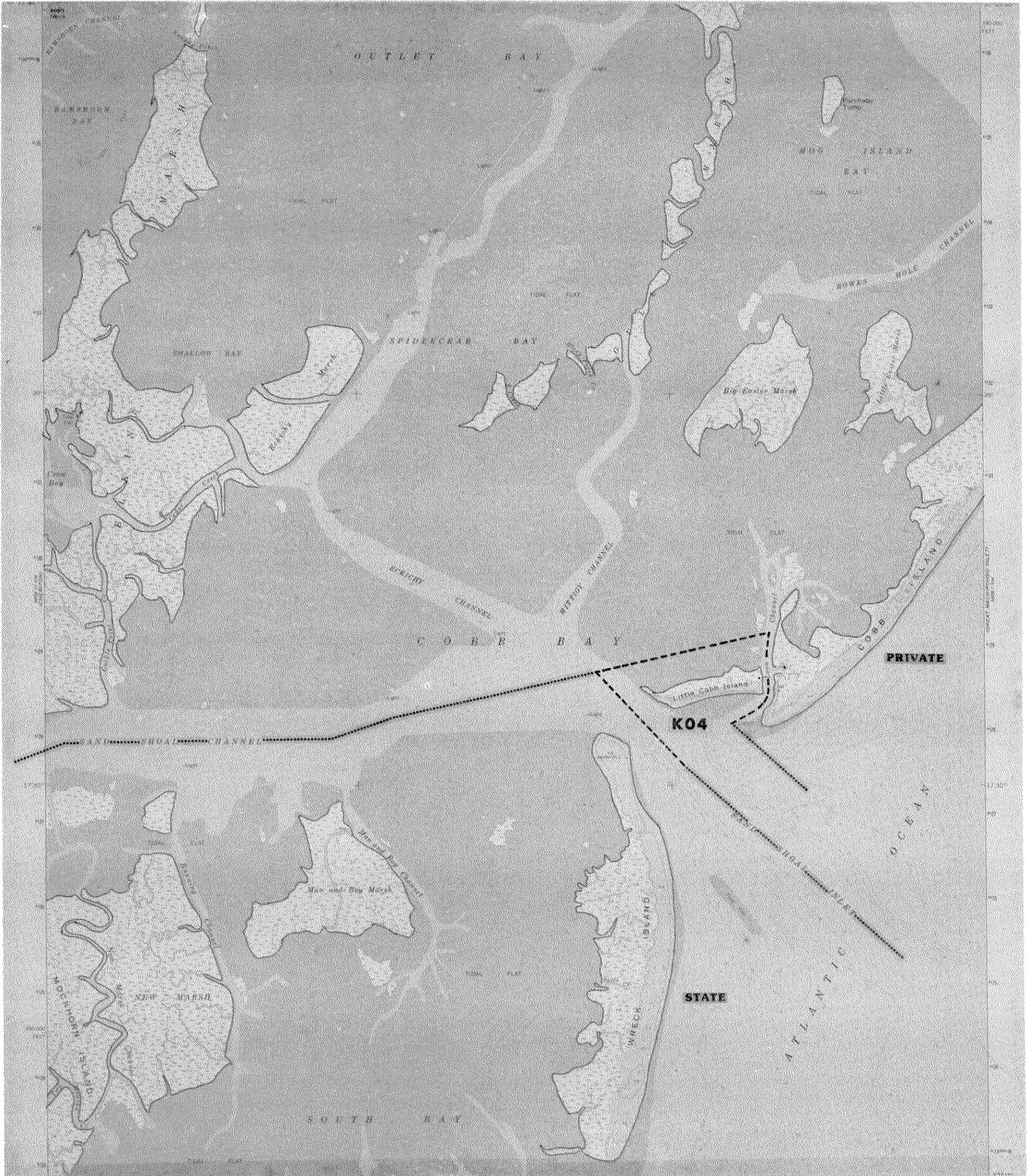
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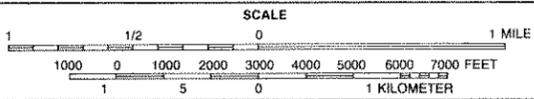
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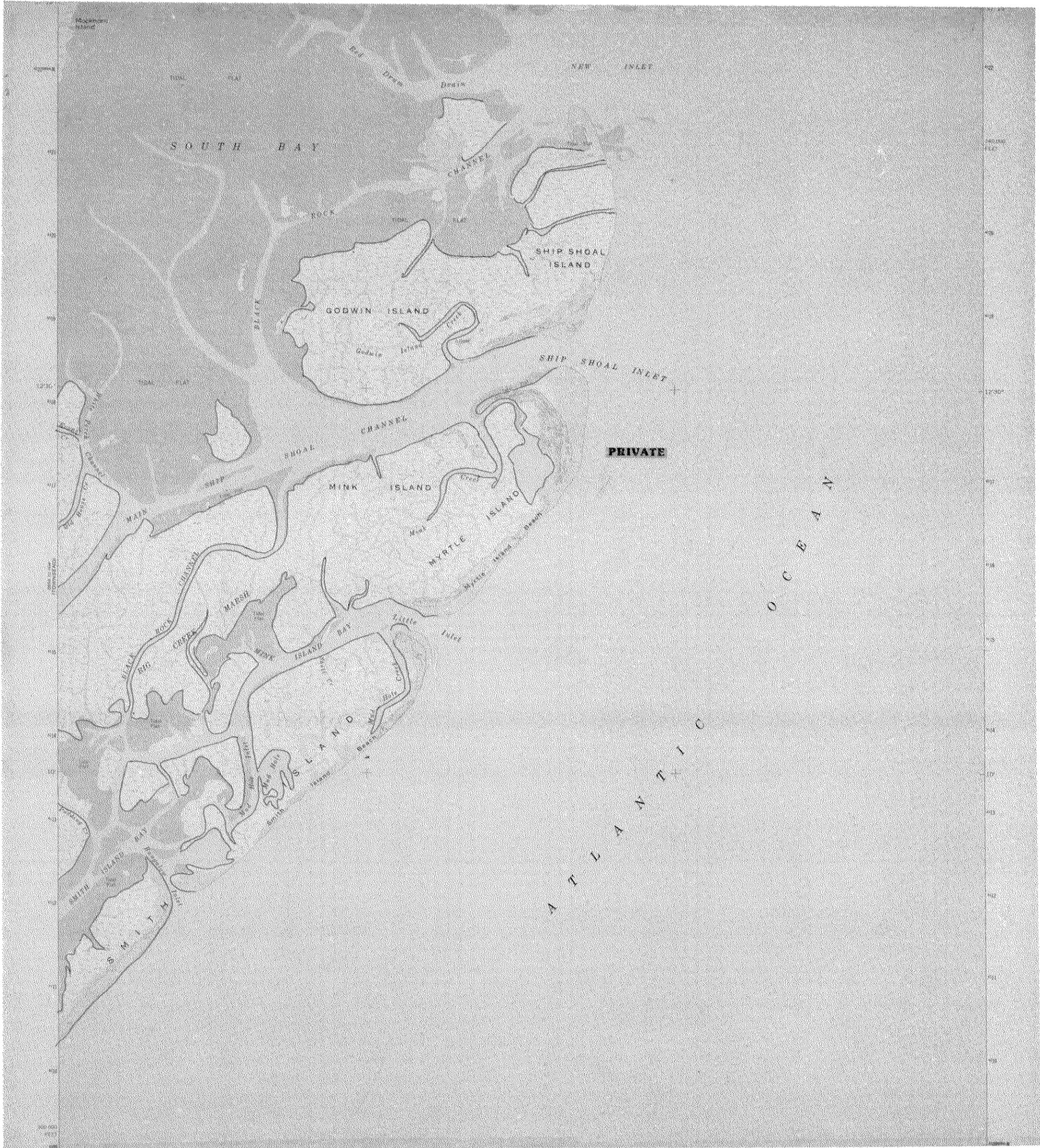
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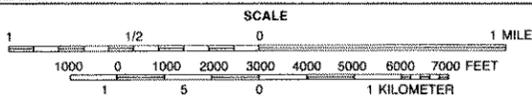
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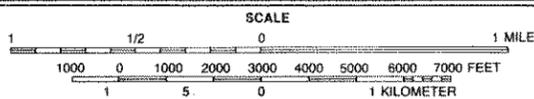
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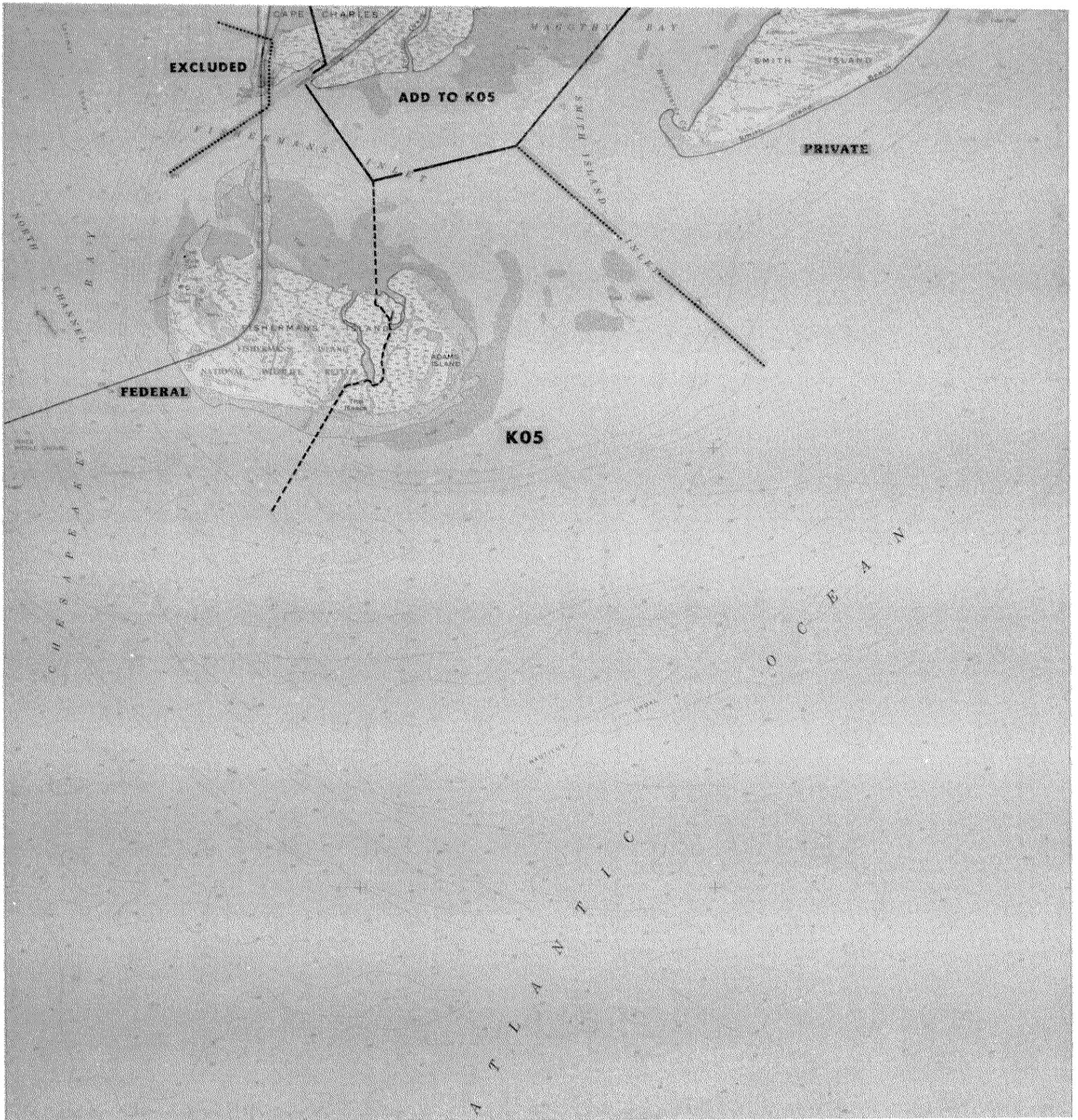
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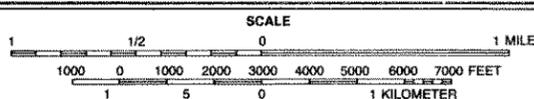
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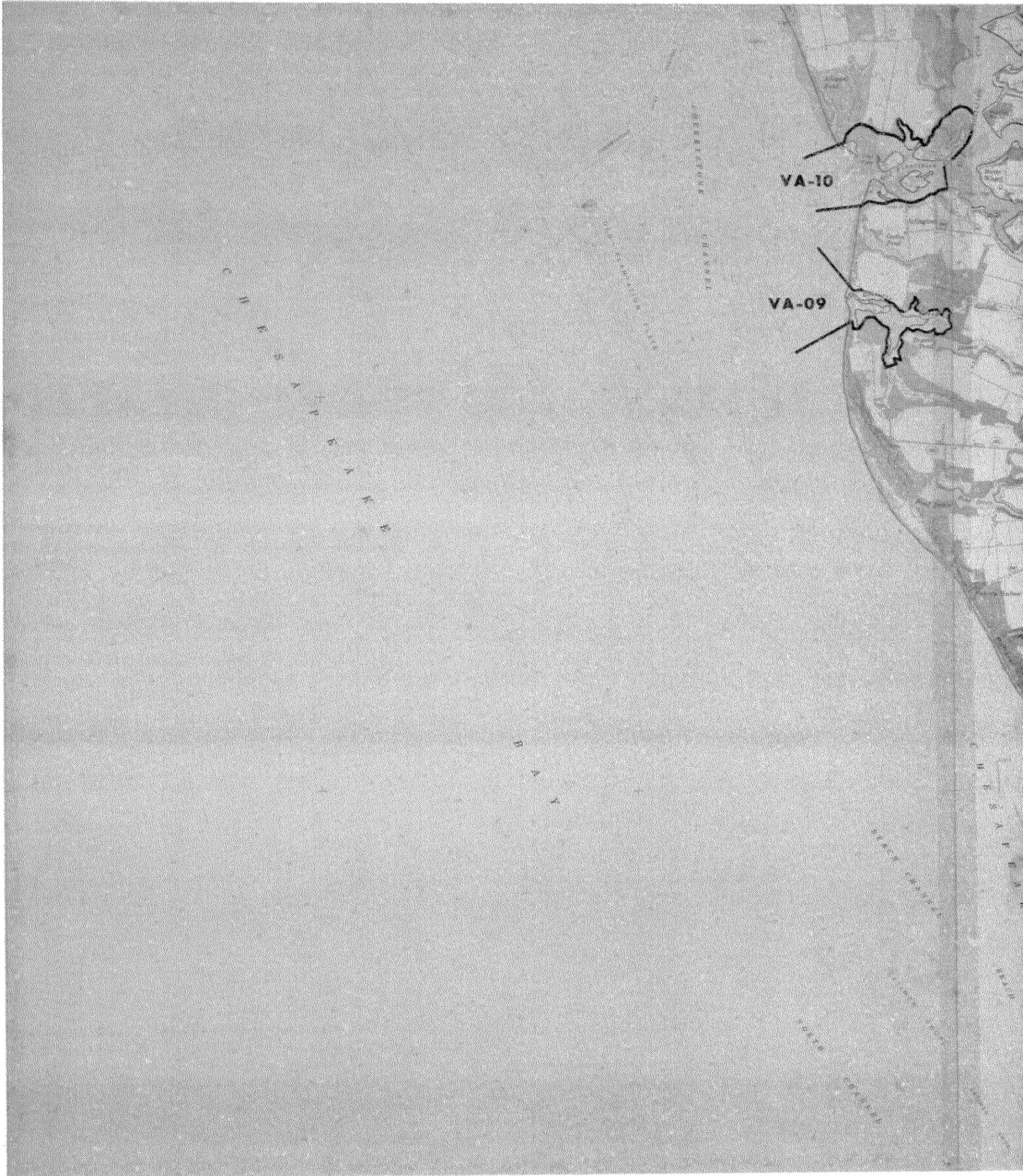
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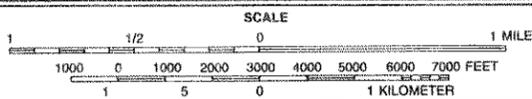
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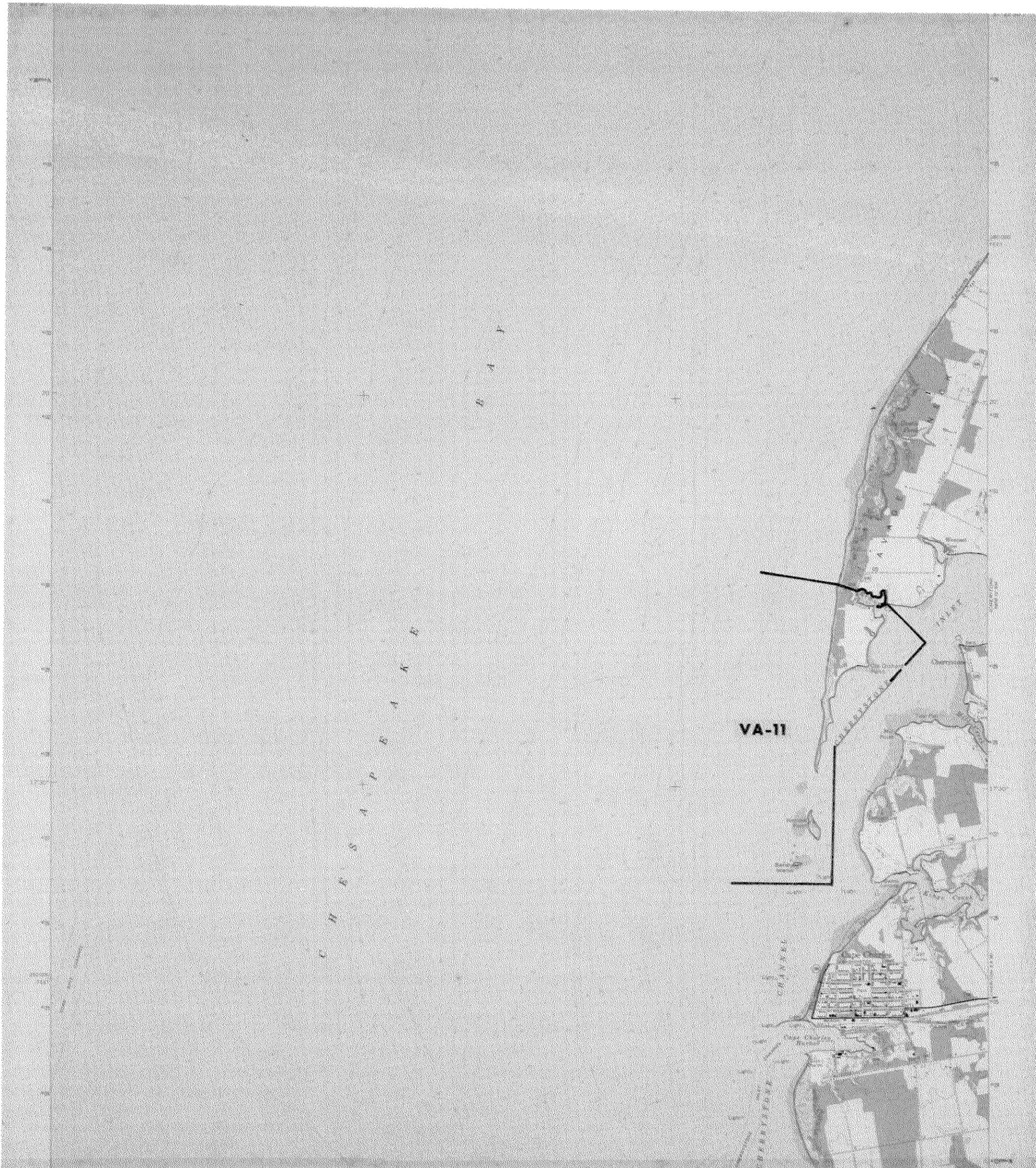
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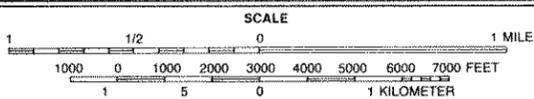
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VIRGINIA



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VA-11 - REMUS CREEK

State Position: The State of Virginia supports the CBRS expansion; however, no position on this particular unit was expressed.

