CITIZENS FOR A BETTER EASTERN SHORE

A News Journal of Natural Resources, Public Affairs and Community on the Eastern Shore of Virginia

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Concerns About Poultry Operations Continue

by Sue Mastyl

s concerns about the new indus-Atrial-scale poultry operations in Accomack County mount, a new citizens group has formed to educate the public. Preserve Our Shore: Smarter Growth Better Life was formed by a group of residents in the Pungoteague area, concerned about the 24-house operation to be built on Pungoteague Road, but is focused on addressing the larger issue of industrial poultry operations throughout the county.

Citizens Meeting

The group held its first public meeting on September 11 at the Eastern Shore Community College, with approximately 110 people in attendance. Joe Betit, a Pungoteague resident with experience in planning and surveying, moderated the meeting, and described the location of the 24-house operation.

Several residents spoke whose property will be directly affected by the operation. Diana Wyatt, who lives across Pungoteague Road from the facility, noted that her property, Walker Farm, is a historic property, and a recent valuation indicated she will get less than half what she has in the property.

Willie I. Randall, whose property is closest to the new operation, raised concerns about air quality, with the smell, dust, and ammonia – "the fans blow out the ammonia, otherwise the chickens will die; that's not too healthy for the neighbors" – flies, property values, and impacts on groundwater and surface water. In a

homeowners association with a well, he noted, "you have to have it tested four times a year; you're on your own as an individual."

"All of my wildlife drink out of that stream." Kathy Cummings, co-owner,

Eastern Shore Wildlife Rehabilitation

Carlene Zach, who had presented a petition to the Board of Supervisors in January before the new ordinance was passed, added, "this is not farming, this is industry, [and] the health risks of these confined animal feeding operations (CAFOs) is phenomenal." She stated that she is "not against the chicken houses that are here: I'm against offshore owners to send chickens offshore," referring to recent trade deals with China and other countries.

Kathy Cummings, co-owner of Eastern Shore Wildlife Rehabilitation, noted that two sides of her property border the poultry operation, at the headwaters of Taylor Creek, which feeds into Pungoteague Creek. She noted she'd like to retire, but her property value has also fallen dramatically, and worries that her wildlife might be poisoned, trapped, or shot by the new poultry operators. "All of my wildlife drink out of that stream," she added.

Joe Betit reviewed the current status of the operation, and what options are available for concerned residents. "Quality of life can be ruined very

easily," he noted. Some of the questions he raised were:

- What is the "radius of concern" for ammonia?
- What happens to the quality of well water?
- What are the impacts of wastewater, litter waste, and manure on surface waters and aquaculture?
- What are the impacts of increased truck traffic on the roads and associated safety concerns?
- What is the impact on property
- "Do they pay their way or are we subsidizing them (with USDA as guarantor on their loans)?"
- The benefits to the county "Is there increased tax income? Do they provide more jobs? What is the quality of the jobs – do they support families?"

See Poultry, cont'd on p. 4

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Accomack Resident Questions "Ceiling Limit" on Poultry Houses in the County

Guest Editorial by Miriam Riggs

s new industrial poultry farm regulations were being drawn up by the Accomack County government last fall, citizens were reassured that there was a "ceiling limit" to the number of large poultry houses being placed under contract with Perdue and Tyson Foods. At that time the number was about 100. However, from looking at local real estate transactions, it appears that additional land is being sold to poultry interests as recently as two weeks ago. Some of these transactions appear to involve doubling up of poultry farms on adjoining parcels, creating a high-density situation.

Density does matter, and 24 massive poultry houses located in a condensed setting will make for unpleasant and unhealthy living conditions for nearby rural residents. We are hearing the concerns of citizens near Pungoteague right now due to 24 poultry houses being situated together on adjoining parcels.

It has been argued that if county residents don't want to accept industrial poultry farms, then they should

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not live in the Agricultural Zone. Those same poultry interests want to crowd the borders of our towns and villages. Accomack County regulations allow poultry house complexes

In Accomack County we have the right to live safely and in good health in the Agricultural Zone.

as close as 500 feet from existing towns and villages, and even closer to public roadways.