Other Comments: Two other letters were received concerning this unit, one from a landowner and the other from the Virginia Council on the Environment. The landowner maintained his property should not be added to the CBRS because it contains farmland and 2 structures. He also suggested that the additions to the CBRS may involve a taking without compensation. The Virginia Council on the Environment suggested that upland portions of the mainland had erroneously been included in the unit delineations. The landowner's letter is reprinted below. The Virginia Council on the Environment's letter is reprinted in the General Comment Letters section (letter number 1647).

Response: Although there are both a house and a boathouse present in VA-11, the proposed unit is undeveloped according to DOI criteria (less than one structure per 5 acres). There is no infrastructure associated with the farmland in VA-11. The entire unit is fully qualified for addition to the CBRS. As discussed in greater detail in Volume 1, the CBRA does not affect the rights of landowners to do what they wish with their land; therefore, it cannot be interpreted as a taking and compensation would not be appropriate.

The DOI has closely examined the delineations of this unit and no mainland upland areas are included.

DOI Recommendation: The DOI recommends adding VA-11 to the CBRS.

JOHN MORLING REALTY  
PARSONS BUILDING  
CAPE CHARLES, VIRGINIA 23210  
PHONE OFFICE (804) 351-4444  
RESIDENCE (804) 478-8048

1007

June 9, 1987

The Honorable Gerald L. Baliles  
Governor of the Commonwealth of Virginia  
Richmond, Virginia 23219

Re: Coastal Barrier Resources System - Proposed Designation VA-11

Dear Governor Baliles,

The Interior Department proposes to include in the CBRS my entire farm containing 124 acres, situate in Northampton County directly North of the Town of Cape Charles, Virginia. After studying the proposed CBRS designations along the Virginia Atlantic Coast and the Coast line of the Eastern Shore of Virginia I find my farm to be the sole parcel of upland proposed for inclusion.

The farm is composed of 97 acres high ground (60 acres tillable and 49 acres woodland). On the southern tip of the farm there is a sandy point (spit) which composes 15 acres. The home situate on the farm is in excellent structural condition and dates 1739; the boat house is in excellent condition and is 65 years old.

At this point would you kindly refer to attached photographs and recent plat of survey of Point Farm noting my remarks in red pencil.

Recently I found myself in need of investment cash. A credit line dead of trust was given me secured by Point Farm. If the farm were designated CBRS I would not be able to have flood insurance therefore could not be eligible for bank loans. Another important factor is that if my home burned and I wished to build on another location of the farm the utility companies subsidized by government would refuse to string poles or service my new location.

Over a year before I became aware of CBRS I was asked by two environmentalists heavily involved with local real estate acquisitions to dedicate the farm for environmental reasons. I declined absolutely. I believe one of the environmentalists may be behind the CBRS proposed designation VA 11 and at least one other designation. The gentlemen told me that the main reason for CBRS was to prevent hot shot developers from developing islands on the Coast of the USA with high erosion rates then walking away laughing with flood insurance checks in hand after the storm. I had no thoughts as to the fact that CBRS could be used by private real estate promoters influencing Interior with an eye to future acquisition of properties at less cost having a 'distress merchandise' Federal label.

Should this go further I will be forced against my will to seek the best legal counsel and subpoena under penalty until we find out who is behind efforts to devalue one of the most gorgeous and valuable farms on the Eastern Seaboard; equating the property with marsh lands and shifting islands.

Two years ago I was told by a representative of the Interior Department that the Secretary of the Interior could not be sued unless I chose to be sued. With the recent Supreme Court ruling in favor of private property ownership in California I am if necessary ready to test Interior in the Courts. I am also ready to point out clear cut inconsistencies in a number of designations and comparable lands not designated.

"Temporary Takings," Justice Rehnquist last week said, "which... deny a landowner all use of his property, are not different in kind from permanent takings, for which the Constitution clearly requires compensation." He also said, "many of the provisions of the Constitution are designed to limit the flexibility and freedom of governmental authorities and the Just Compensation Clause of the Fifth Amendment is one of them."

The impact of CBRS now and in the future is uncertain. In the future CBRS may be used as blackmail to literally force a conservation easement of my entire farm.

Respectfully I request that you turn down the CBRS proposal.

Very truly yours,

John Ernest Morling  
Point Farm  
Cheriton, Virginia 23316

copy: The Honorable Paul S. Trible, Jr.  
United States Senate  
Washington, D.C. 20510

The Honorable John W. Warner  
United States Senate  
Washington, D.C. 20510

The Honorable Herbert F. Bateman  
United States House of Representatives  
Longworth Building  
Washington, D.C. 20519

Mr. Daniel H.  
Secretary of Natural Resources  
1200 Street Office 5th Floor Rm 524  
Richmond, Virginia 23219

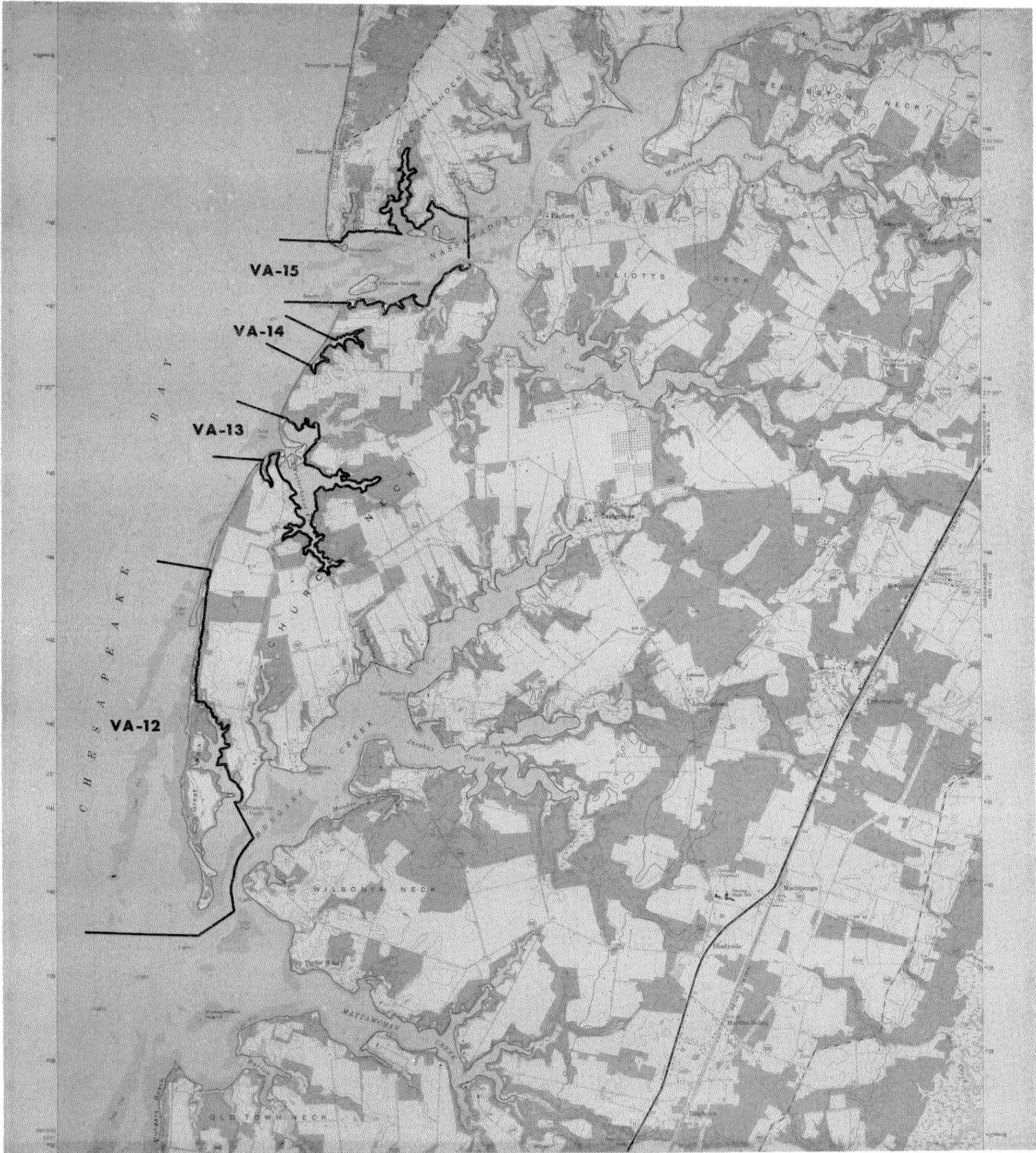
Northampton County Board of Supervisors  
Martinsville, Virginia 23347

Coastal Barrier Study Group  
National Park Service  
P. O. Box 37127  
U. S. Dept of Interior  
Washington, D.C. 20013-7127

Mr. Charles E. Ellis III  
Council on the Environment  
203 9th St Office Building  
Richmond, Virginia 23219

Mr. William C. Moore, Pres.  
National Association of Realtors  
777 14th Street, N.W.  
Washington, D.C. 20005

Mr. Crawley P. Joyner, III, Pres.  
Virginia Association of Realtors  
P. O. Box 45536  
Richmond, Va 23227



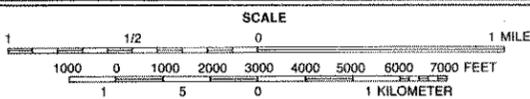
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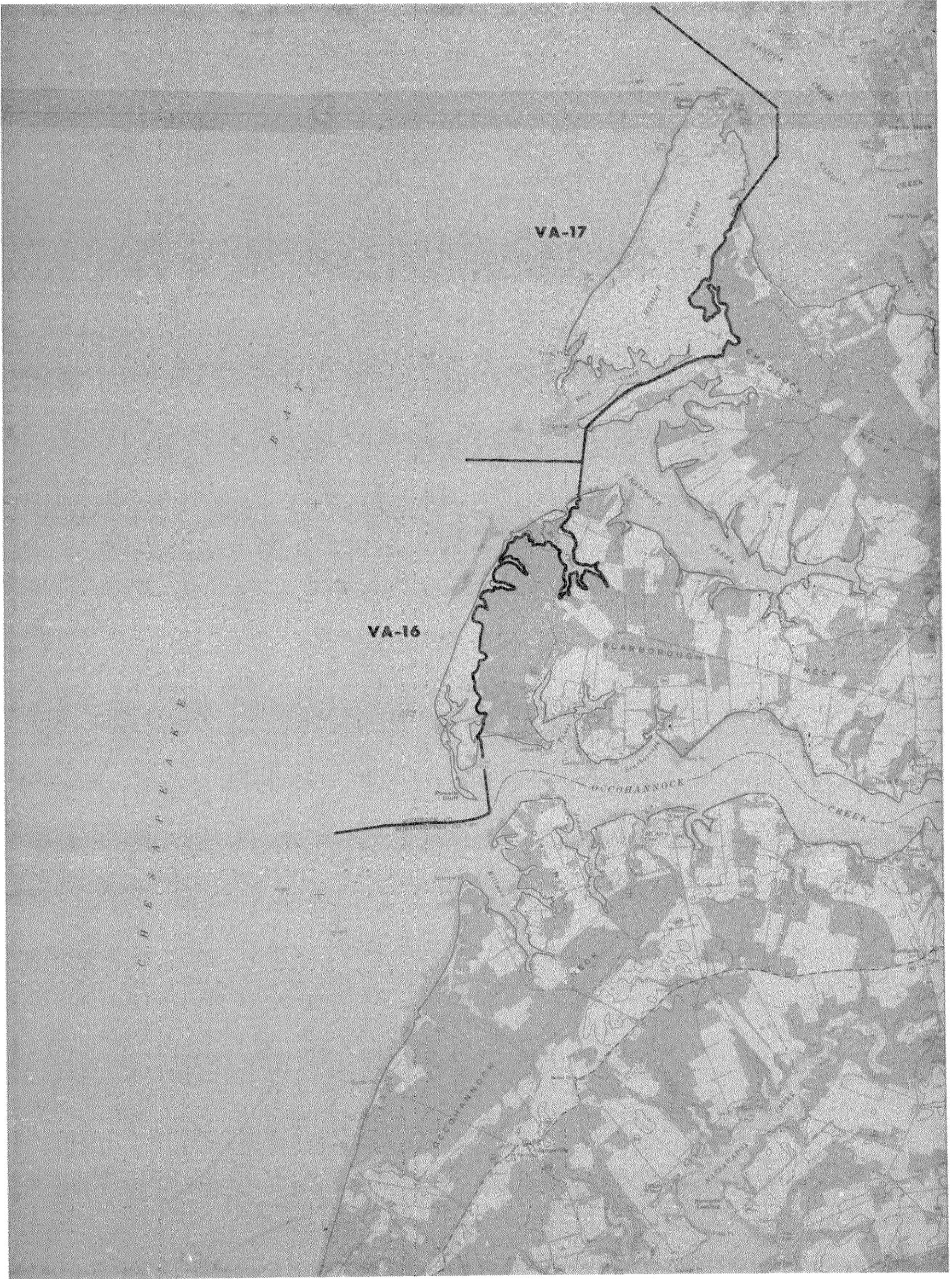
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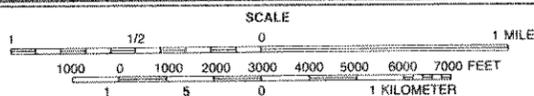
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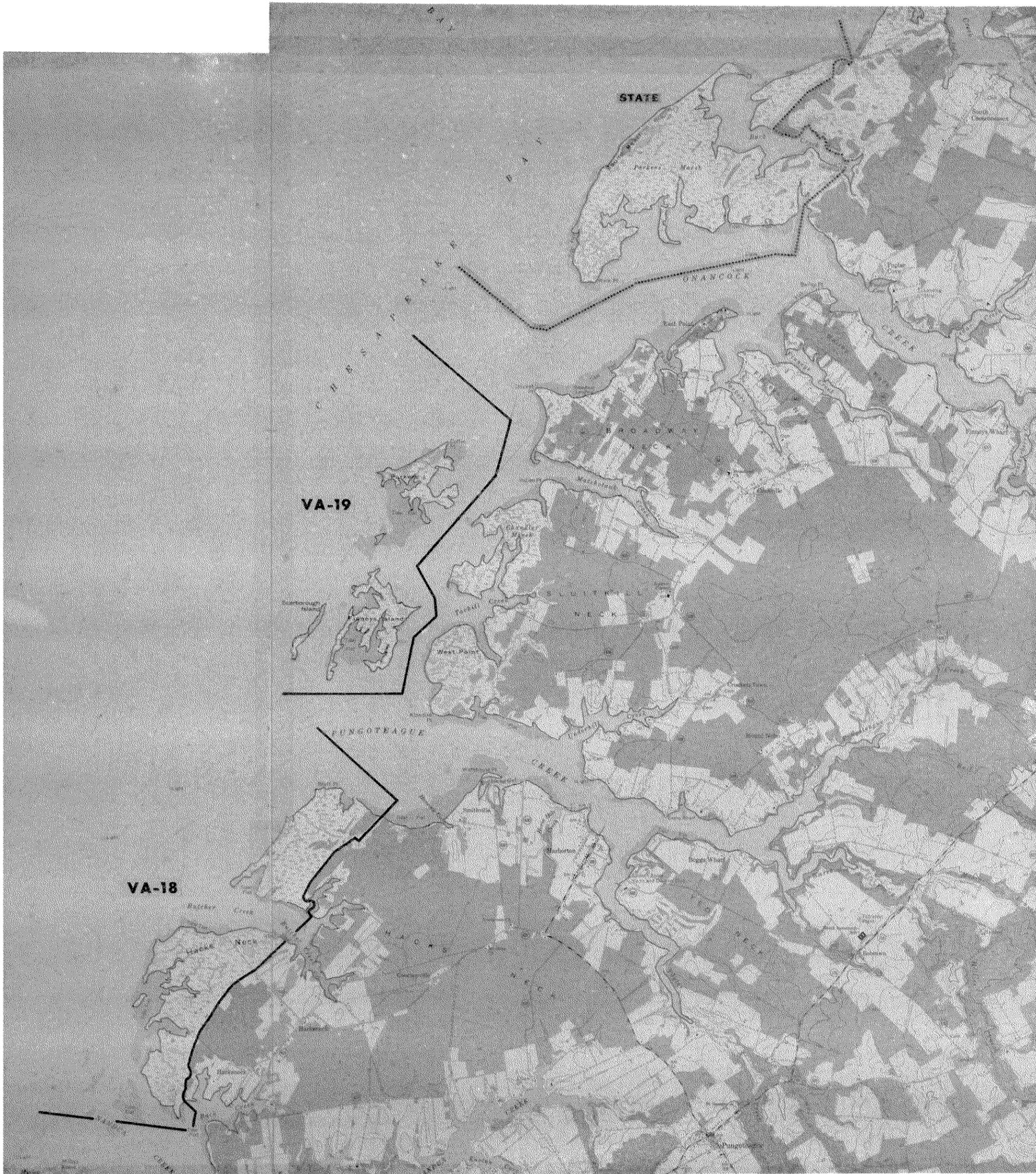
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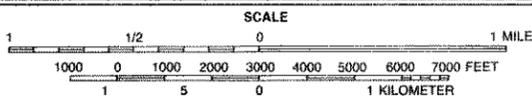
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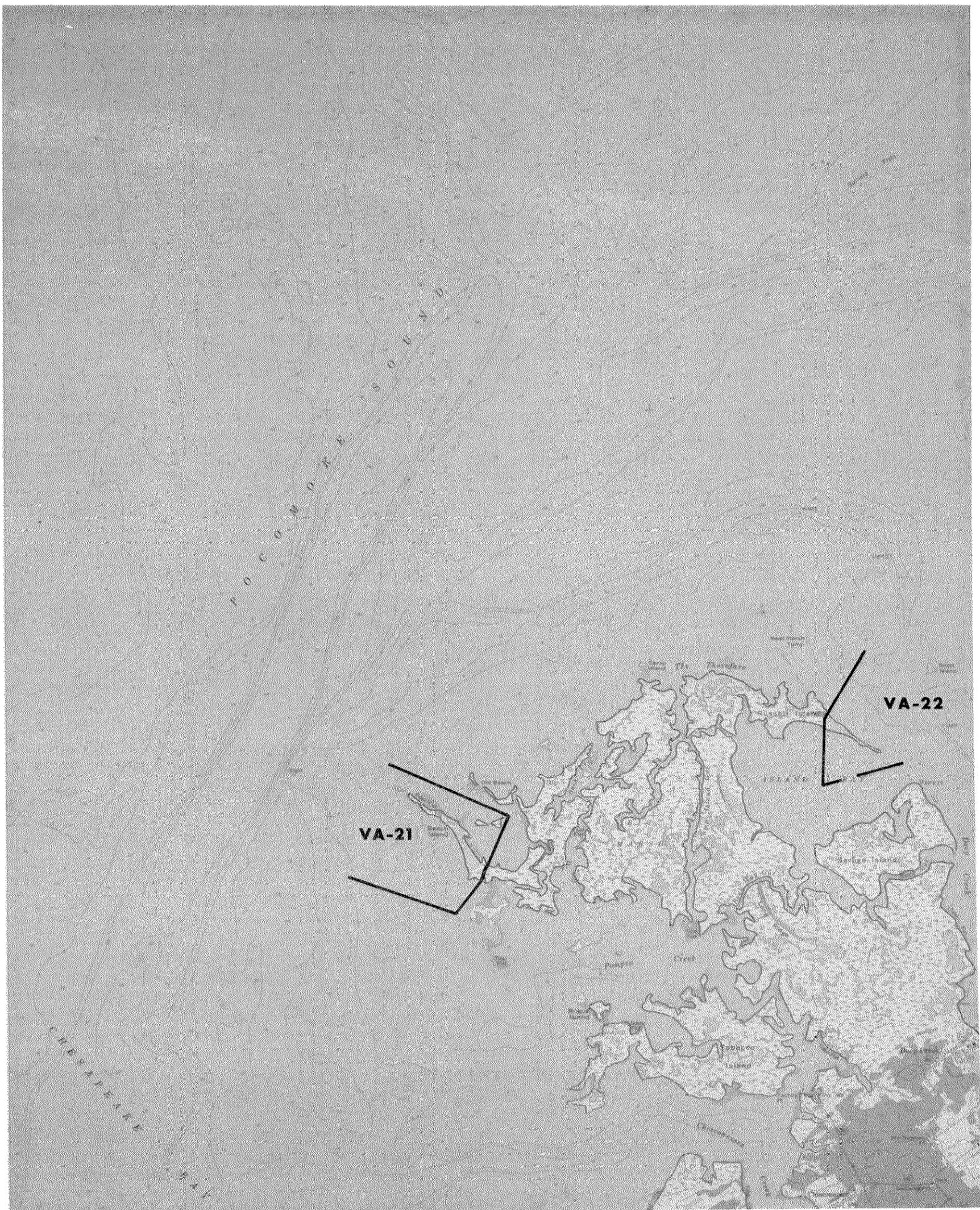
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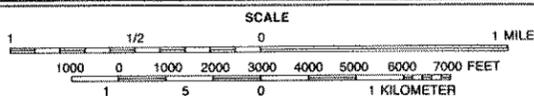
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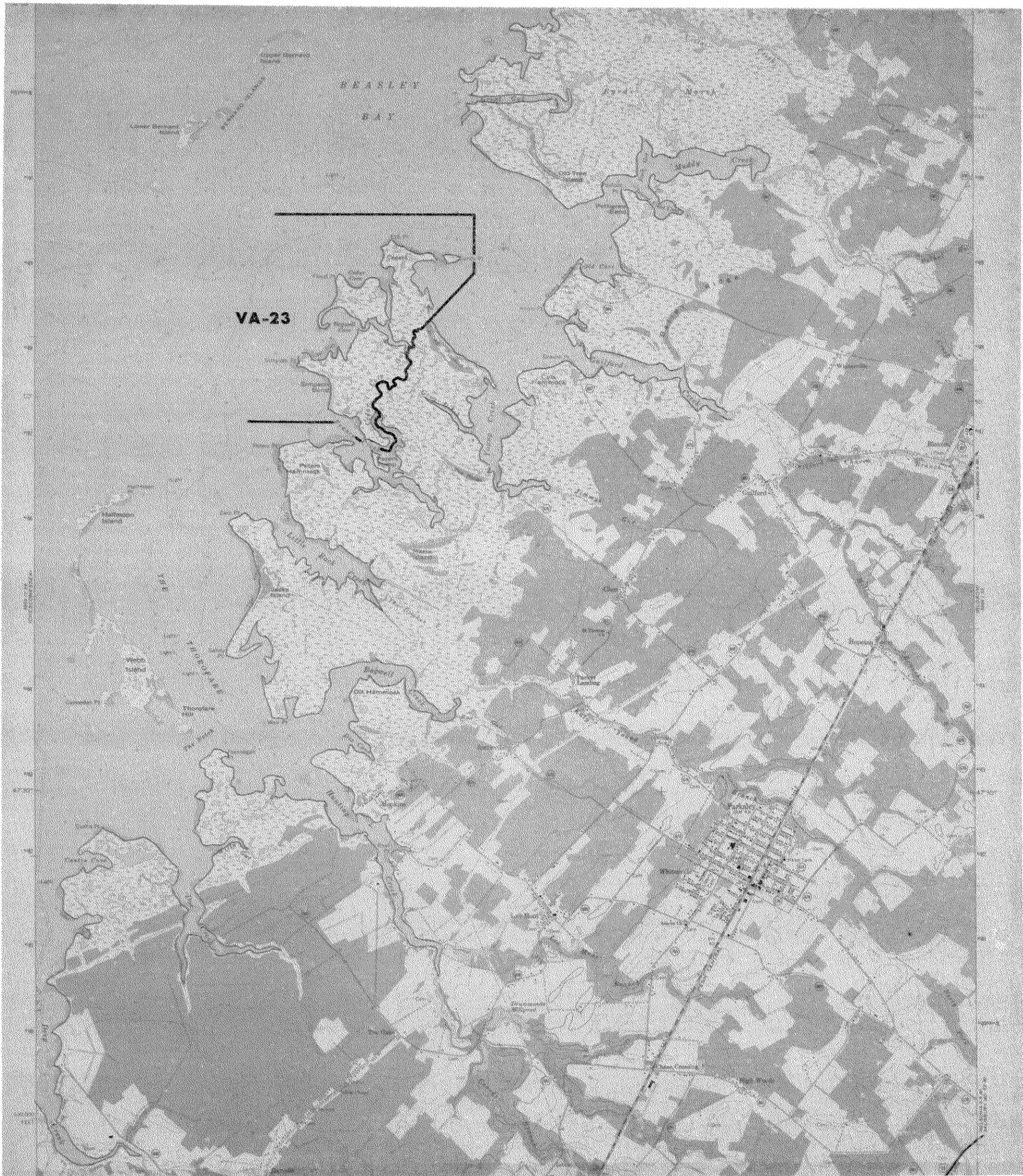
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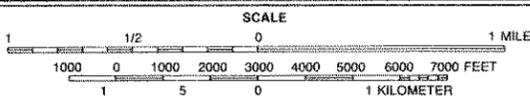
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VA-23 - SIMPSON BEND

State Position: The State of Virginia supports the CBRS expansion; however, no position on this particular unit was expressed.

Other Comments: One letter was received suggesting that Custis, Zare, and Sandy Points should also be included in the CBRS. It is reprinted below.

Response: Custis Point and Zare Point have no linear features; therefore, they do not qualify as coastal barriers according to DOI definitions. Sandy Point does meet all DOI definitions of an undeveloped coastal barrier spit.

DOI Recommendation: The DOI recommends that VA-23 be added to the CBRS as delineated here to include Sandy Point.



1107  
Chesapeake Bay Foundation

"Environmental Defense - Environmental Education - Land Preservation"

Heritage Building, Suite B15 • 1001 East Main St.  
Richmond, Virginia 23219 • (804) 780-1392

June 22, 1987

The Coastal Barriers Study Group  
Department of the Interior  
National Park Service  
P.O. Box 37127  
Washington, DC 20013-7127

Dear Sirs:

The Chesapeake Bay Foundation (CBF) is a non-profit environmental organization dedicated to the wise management of the natural resources of the Chesapeake Bay. As the representative of over 40,000 members we are naturally interested in any activities which will have an impact on the resources of the Bay, as a whole.

We are writing to you today to express our support for additions to the Coastal Barrier Resource System (CBRS). These additions provide an excellent vehicle for the protection of valuable resources and a means of reducing federal activity in projects which may run contrary to the government's interests in other areas, particularly in the protection of our valuable coastal resources.

However, in praising the inclusion of additional areas in this program, that does not mean that we have no problems with it or that we are completely satisfied.

In the Report to Congress: Coastal Barrier Resources System (1987), it is stated that the "Department of Interior proposes to recommend that all undeveloped, unprotected coastal barriers and associated aquatic habitat in the Chesapeake Bay...identified in the inventory be added to the Coastal Barrier Resource System." While this is a commendable proposal resulting in the inclusion of 73,594 acres in Virginia, CBF feels that this falls short of what could be accomplished: removal of federal subsidies from all coastal barriers. Evidence presented to us indicates that at least two additions should be made to the Virginia recommendations: Bluff Point and Hughletts Point (page 38). After reviewing the site selection and delineation criteria and shoreline situation maps, wetland maps, and topographic maps for this area, we feel that these areas are obvious omissions from the list.

Annapolis Office 162 Prince George Street • "The Church" • Annapolis, Maryland 21401 • (301) 268-8816  
Pennsylvania Office 412 North 2nd Street • Harrisburg, Pennsylvania 17101 • (717) 234-5550

June 22, 1987  
Page 2.

This lead us to wonder how many other omissions had been made. Without spending a great deal of time looking over the maps, it also appears that several other omissions were made. Areas such as Custis Point, Zare Point and Sandy Point, which are all similar in location and configuration to Flood Point and Simpson Point (VA-23, page 26), have not been included. This indicates to us the potential for many more additions that were not recommended for one reason or another. We suggest that the study group review the proposed additions (more specifically, they should look for obvious omissions) and present additional recommendations for public comment.

The quality of the report that was circulated for public comment was very poor. In many instances shoreline was indistinguishable from water, making it virtually impossible to determine exactly what had been included in the proposed changes. This same problem makes it nearly impossible for anyone to adequately review the additions or deletions from the system or to propose additions, without intimate knowledge of the individual areas. We feel that the lack of clarity in the report has been a detriment to the public comment process and may have inhibited comments from organizations or individuals without access to additional maps or prior knowledge of the areas subject to inclusion or exclusion.

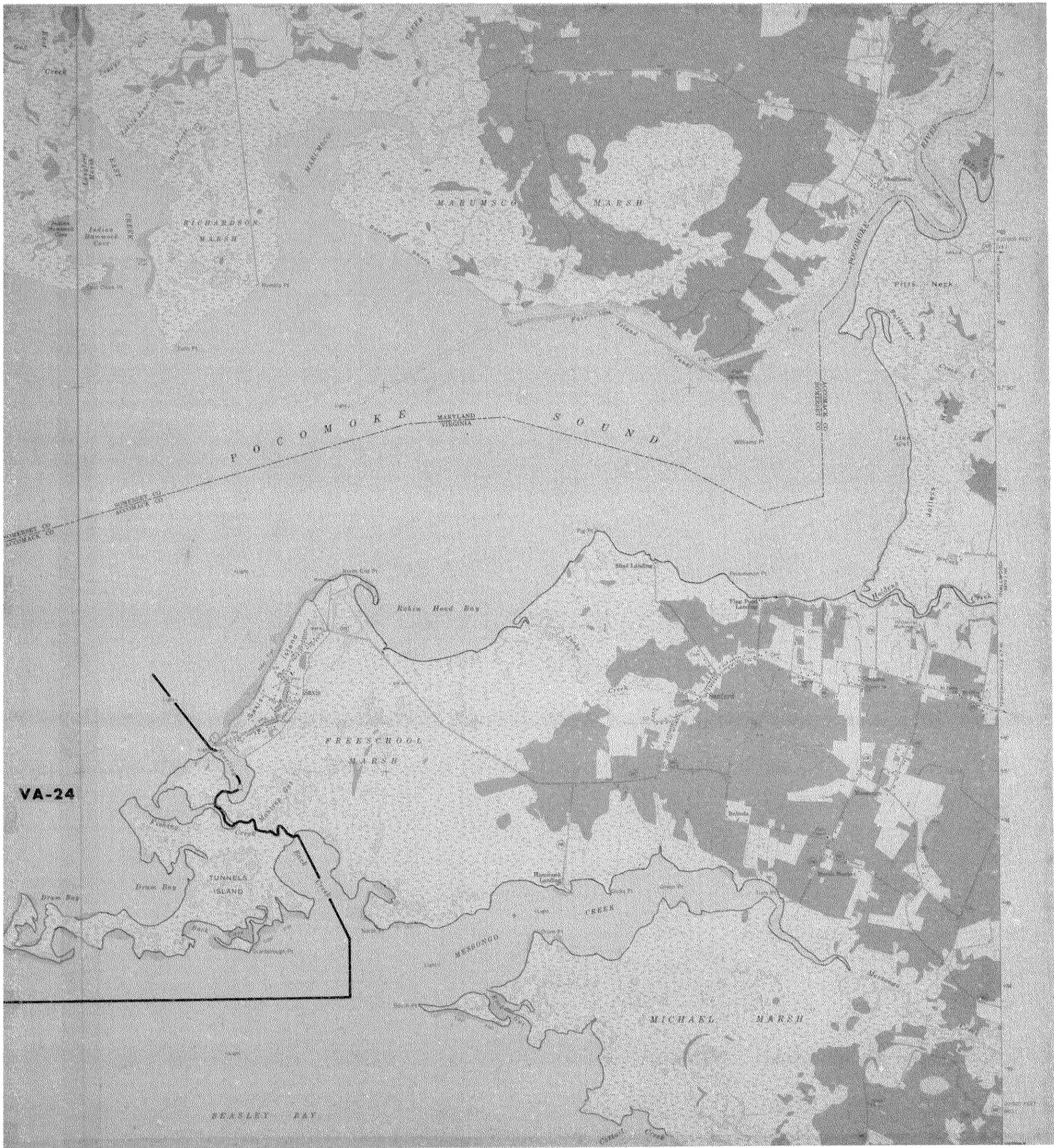
In summary, there appear to be several obvious omissions from the CBRS. We recommend that the study group reevaluate the areas for possible additions and publish a supplementary report detailing any additions they may have made. The quality of the report made it very difficult for anyone to adequately review the proposed changes and has been detrimental to the public comment process.