The huge poultry buildings will absolutely limit the expansion of any town or village they border upon. A soybean field can just be mown down and built upon right away. How about a poultry farm at the edge of town? Do county planners really think that new subdivisions and businesses will voluntarily locate next to 12 or 24 industrial poultry houses? What about the cost of removal of the structures when an operator goes broke? How long does it take to recover the land and make it safe for human dwelling after a poultry farm has shut down? What if there was an avian flu outbreak, and the soil was contaminated with disease?

We've been told that farming is our rural heritage, and that industrial poultry has a right to occupy the space. How many poultry farm owners actually live on the farms with

their chickens? Our rural heritage is about county residents living on and near the farms that feed them; it has been that way for hundreds of years.

The people came first, the farms followed. In Accomack County we have the right to live safely and in good health in the Agricultural Zone.

Our Eastern Shore of Virginia landscape is particularly fragile because of its size and numerous creeks carrying runoff. We should not blindly accept the industry-suggested standards set for other areas. We really are almost an island, and our fresh water supply is critically important.

Our region should set its sights toward traditional farms where edible foods of a wide variety are produced within the local landscape. Why is Accomack County so intent upon feeding the world with its industrial chicken production while running residents out of their rural homes?



Citizens for a Better
Eastern Shore is grateful
to Andy Buchholz and
Eastern Shore Signs for
donating its new banner,
displayed recently at the
Cape Charles Farmers
Market. Pictured left to
right are CBES President
Arthur Upshur, ES
Birding Festival's Roberta
Kellam, and CBES Board
member Martina Coker.

Wheels & Wings

Bike Tour and Birding Festival Are Two WOW Ways to Explore the Eastern Shore

By Donna Bozza

For 24 years, fall has been the time to experience two signature events that speak to just how special and rare is Virginia's Eastern Shore. Saturday, October 24, the pristine 70-mile peninsula hosts bi-coastal biking bliss during the Between the Waters Bike Tour. Just a few weeks prior, it's the Eastern Shore Birding and Wildlife Festival from October 6 - 9, with boating and field trips and free family fun.

BIKING

Tucked between the Chesapeake Bay and Atlantic Ocean, the popular *Between the Waters Bike Tour* comes by its moniker naturally. Rotating routes annually, this year's ride is based out of the seaside village of Wachapreague (www.wachapreague.com). Designed for casual riders, *uber* cyclists and everyone in between, there is a choice of four rides with 100, 60, 40 and 25 mile routes. On each, the rural vistas are the stars – from autumn-gold farm fields and historic hamlets, to the waters that weave through the region that locals simply call "The Shore." To retain the communion between rider and the natural surroundings, the non-profit organizer, CBES caps the tour at 1,000 riders.

Early registration is highly recommended, as walk-in registration is not guaranteed. As of this writing, the number of registrations exceeds all previous bike tour records, and is up 77 percent over 2015.

The cost per adult is \$65. Each rider receives a full picnic lunch, rest stops stocked with snacks and beverages, map and cue sheet, access to SAG service, a chance to participate in the free Friday Fun Ride, and a special event T-Shirt (if ordered when registering). Along with, our heartfelt thanks for "Pedaling to Protect Virginia's Eastern Shore!"

BIRDING



It's a migration sensation, 4-day celebration! The *Eastern* Shore Birding and Wildlife Festival has decades of experience under its wings to provide visitors a myriad

of adventures to engage in the fall migration. Millions of songbirds and butterflies and thousands of raptors utilize the Eastern Shore peninsula as a kind of nature's highway – as a restaurant, too, as they fuel up, and as a hotel as they rest up for their Chesapeake Bay crossing to points south. It is one of the most important migration stop-overs on the entire East Coast.

The Birding Festival will put you in the action with over 100 guided field trips on land and sea, many locations



open to the public only for the event. By the light of the moon, scout out owls on the Owl Prowl. Be a scientist for a day; climb aboard with biologists to locate the striking American Oystercatchers that researchers have previously tagged as you visit the high tide roost sites and fields of pristine seaside marshes.

The fascinating dragonfly is spotlighted on the Dragonfly Field Trip, centered in the gardens of a historic 1760 bayside plantation. You can also meander along serene seaside creeks to the barrier islands with viewing and photography stops throughout. These islands and marshes are a birder's paradise, sheltering more than 250 species during the year. There are also great opportunities for wannabe birders with Beginning Birding workshops and field trips. All trips require pre-registration.

Families are not forgotten, with free children's activities all day Saturday, October 8, at Kiptopeke State Park. Birding Festival headquarters are conveniently located near the southern end of the Shore, a few minutes from the northern entrance to the Chesapeake Bay Bridge Tunnel. Sunset Beach Resort and Campground (sunsetbeachva.com) recently underwent millions of dollars in renovations and is ready to give festival-goers a great welcome.

This October, whether it's by wing or by wheels, set out to explore the longest stretch of natural coastline remaining on the East Coast. For more information on the 24th Annual Between the Waters Bike Tour, go to www. cbes.org or call 757-678-7157. Details on the 2016 ESVA Birding and Wildlife Festival can be found at www. esvabirdingfestival.com, or call 757-710-9040.

Article previously published in Coastal Virginia Magazine.

Poultry, cont'd from p. 1

The group strategized about upcoming Accomack County meetings for the Planning Commission and the Board of Supervisors (BoS). CBES Executive Director Donna Bozza noted that CBES was formed as a similar grassroots organization 28 years ago in response to an issue of concern, and encouraged the group, saying "don't listen to the naysayers; they can't serve us if they don't hear us." She coached the attendees about addressing the two boards, noting the 7:00 PM start for the Planning Commission and the 5:00 PM start for the BoS.

A Tale of Two Boards

At the September 14 meeting of the Planning Commission, 14 residents addressed their concerns about the new industrial-scale poultry houses, raising the same issues of air quality, property values, truck traffic, and impacts on groundwater and surface waters. Glen Salmon of Pungoteague asked that "the Planning Commission and BoS take action to gather the necessary data before approving further operations."

At several points during the comments, Chairman David Lumgair, Jr., noted that this is a "by-right use of agricultural land; the state decides, not us." He added, "a year ago we worked to create a new ordinance; the regulations are in place to answer many of the questions being asked. If they tried to stop the new operations," he maintained, "we wouldn't get away with it; they could sue."

County Director of Planning
Rich Morrison reiterated that "the
county ordinance treats these as uses
by-right," and added that this issue
is not currently before the Planning
Commission for approval; he noted
that he would be providing an update
to the BoS at their September meeting. He reviewed the process for
permitting the poultry-house operations, which includes groundwater
and pollution abatement permits from
the Department of Environmental



Accomack County resident Willie Randall speaks to Supervisors at their September meeting, outlining his concerns regarding the number of permitted large chicken houses that are slated to be built in the county. (Photo by Deb Torguson Pollio)

Quality; approval from VDOT; and stormwater construction, soil and water, and building and zoning permits from the county.

At the September 21 BoS meeting, 12 residents spoke to the Board with the same concerns. Jay Ford, Executive Director of the Virginia Eastern Shorekeeper, said that "people want to feel like [the Board is] taking the issue seriously and looking out for the health and welfare of the citizens." He reported that Shorekeeper has partnered with VIMS and the Virginia Seaport in a multiyear study to assess the level of antibiotics in Pungoteague Creek, which could affect naturally occurring bacteria that help to remove nitrogen from the water column.

Ford also described two possible partnerships with engineering firms to address the ammonia issue, with "promising technologies" to "make the poultry litter more profitable." Finally, he noted that EPA is developing emission standards that will be included in total maximum daily load (TMDL) goals for the state. Although the current environment is "highly contentious, it doesn't have to be," he stressed, noting that Accomack is a poultry county, and urging the Board to consider partnering on these proactive studies.

Following an update from Morrison, which focused on the 24-house operation in Pungoteague, Supervisor Donald Hart noted that this could be a "preview of what's coming," and that he has concerns. "We said we were going to fine-tune this; the Planning Commission needs to look again at these."

Hart also noted that the amount of traffic on route 180 to route 13 will be "dangerous; they'll come out through Keller." Hart made a motion, which was not seconded, that the Board request the Planning Commission to "relook at the regulations, to see if they missed anything."

Supervisor Robert Crockett responded that "this is already before the Planning Commission; they can review anything." Hart's motion died, and Crockett's motion to accept the staff report was approved, with two No votes (Hart and Renata Major).