In spite of the constructive criticism that we have offered, we feel that expansion of the CBRS will have an overall positive effect. We support additions to this system and feel that this is a good means of deterring development in high risk, coastal areas.

As always, CBF is happy to submit comments on activities which have an impact on the Chesapeake Bay and its natural resources. If there are any questions concerning our comments, please feel free to contact us at your earliest convenience.

Respectfully,  
  
Leo C. Sheard, Jr.  
Staff Scientist

cc.: Council on the Environment, VA



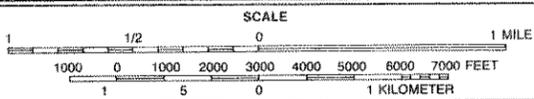
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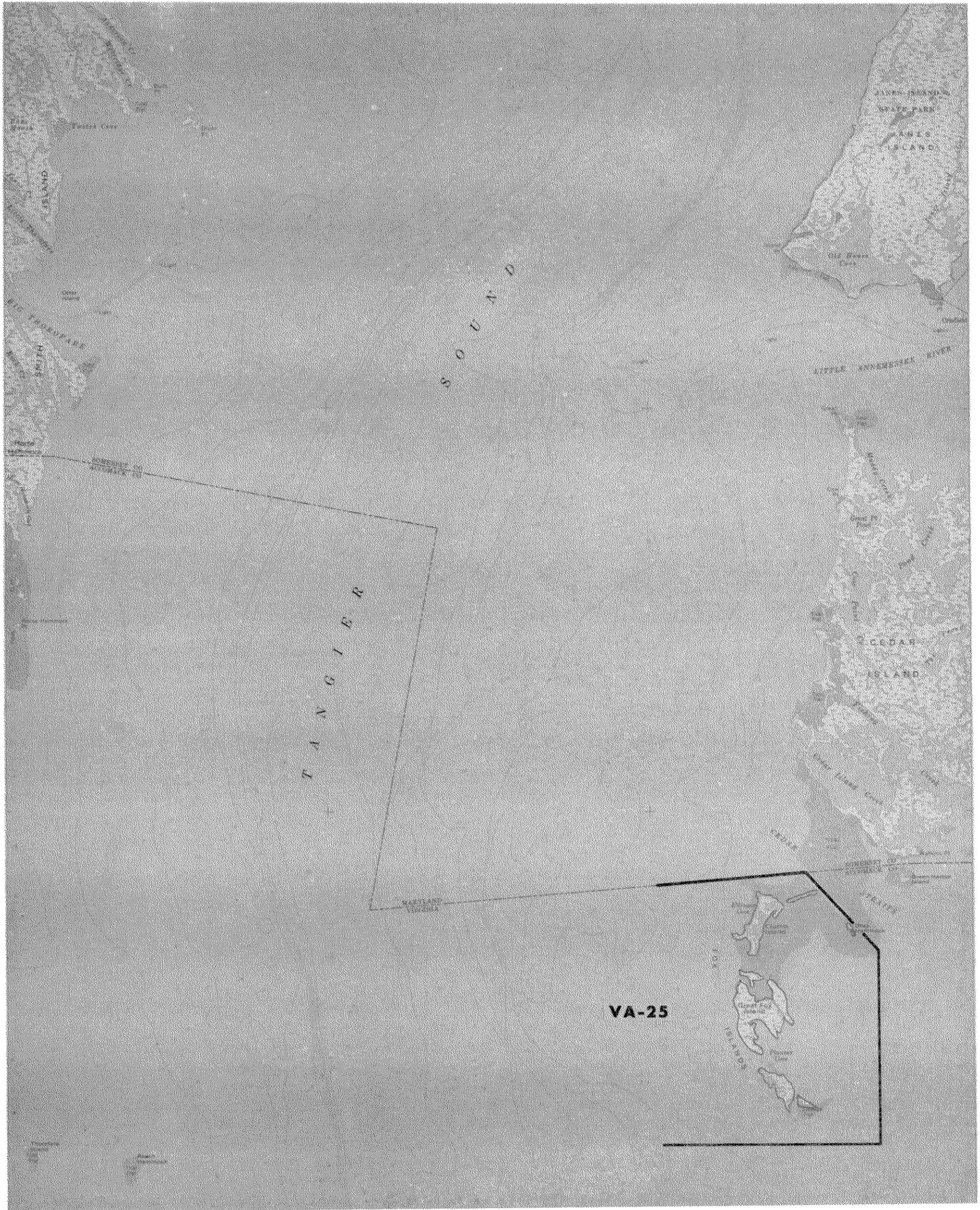
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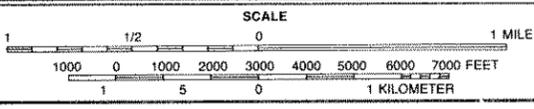
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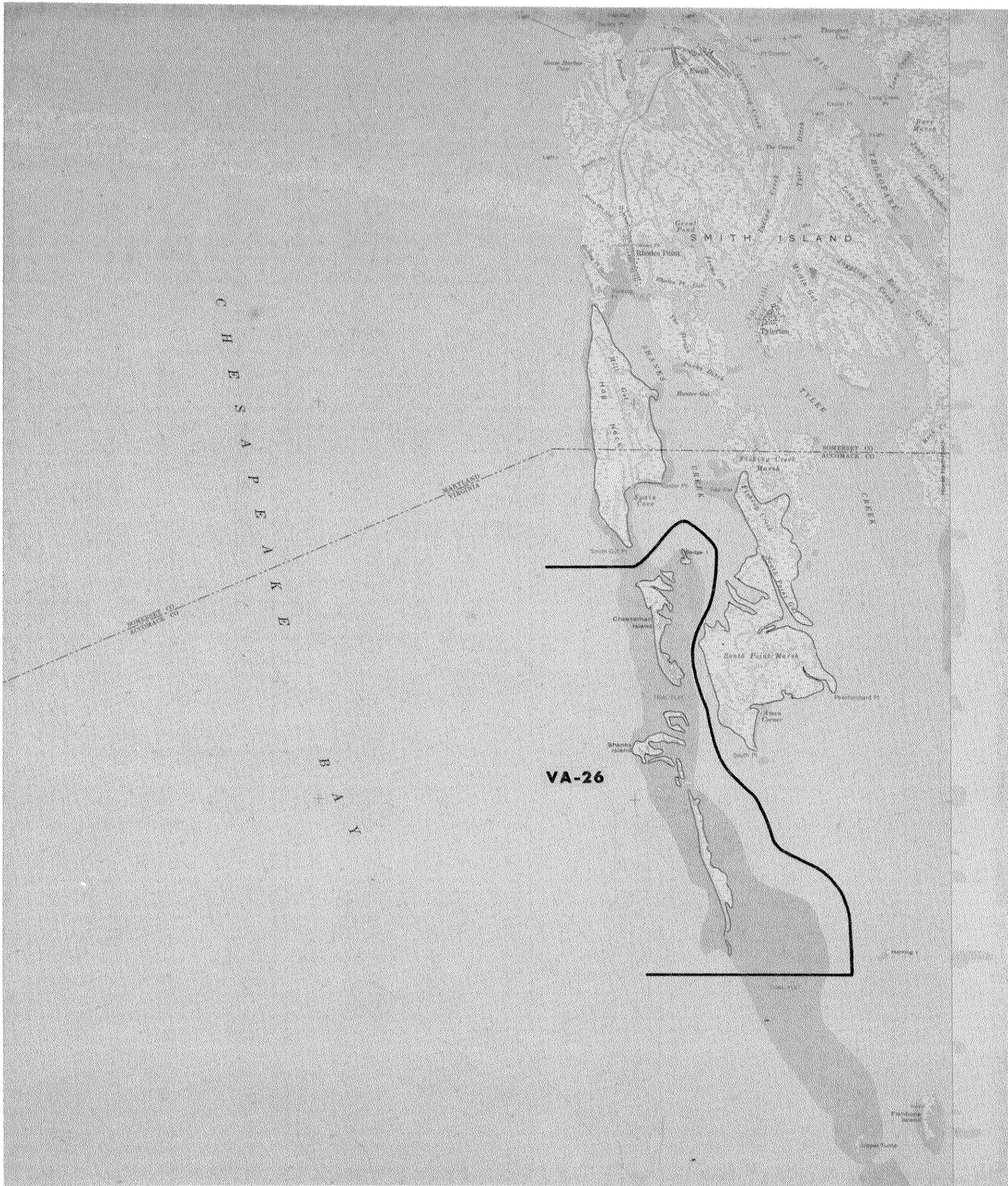
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**GREAT FOX ISLAND**  
VIRGINIA