ShoreLine comment: In addition to attending Planning Commission and BoS meetings, as well as work sessions, Accomack residents and stakeholders may wish to contact their representatives on the Board of Supervisors directly: www.co.accomack.va.us/government/board-of-supervisors/member

Eastern Shore Nonprofits Work Together for Health

Submitted by Rachel Evans, Executive Director of No Limits Eastern Shore



"Believe there are no limits but the sky" is an apt slogan for No Limits Eastern Shore in Tasley.

On Coastal Boulevard, in Tasley, VA, there is a place called No Limits, run by No Limits Eastern Shore (NLES). NLES is a nonprofit, brain injury service provider dedicated to improving the lives of survivors of brain injury on the Eastern Shore of Virginia. NLES is funded by State funds, administered by the Department for Aging and Rehabilitation, as well as by private donations. NLES also receives grant funding from the United Way of Virginia's Eastern Shore.

No Limits provides a day program for adult survivors of brain injury. The organization works to help clients reconnect with their community in meaningful ways. Their schedule of activities includes newsletter production, gardening, exercise, cooking, volunteer work, cognitive activities and projects, all designed to strengthen the areas most affected by brain injury. NLES activities are developed and approved by a team of Certified Brain Injury Specialists, with an emphasis on productivity. Clients don't do "busy work" at NLES, they'd rather be "busy working"!

NLES has partnered with Eastern Shore Healthy Communities (ESHC) to evaluate and promote walking trails on the Eastern Shore. ESHC is a coalition that was established in 2009 in order to organize a group of partners dedicated to creating a healthier Eastern Shore.

Through this coalition, mini-grants were awarded to fund the placement of signage along pre-established walking areas/trails, encouraging physical activity. For more information on seven walking areas/trails as well

as to view the maps of their locations, please go to www. eshealthycommunities.org and look for Seven Easy Walks of the Shore, a document prepared by the Walkability Work Group of ESHC in 2016.

No Limits members and staff promote community awareness and use of the trails via their blog as well as in social media. Teams of survivors of brain injury and staff from NLES have been touring the ESHC Walking Trails to assess them for their suitability for people with disabilities. Finalized reports, accessibility guidelines, and the assessment form can be found on the No Limits website at www.nolimitseasternshore.com under the Walking Trails tab.

ShoreLine Comment: NLES welcomes donations and other support, so please contact them for more information on how you or your group can help to promote their programs.

PEDAL TO PROTECT THE SHORE



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Anchorage Off Cape Charles Opens a Can of ...?

By Janet Sturgis

The citizens of Northampton County may not be aware that freighters at anchorage off Cape Charles may legally discharge sewage that has been "treated" by onboard sewage remediation systems. This may be, for some vessels, nothing more than removing visible solids and chlorinating effluent before discharge overboard. Most newer vessels' treatment systems are more advanced and produce a "cleaner" effluent (there are parameters for fecal coliform used as indicators). However, nutrient content is not addressed in online Environmental Protection Agency (EPA) material regarding marine sanitation devices.

Gray water may be discharged with no treatment. Gray water is that waste water generated by shower facilities, galley operations, and laundry, and may have the same levels of coliform and other contaminates as raw sewage. Gray water is often stored in ballast tanks before discharge. In addition to the discharge of dangerous pathogens, oils, etc., the release of ballast water has been associated with the introduction of invasive species into marine and estuarine environments. There are new Environmental Protection Agency (EPA) and Coast Guard requirements associated with the discharge of ballast water, but as of this date, these requirements are difficult to impossible for the general public to ascertain.

Questions have arisen as to the feasibility and effectiveness of the Coast Guard inspection and monitoring of these onboard systems, in this post-9/11 world, as much of the emphasis is in interception and intervention of more serious threats, i.e. terrorism, and Coast Guard resources are stretched thin. To make matters worse, in 2011, Virginia removed the "No Discharge Zone" (NDZ) designation from the main stem of the Bay and the mouths of its major tributaries. According to the website Law360.com, the state's reasoning was that resources could then be concentrated in the protection and remediation of problems in other areas

The Virginia Department of Environmental Quality (DEQ) website suggests a rationale for the amendment cited above: "In 2011, the Virginia General Assembly passed House Bill 1943 and clarified that NDZ designation is premised on the improvement of impaired tidal creeks. NDZs are one component of watershed clean-up plans, or Total Maxiumum Daily Loads (TMDL) implementation plans, designated to address all sources. Marina operators are already required by law to provide for the land-based disposal of boat waste. DEQ and the state strongly encourage public input during the development of clean-up plans and NDZ applications."