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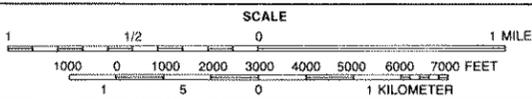
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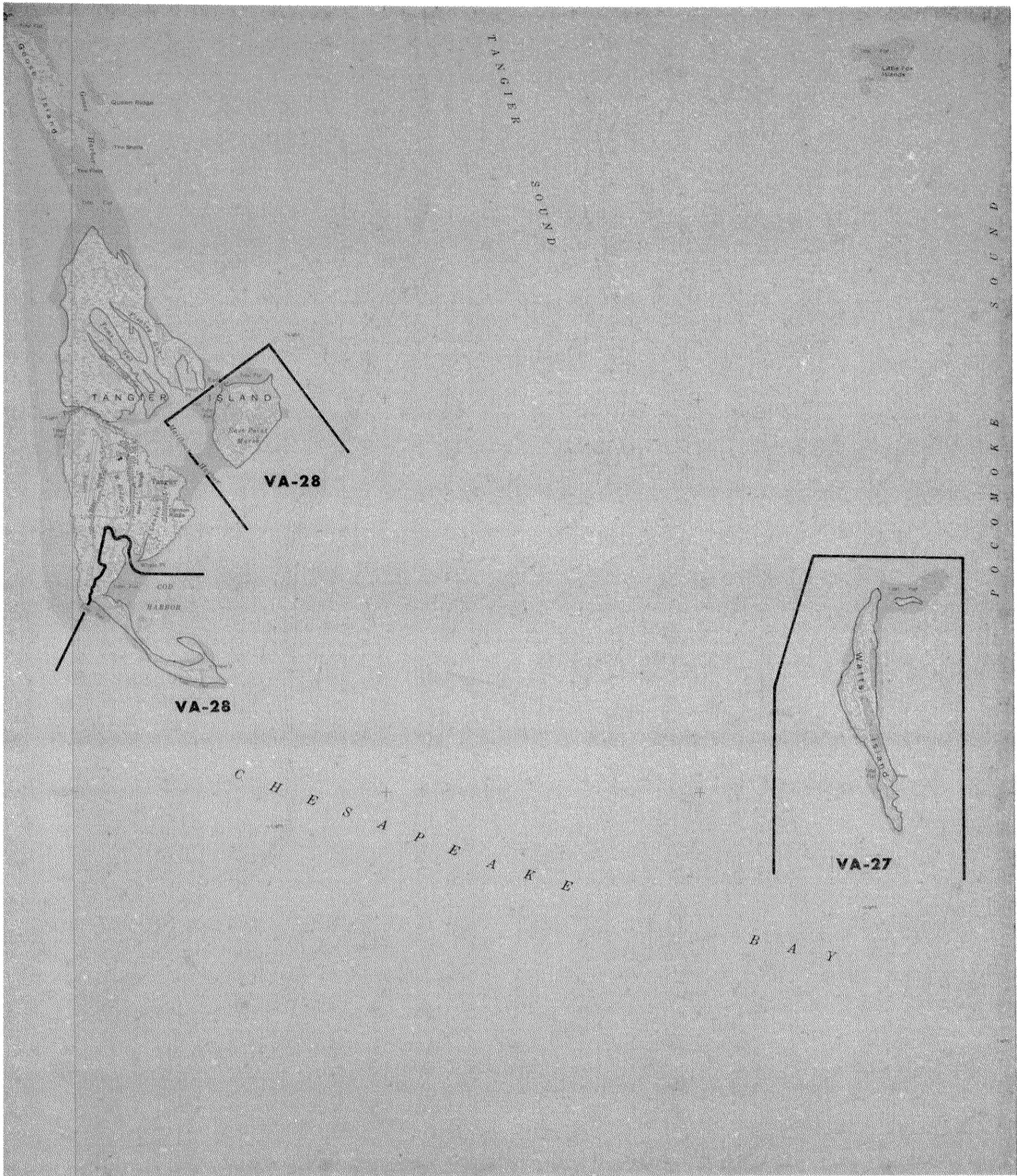
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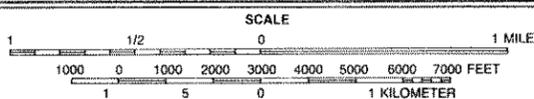
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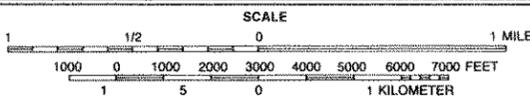
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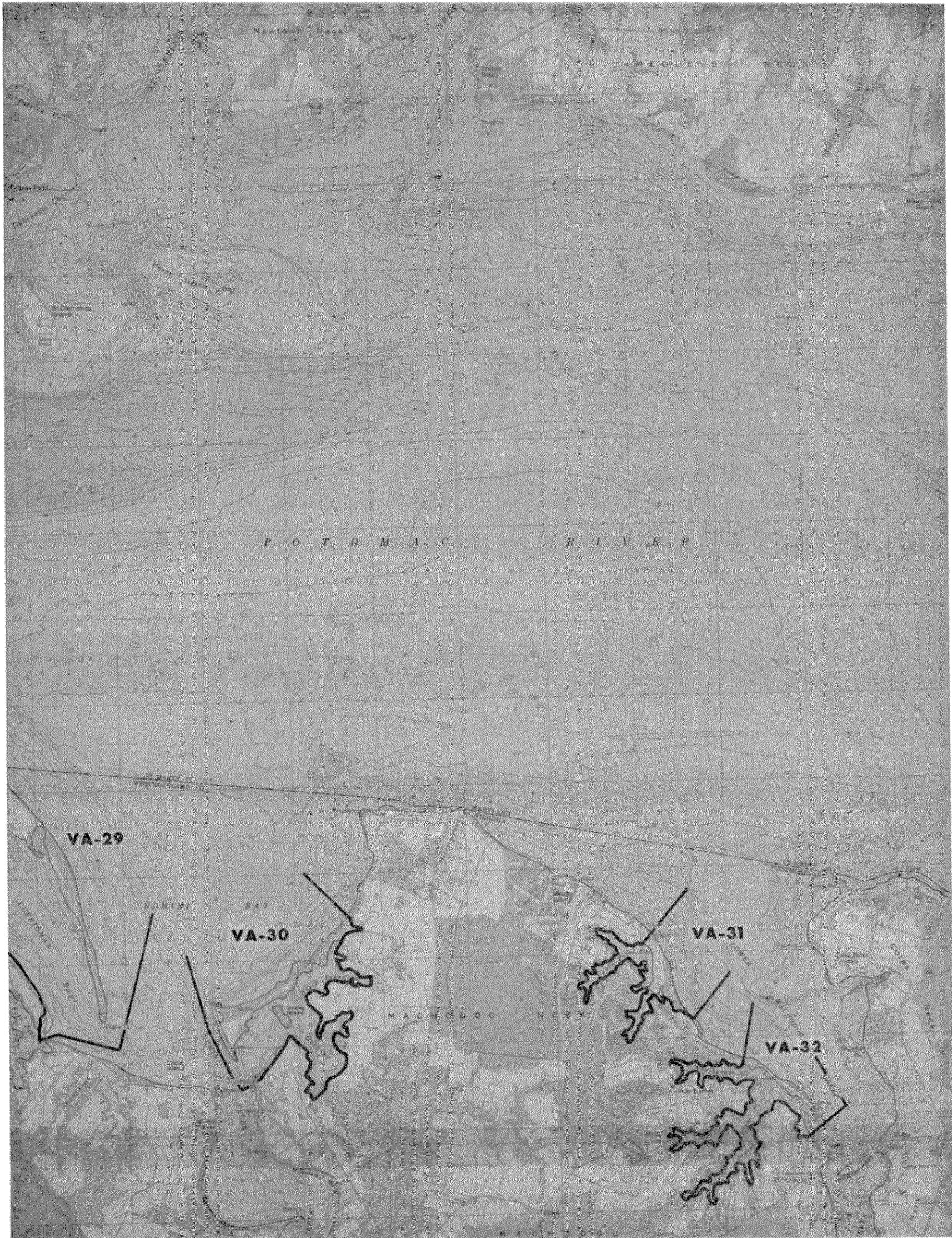
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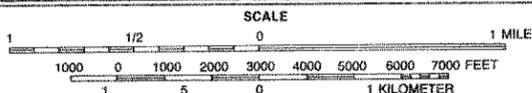
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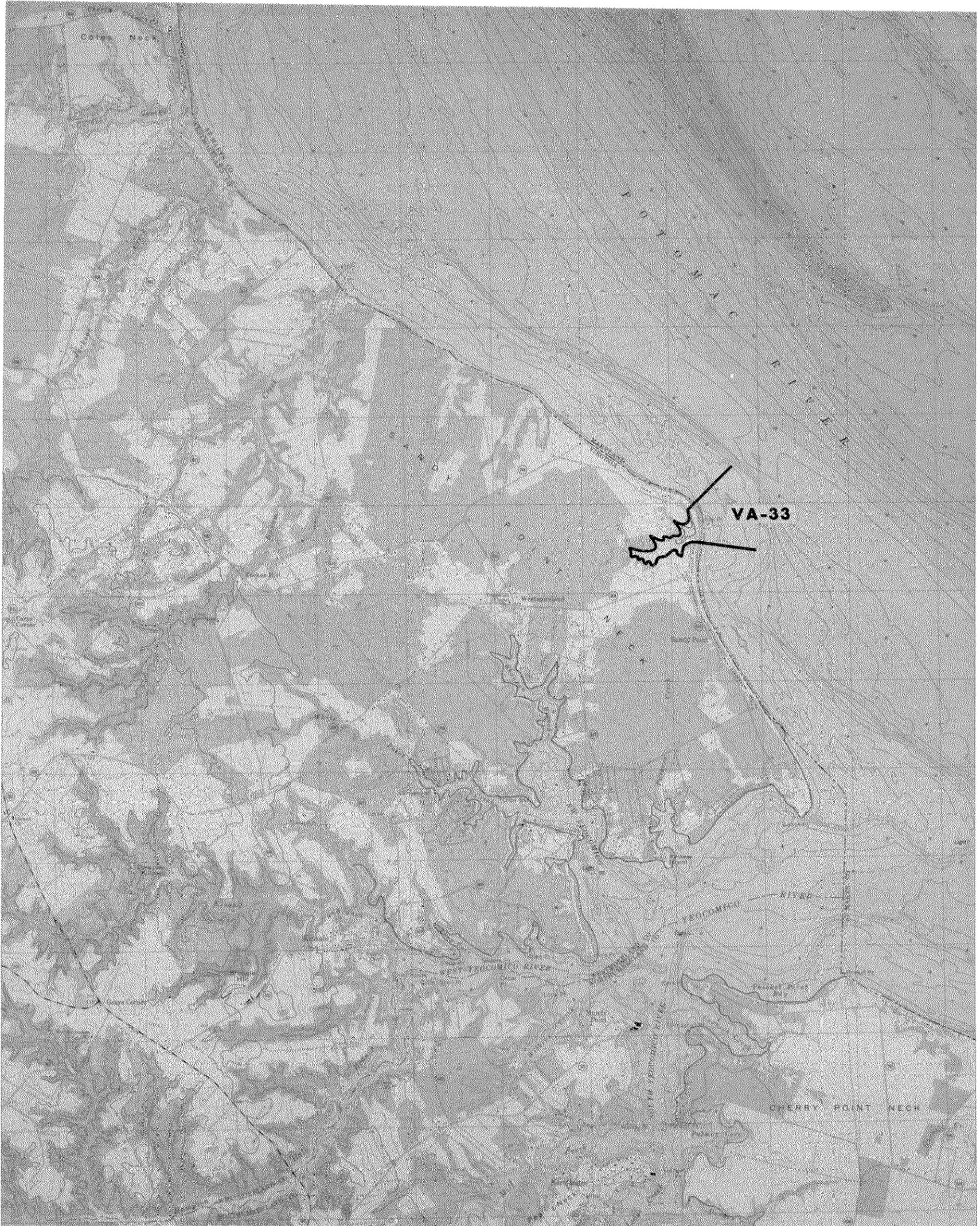
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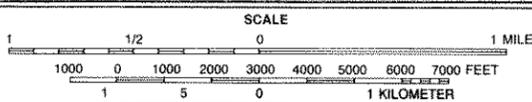
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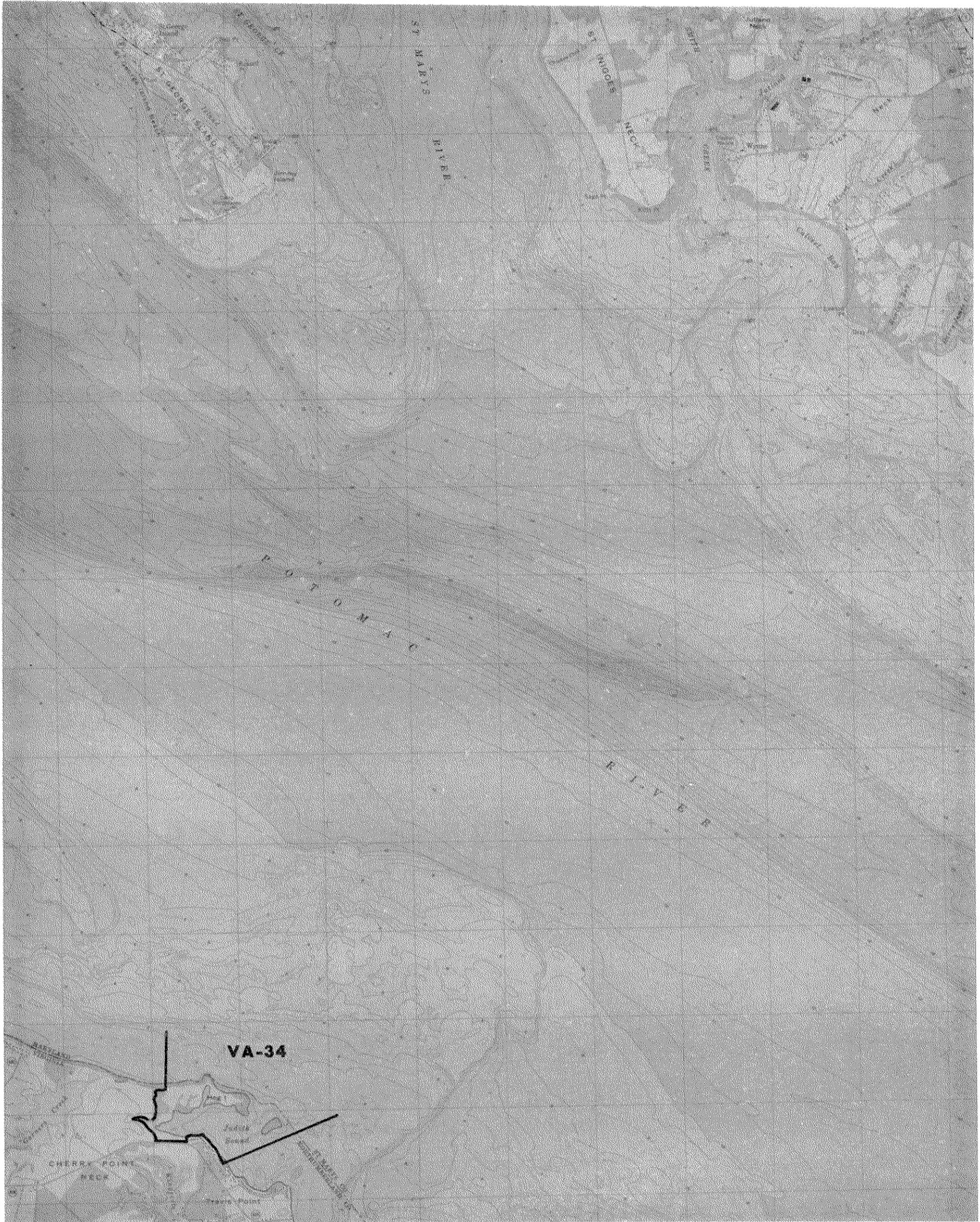
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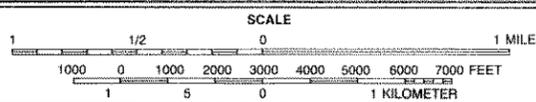
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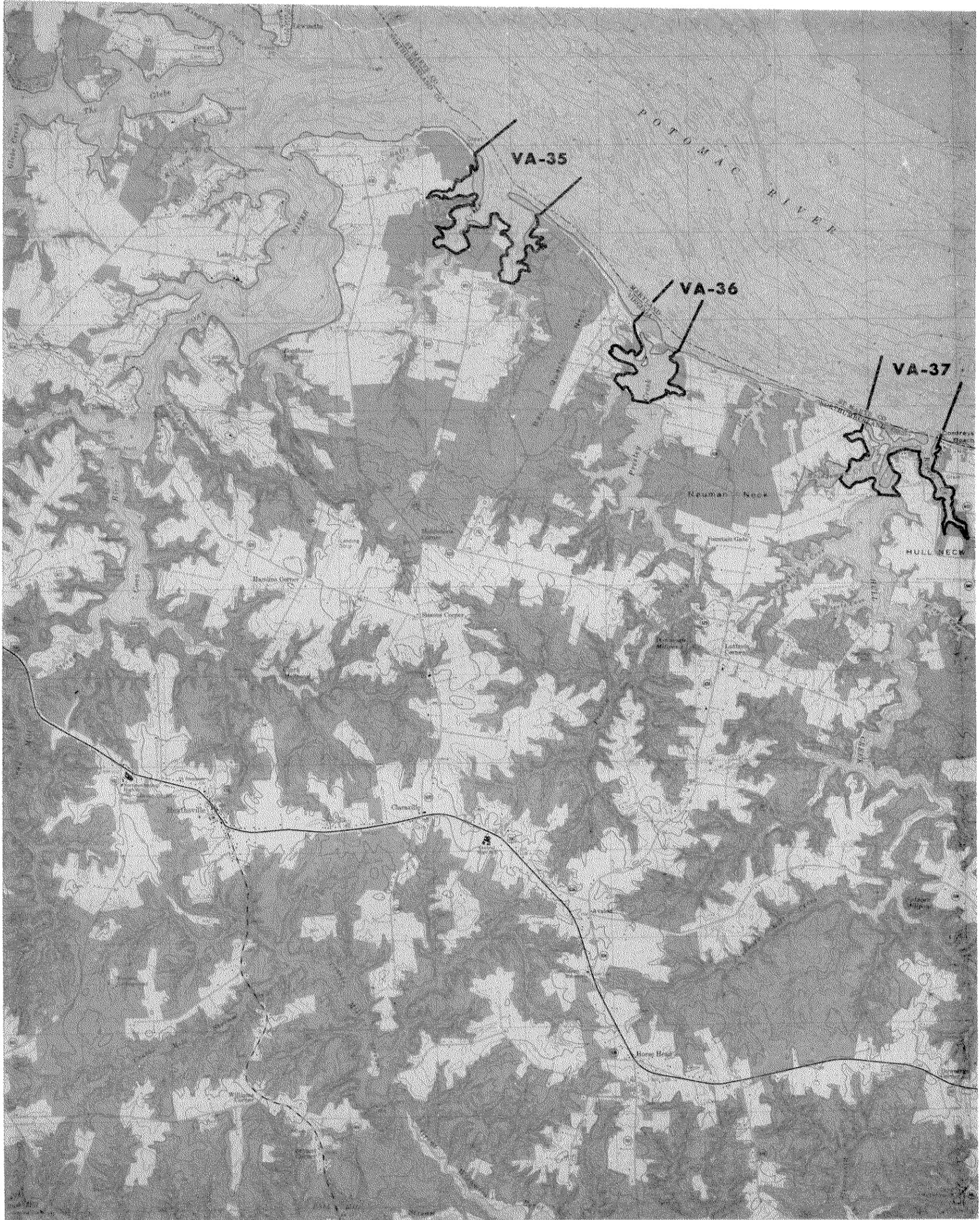
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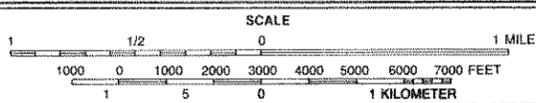
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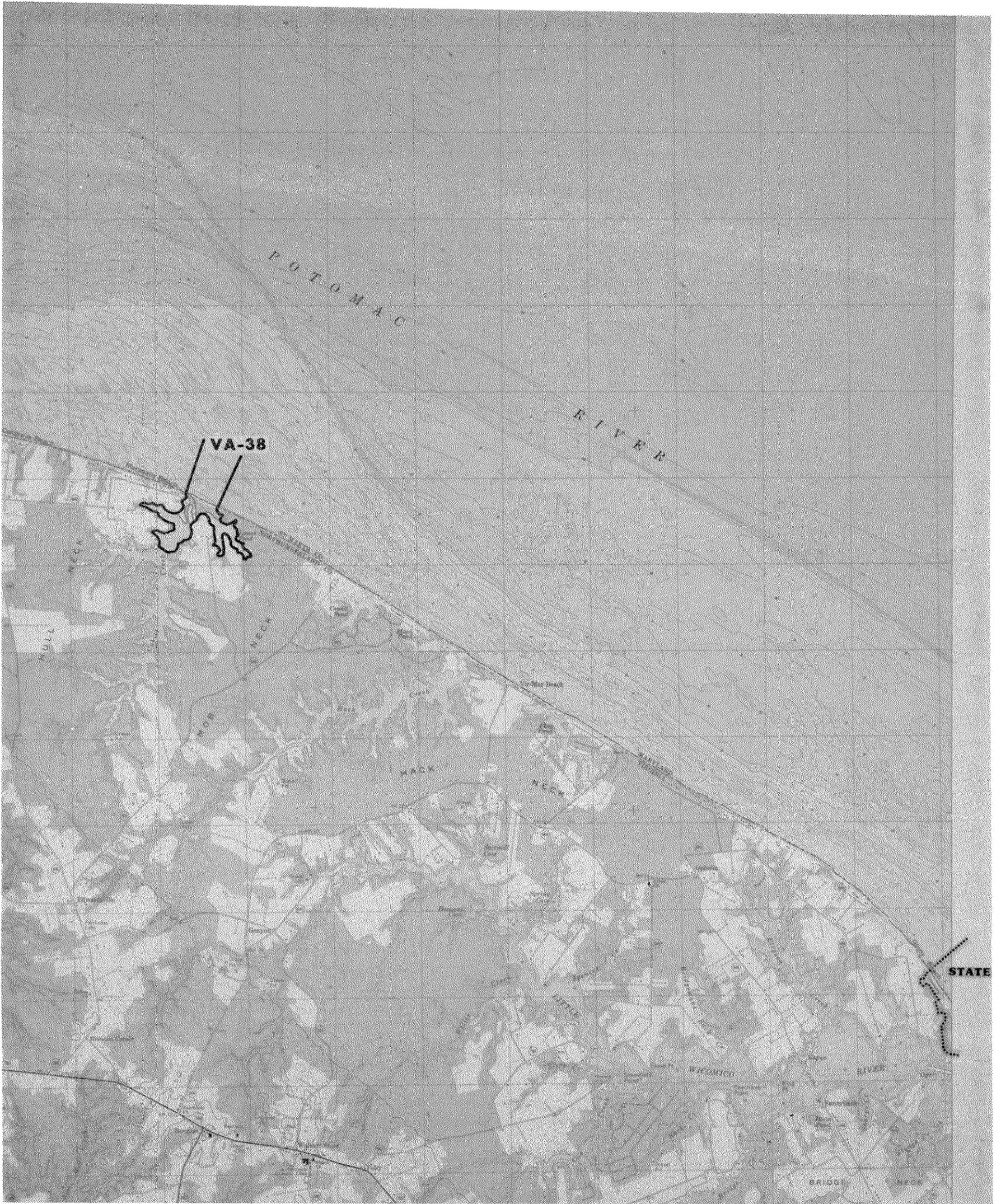
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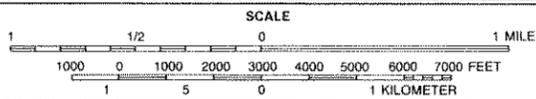
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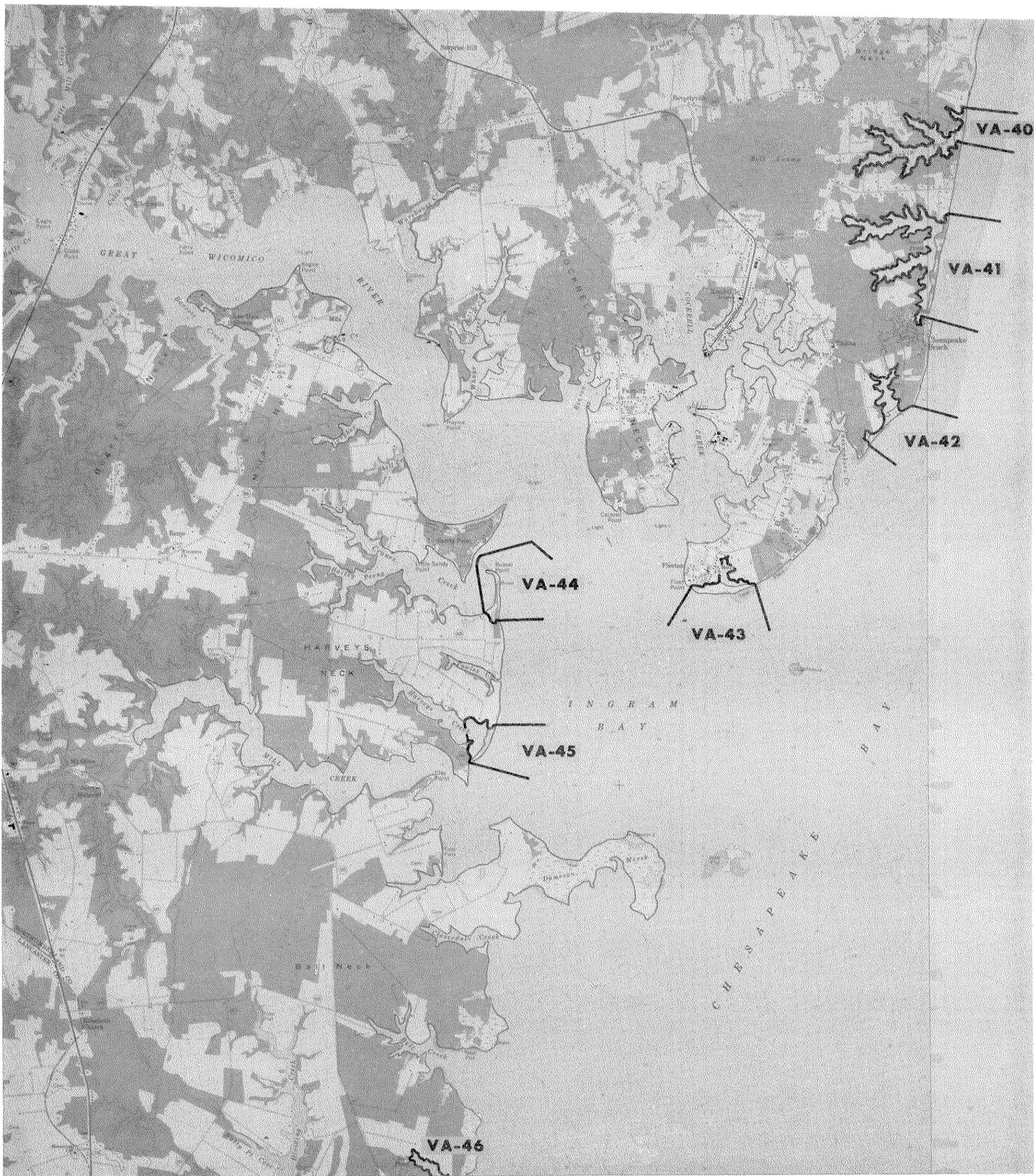
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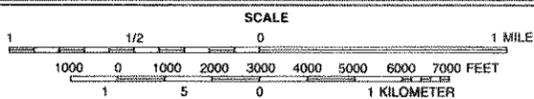
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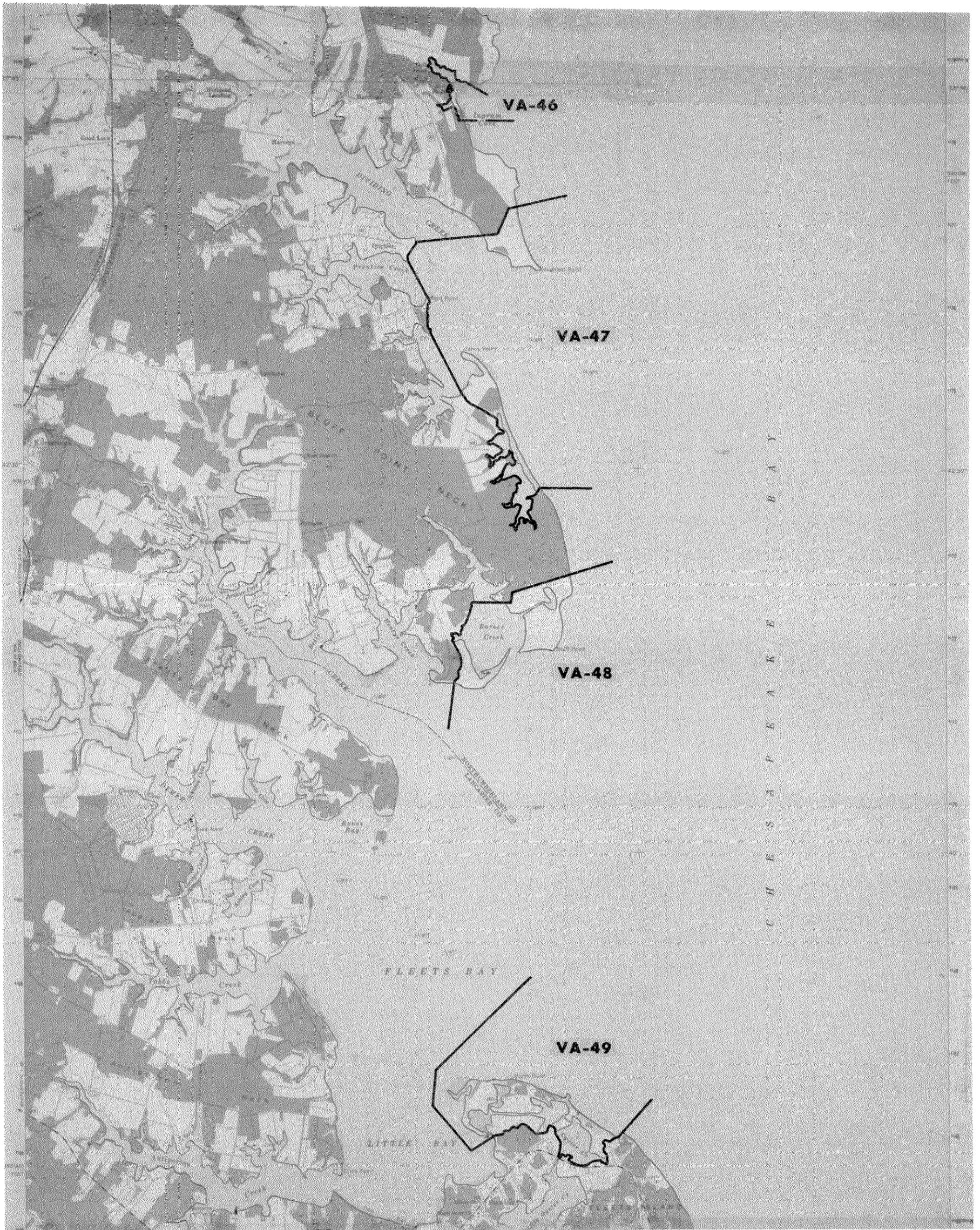
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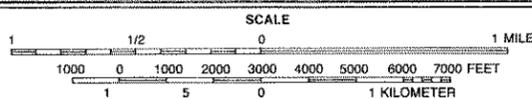
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QUADRANGLE  
**FLEETS BAY**  
VIRGINIA



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VA-47 - BLUFF POINT NECK; VA-48 - BARNES CREEK

State Position: The State of Virginia supports the CBRS expansion; however, no position on these particular units was expressed.

Other Comments: Three comments were received suggesting that Bluff Point and Hughletts Point should also be included in the CBRS. One comment appears in the letter reprinted below. The other two comments appear in letter number 1107, reprinted under VA-23, and letter number 949,

reprinted in the General Comment Letters section.

Response: Both Bluff Point and Hughletts Point meet all DOI definitions of an undeveloped coastal barrier and fully qualify for addition to the CBRS.

DOI Recommendation: The DOI recommends that VA-47 and VA-48 be added to the CBRS as delineated here to include Bluff and Hughletts Points.

915

June 16, 1987

2.

To the members of the Coastal Barriers Study Group:

As a resident of Virginia, living within an area that is a proposed addition to the Coastal Barrier Resources System (CBRS), (see CBRS map, VOL. 10, Virginia, p. 38, Fleets Bay, Va. Quadrangle, VA-47 and associated topographic map, both enclosed), I support the CBRS 100% and approve of all the Department of Interior's recommendations regarding the CBRS as outlined in the Report to Congress: Coastal Barrier Resources System, Executive Summary, March 1987. I also strongly urge the acceptance of all the proposed unprotected and undeveloped additions to the CBRS in Virginia, especially VA-46, VA-47, and VA-48. I strongly feel that acceptance of the CBRS along the Chesapeake Bay is at least as valuable a step toward "saving the Bay" as banning phosphate and tributyltin.

I also recommend that two undeveloped coastal barriers, Bluff Pt. (about 300 acres) and Hughlett's Pt. (both located in the Fleet's Bay quadrangle map) be included in the CBRS, because they are valuable wildlife and waterfowl habitats with abundant natural resources which preserve and protect the quality of the Chesapeake Bay's marine environment and serve to protect inshore properties. These are also low-lying areas which are highly susceptible to tidal flooding and erosion even during minimal storms. Development within these areas would be unwise, should be discouraged, and risked only at the individual's expense, not the American taxpayer's. (See the enclosed report on Bluff Pt. from the U.S. Department of Interior, <sup>(Fish and Wildlife Service)</sup> to the Army Corps of Engineers, Aug. 6, 1986.)

I am most familiar with the proposed addition, VA-47, which includes Jarvis Point, its associated barrier beach and Mud and Oyster Creeks, because

I have lived here for 15 years and have been coming to this area for over 30 years, as it includes my family's farm. The beach not only provides nesting grounds and food resources for the terns, oystercatchers, black skimmers, gulls, sanderlings, sandpipers, and other numerous unidentified shore birds and nesting materials for the numerous ospreys who occupy the area, but the beach also absorbs the brunt of storms and has helped slow the erosion of inland properties.

During the SE storm (not a hurricane) on Nov. 4, 1985, my house and surrounding fields received no flooding and minimal erosion as the barrier beach absorbed the full force of the storm. A Sept. 1985 photograph, #1, (page 6), shows the location of my house (designated A), its distance from the Bay, the barrier beach, and the surrounding fields and two creeks. In contrast, two houses built on Jarvis Point in 1979, (which I have designated houses B and C on the map), received the full force of the storm. Aerial photo #2, (page 6), shows houses B and C in Sept. 1985 and their proximity to the Bay. Photo #3, (page 7), shows house C, which is further inland, and the flooding it received on Nov. 4, 1985. (The house actually escaped flooding, this time!). Photos #4, #5, and #6, (pages 7, 8, 9), show the flooding of Jarvis Pt. near house B, also on Nov. 4, 1985. Granted these houses can still receive federal aid. But, should we allow further development in these low-lying areas and spend taxpayer's money on bulk-heading and seawalls, which could probably never protect and would probably only further erode adjacent beaches anyway, thus destroying natural resources and valuable habitat for waterfowl, wildlife, and marine life? Absolutely, we should not.

Bluff Pt., especially, and Hughlett's Pt. also, are further examples of these low-lying areas and erosion that is occurring to them. (again, see

enclosed report on Bluff Pt.). Photos #7, #8, and #9, (pages<sup>10</sup>), show the erosion that has occurred to Bluff Pt. since 1979. Photo #8 is most significant because 50 years ago in 1937 this barrier beach was eroded as it is now in 1987. (This can be verified on a 1937 U.S. Geodetic Survey map, which I do not have but have seen.). Yet, without man's intervention, the sands shifted to remake the coastal barrier that remained intact until Nov. 4, 1985. Given this fact, it stands to reason that the barrier beach can repair itself again, if man does not intervene.

Photos #10 and #11 (pages<sup>11</sup>), show the extensive barrier beach and wetlands area, part of Bluff Pt., which is so valuable to protecting and preserving the Bay because of the abundant natural resources that provide habitat for migrating waterfowl, shore birds, marine life, and oysters which grow in nearby Barnes Ck, (photo #12, p.1).

Photos #13, #14, and #15, (pages<sup>13</sup>), show Hughlett's Pt. and similarity to Bluff Pt. with its valuable undeveloped natural resources, wetlands, and barrier beach.

Mud and Oyster Creeks, (VA-47, photos #16, #7, and #8, pages ), protected and formed by the barrier beach, are excellent unpolluted creeks that provide one of the few remaining areas where oysters survive and thrive, as well as providing nursery grounds for young crabs and finfish. These young shellfish, crabs, and fish, along with other marine animals and plants, provide essential food for the numerous waterfowl that winter over in these creeks and the numerous great blue herons that make their homes in the isolated, secluded coves of Oyster and Mud Creeks. Some of the waterfowl and birds that I have observed in these creeks over the years include: Canada, blue, and snow geese; swans; green-winged, blue-winged, and cinnamon teal;

hooded and common mergansers; pintail; scaup; goldeneye; canvasbacks; red-heads; and black and gray mallard. Other birds that I have observed in Mud and Oyster creeks include: goshawks; green herons; snowy egrets; pileated woodpeckers; and two pairs of visiting great white herons. In the past year the bald eagle has returned. Some of the wildlife that share these creeks include: snapping turtles; muskrat; otter; woodcocks; deer; foxes; quail; pheasants; and turkeys. These creeks and surrounding shoreline are teeming with life which must NOT go unnoticed and must be protected to insure that the quality of the Bay marine life survives.

The Chesapeake Bay is showing signs of recovery. Striped bass populations have increased and eel grass is returning. But, more must be done now, while there is a chance.

I understand that the Northumberland County Board of Supervisors opposes the CBRS. VA-46, VA-47, and VA-48, Bluff Pt. and Hughlett's Pt. are located in Northumberland County. I do not feel that these five people are representative of the citizen's views on CBRS, because I do not feel that the CBRS current proposals were well publicized. My experience has been that very few individuals, government officials, or environmental and educational organizations (such as VIMS, whose input would be most significant) knew about the CBRS current proposals! It was only by accident that I learned about the CBRS. I strongly recommend that the comment period be extended for at least another 30 days. I also recommend that the Coastal Barriers Study Group include local citizens from some of the proposed coastal areas and a representative from the Chesapeake Bay Foundation and the Virginia Institute of Marine Science.

I urge you to fully exercise your authority to represent my concerns as a citizen and to pursue at least a balanced approach to shoreline

development, which at this time absolutely needs to head toward the goal of conservation. Acceptance of the CBRS in Va. along with further additions to the System is a step in the right direction.

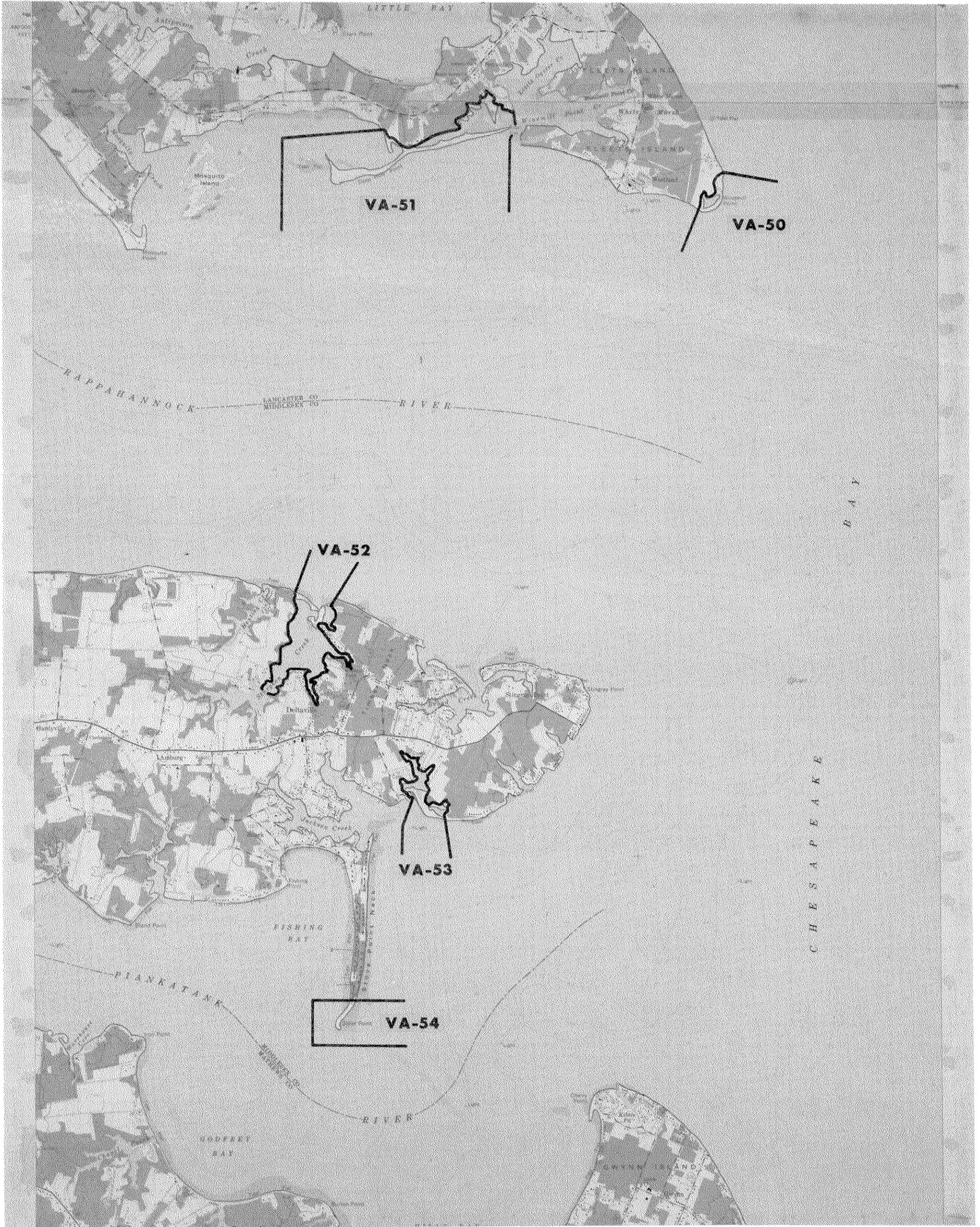
Most Sincerely,

*Ida Hall*

Ida Hall

Route #1, Box 1150

Kilmarnock, Va. 22482



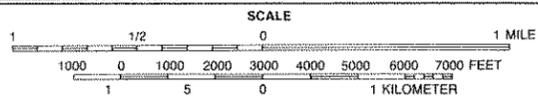
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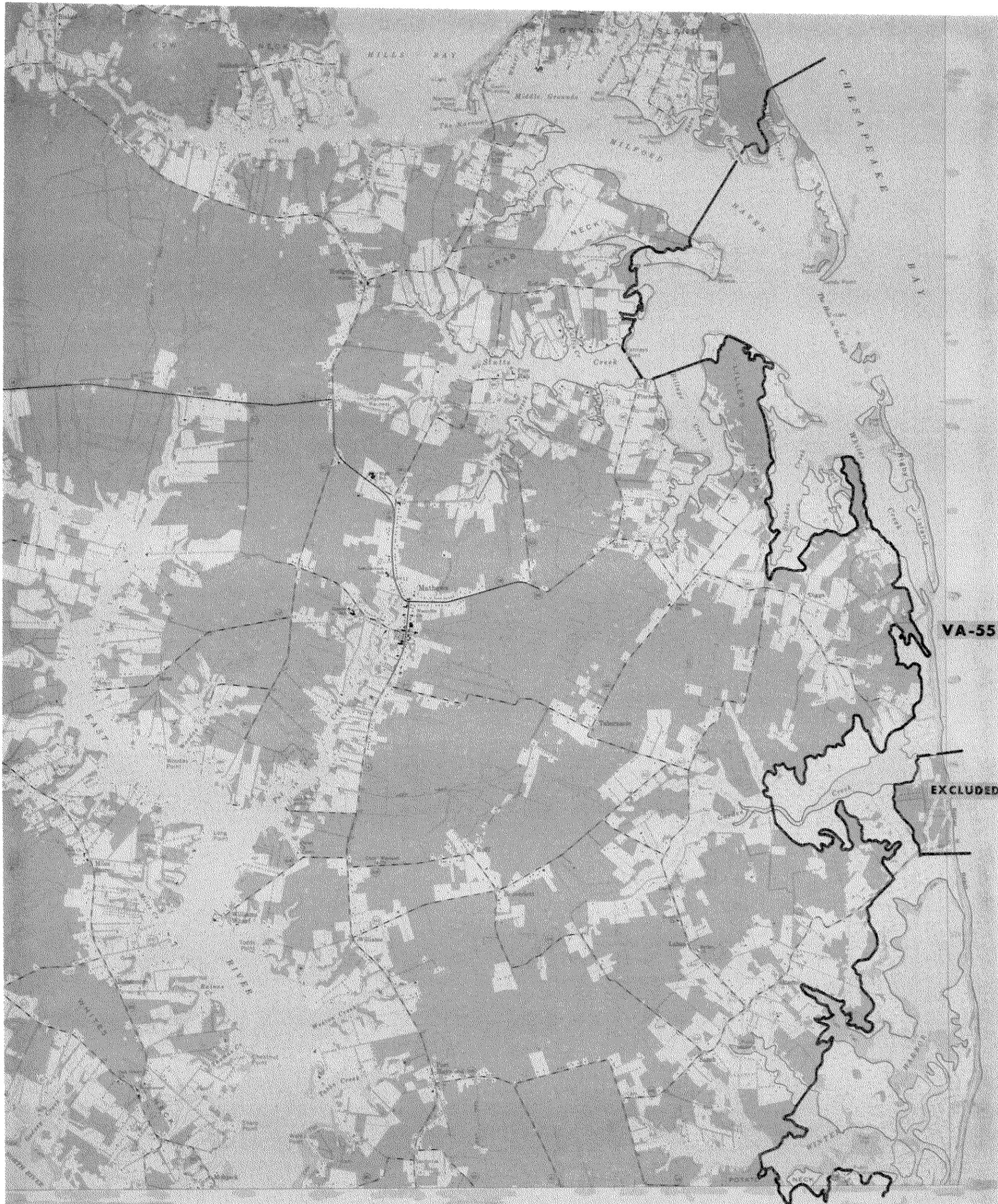
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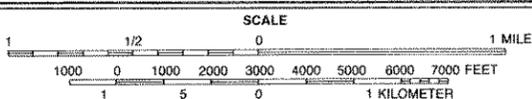
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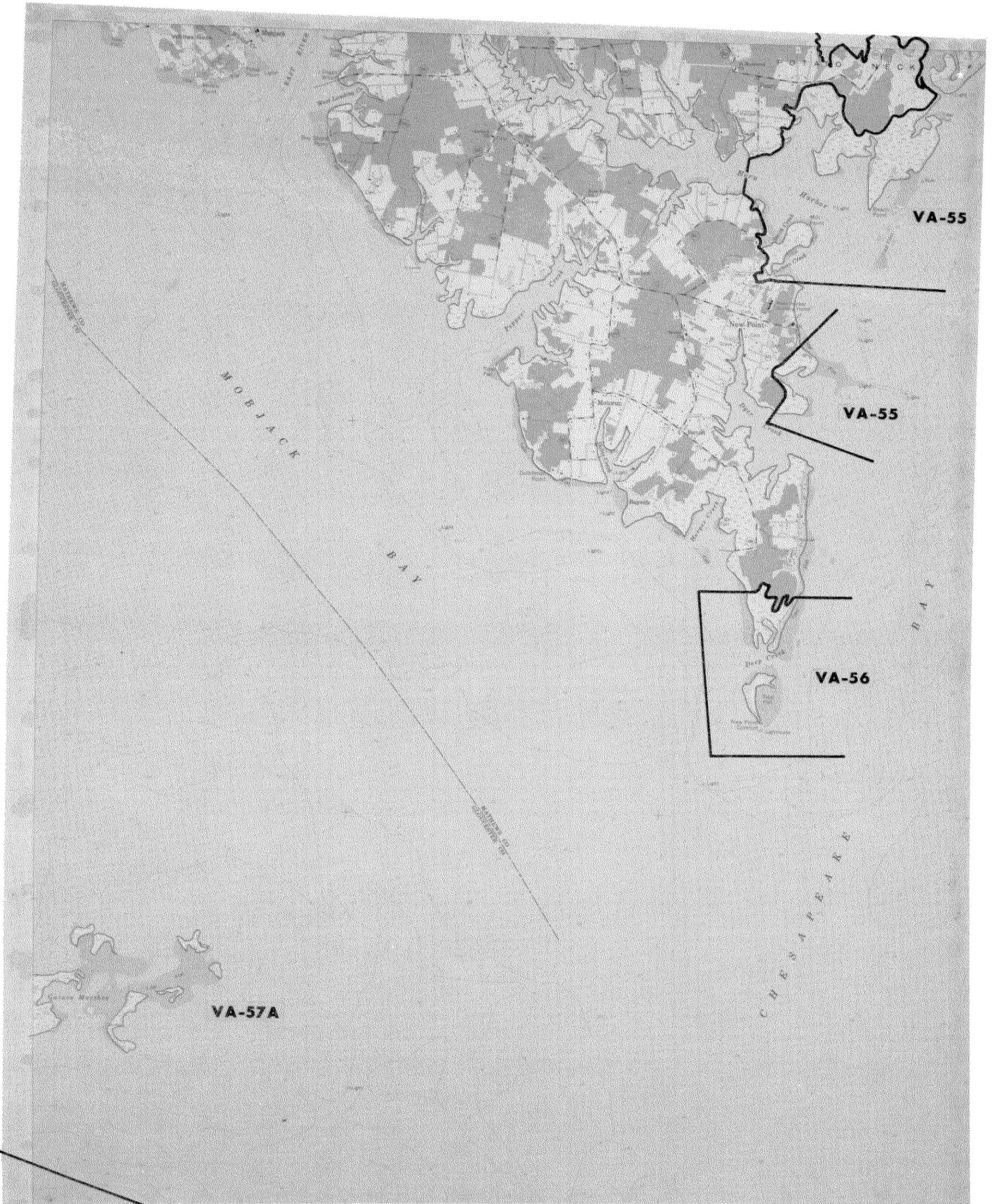
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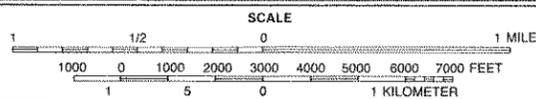
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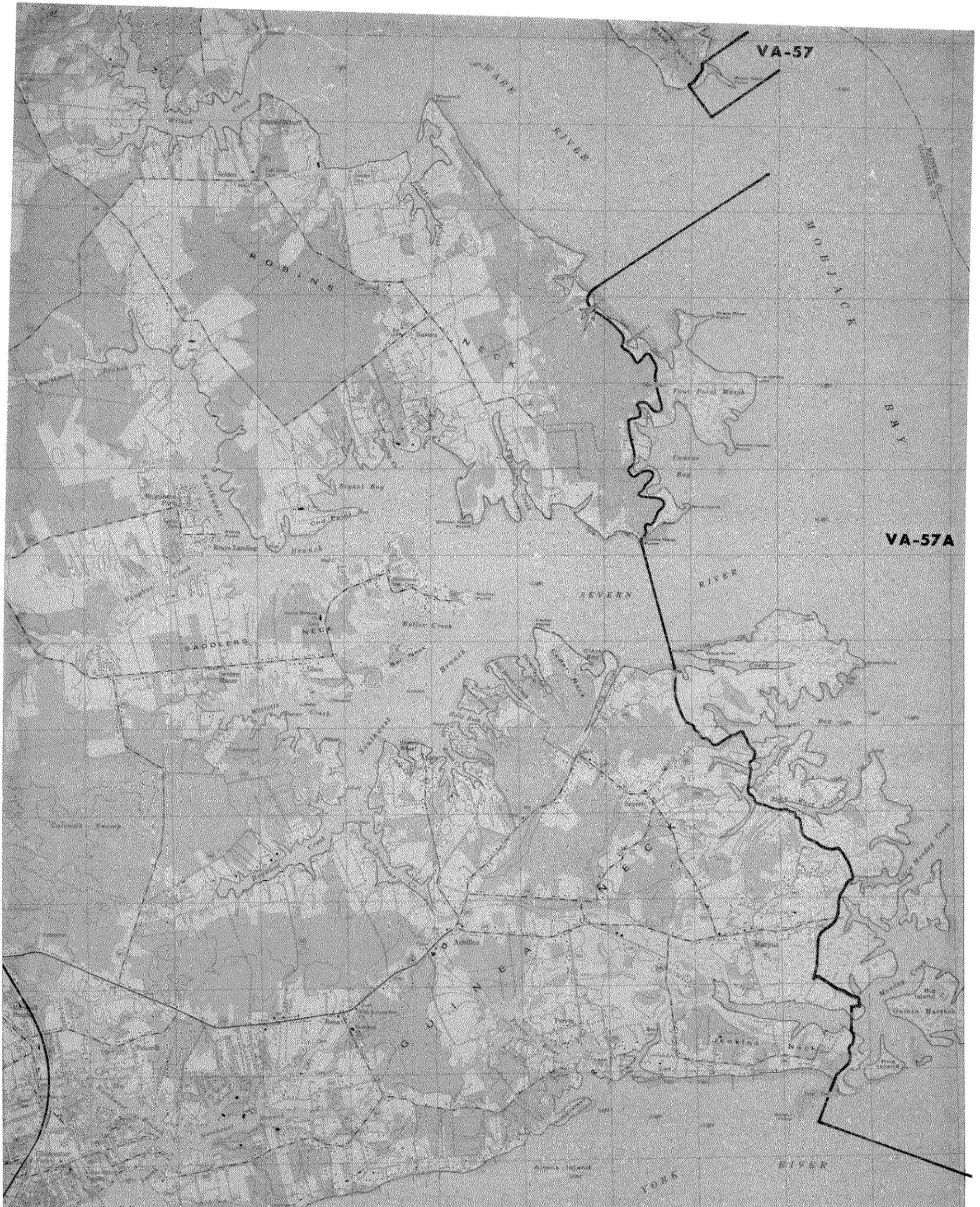
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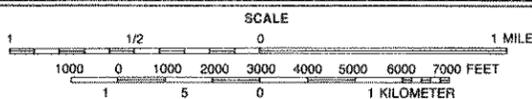
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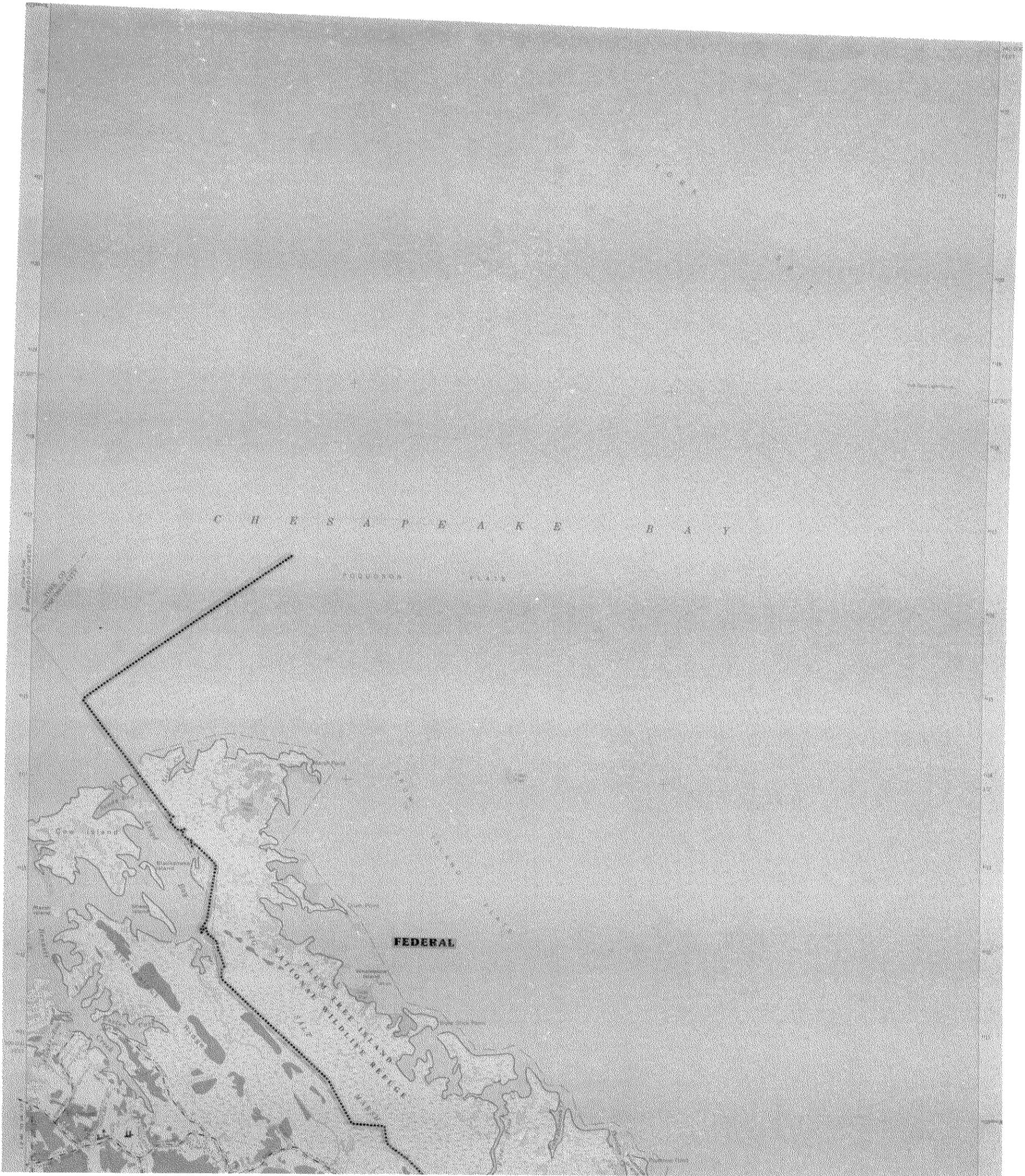
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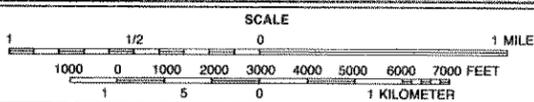
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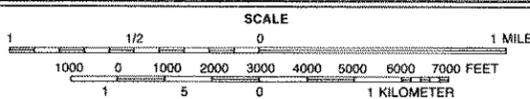
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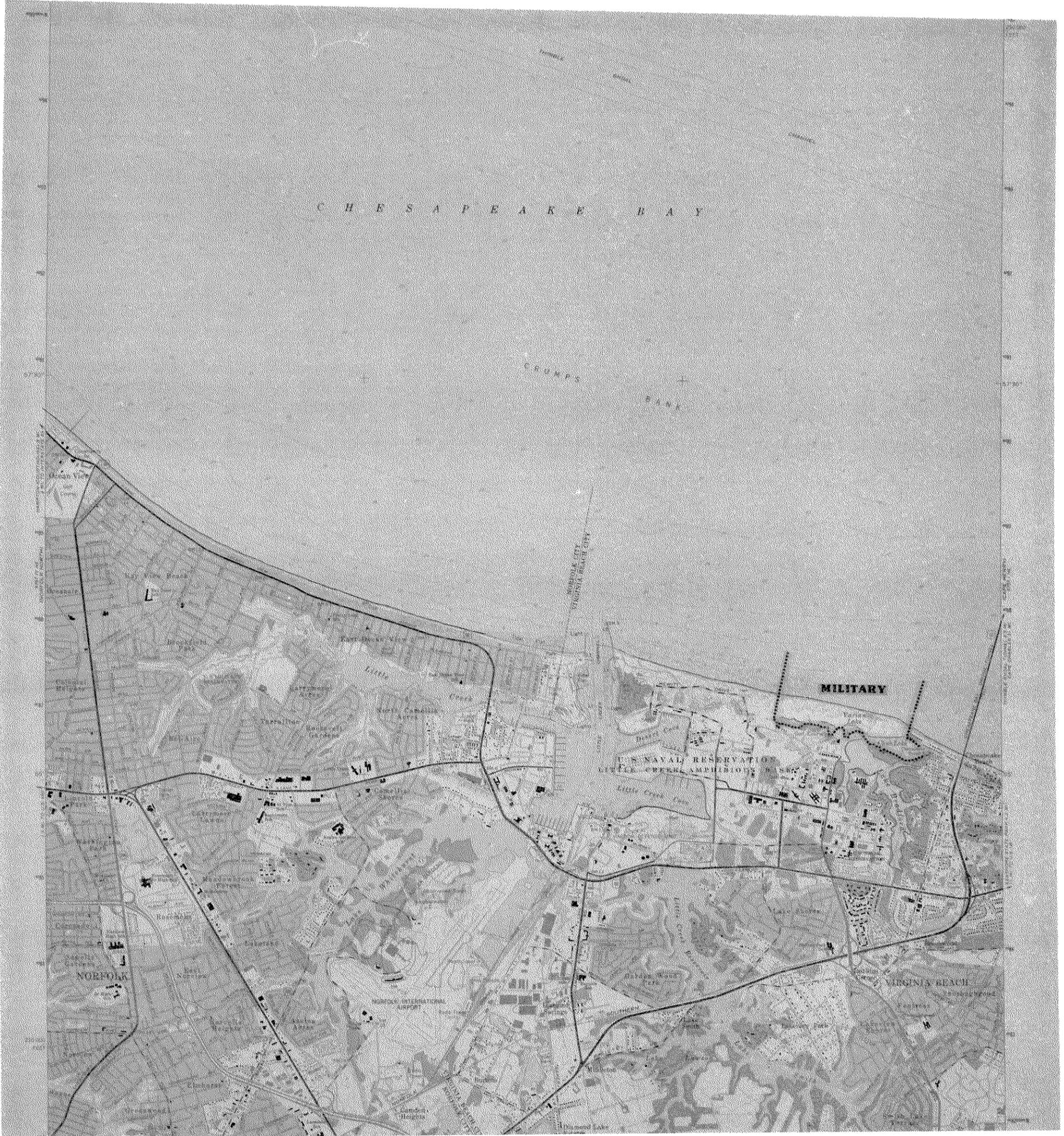
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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



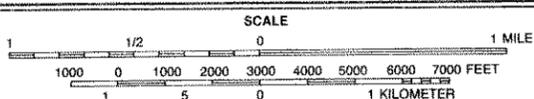
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior  
Washington, D.C. 20240

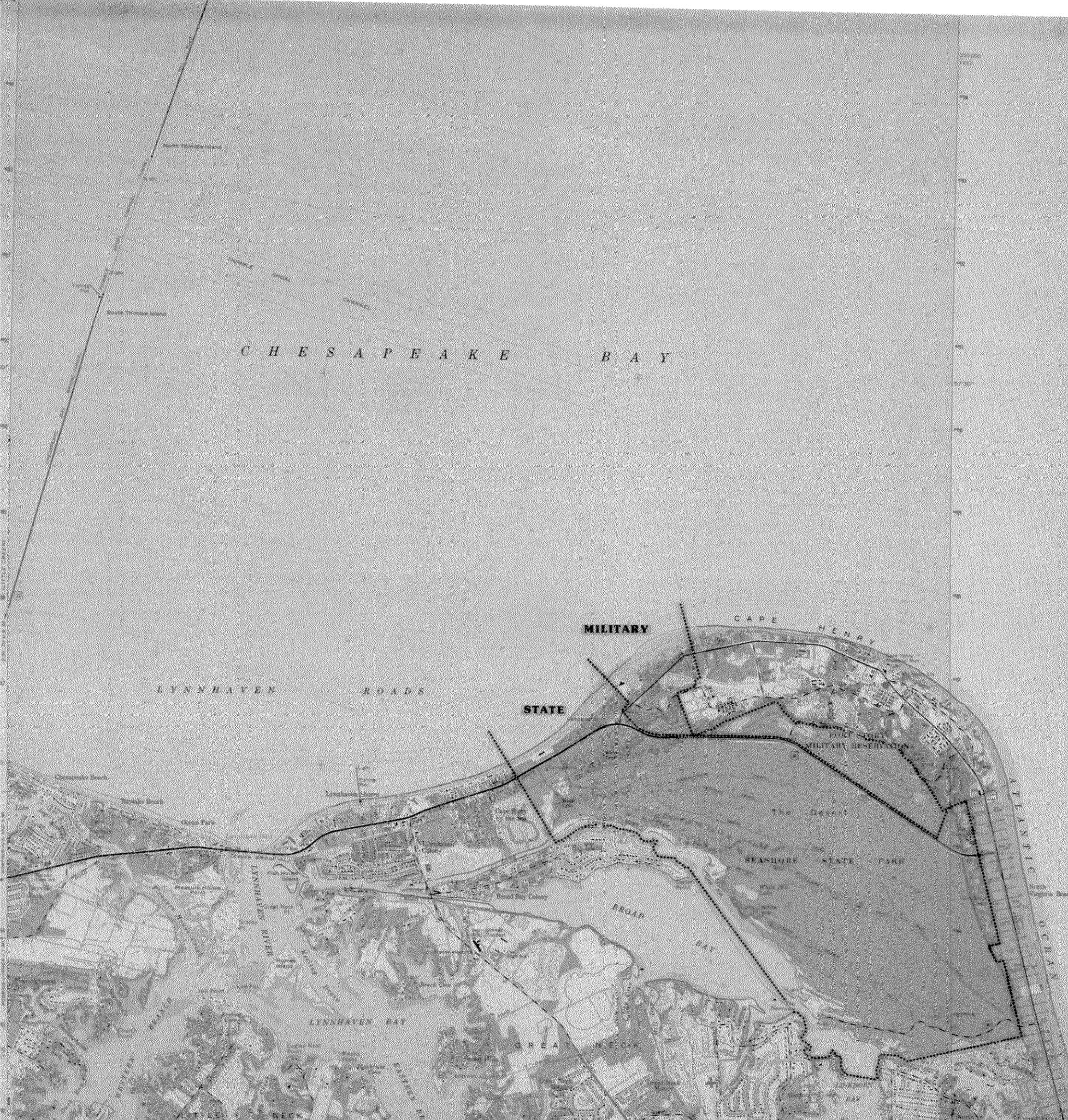
QUADRANGLE  
**LITTLE CREEK**  
VIRGINIA



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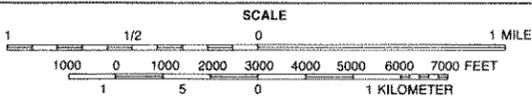
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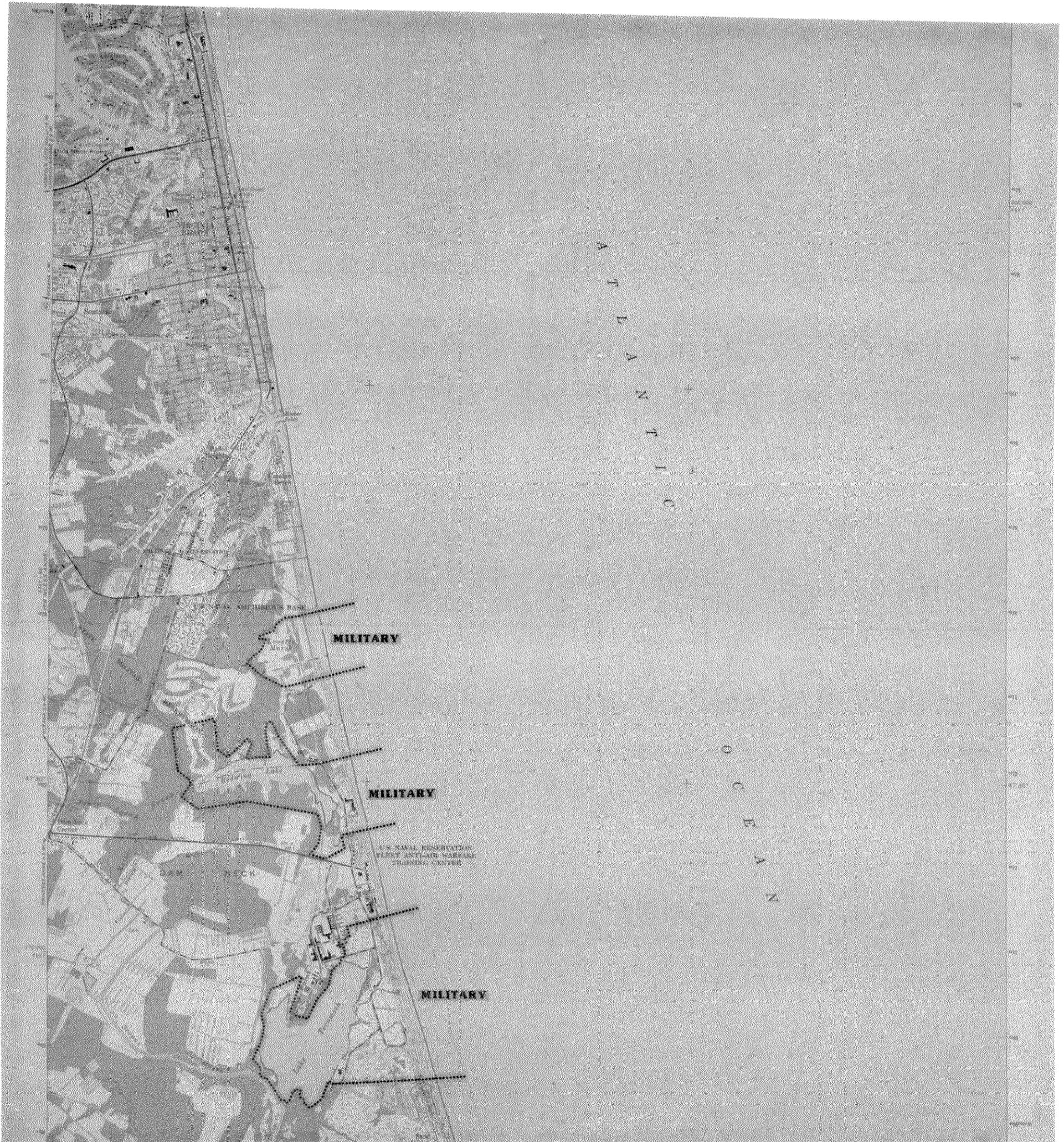
QUADRANGLE  
**CAPE HENRY**  
VIRGINIA



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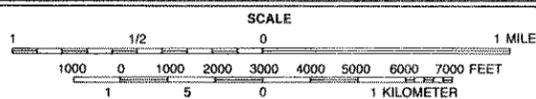
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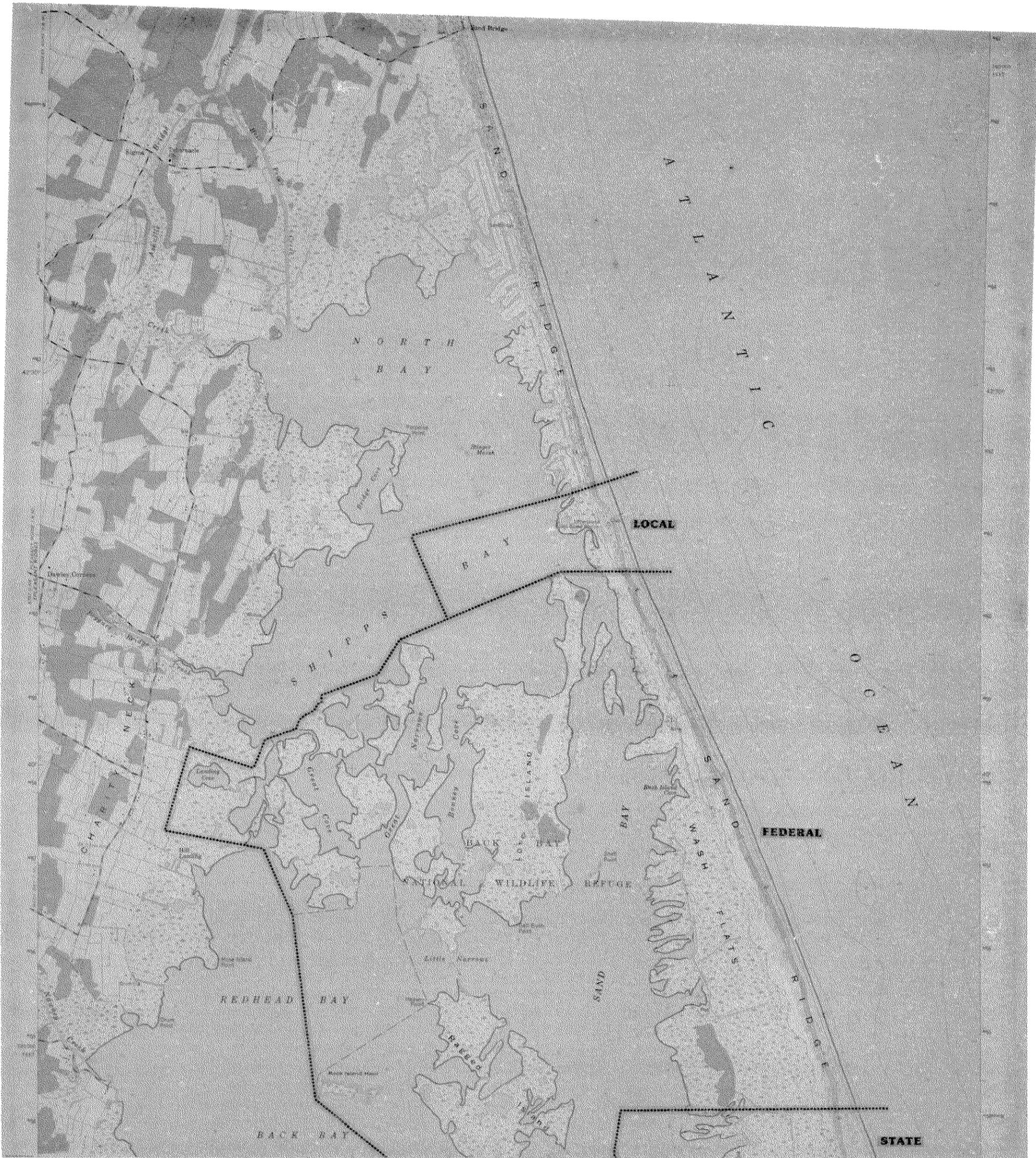
QUADRANGLE  
**VIRGINIA BEACH**  
VIRGINIA



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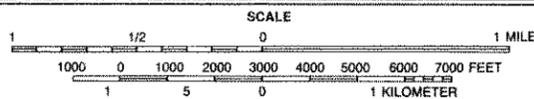
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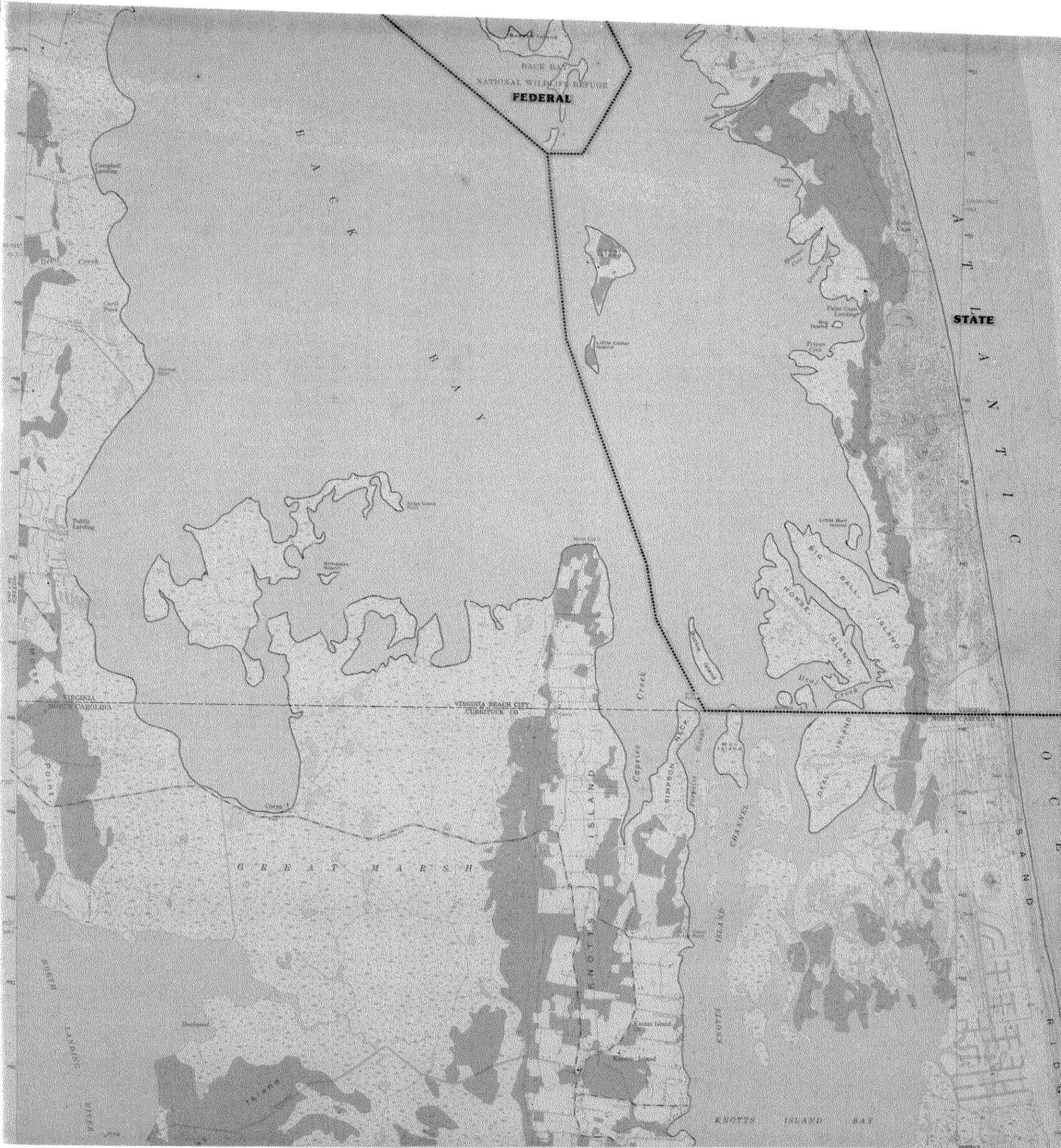
QUADRANGLE  
**NORTH BAY**  
VIRGINIA



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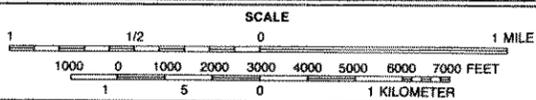
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QUADRANGLE  
**KNOTT'S ISLAND**  
VIRGINIA



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