According to the DEQ website, petitioners who want the state to designate the area an NDZ must prove the need and show that there are sufficient facilities to handle any waste that would be pumped from onboard holding facilities aboard recreational and commercial vessels. This would appear to be very possible, since Cape Charles has a large sewage treatment system that could treat the waste, and apparently priority can be given to critical shellfish growing areas. The website states, "To secure this designation [under the federal Clean Water Act] for a given water body, the state must demonstrate a) the need for special protection, b) the availability of alternatives to overboard discharge (i.e., pump-outs), and c) local stakeholder support."

The only way to protect our beaches, as well as our valuable shellfish industry, from possible pollution originating from the anchorage relocation to waters off Cape Charles is to petition the EPA, through the prescribed process, to designate these and adjacent waters as an official NDZ. This will require some effort, as it is a long involved process handled through the Virginia DEQ and the EPA. There are currently only three of these zones in the entire state of Virginia: Smith Mountain Lake, Middlesex (Broad and Jackson Creeks and Fishing Bay) and Lynnhaven systems.

As stated on the DEQ website, public input is strongly encouraged during the development of NDZ applications. Concerned citizens can start by contacting their local and state representatives, from Supervisors, to House and Senate members, to the Governor. Please find below a list of links that provide information valuable to making an argument for the NDZ designation, and to draft informed comments/complaints to the Coast Guard, DEQ, and EPA regarding issues that may arise from the proposed Cape Charles anchorage.

/www3.epa.gov/npdes/pubs/vgp_graywater.pdf water.epa.gov/polwaste/vwd/vsdmsd.cfm

www.epa.gov/vessels-marinas-and-ports/vessel-sewage-discharges-statutes-regulations-and-related-laws-and

www.mrc.virginia.gov/regulations/fr398.shtm

www.deq.virginia.gov/Portals/0/DEQ/Water/Guidance/082003.pdf

www.epa.gov/vessels-marinas-and-ports/vessel-sewage-discharges-homepage

www.deq.virginia.gov/Programs/Water/WaterQuality InformationTMDLs/TMDL/NoDischargeZoneDesignations. aspx

www.epa.gov/vessels-marinas-and-ports/vessel-sewage-discharges-marine-sanitation-devices-msds

www.law360.com/articles/228189/va-removes-no-discharge-zone-from-chesapeake-bay

Public Comment Period Clarified for Accomack County

ShoreLine Staff

At the August Accomack Board of Supervisors (BoS) meeting, following comments concerning the 24 industrial-scale poultry houses slated for Pungoteague, Chairman Ron Wolff stated that "by the Board's own rules of public comment, we can only hear comments from agenda items," and that citizens speaking on other topics are "only allowed by grace to speak." County Attorney Cela Burge confirmed that the rules of procedure adopted by the Board at the beginning of each year do include this statement.

At September's BoS meeting, CBES Board member Sue Mastyl addressed this issue on behalf of CBES, stating, "I sincerely hope that this rule is just a carryover from year to year, and that no one has really thought this through before. Perhaps years ago there was a reason to include this, but I can think of none that doesn't involve a suppression and censorship of public input.

"We all understand the hard and laborious work of the Supervisors, and how long and tedious these meetings can be. But in an age where we're already self-filtering our news and our perceptions, it's even more important that those who are running the county government be aware of what the citizens of the County are concerned about, whether it's a pothole on the seaside or a major impact on many county residents

We're looking for a few good pens – and the people to operate them. Your mission: writing articles for *ShoreLine*, monthly or occasionally. Liberal benefits, no salary. Please contact Sarah Morgan at savoystudio@gmail.com for more information.

from these larger, industrial poultry operations, whether it's already on the Supervisors' radar (and therefore on the agenda) or not."

She continued, "It's ironic that Chairman Wolff made these remarks, since he's the only Supervisor who holds regular, monthly meetings with his constituents. If all the Supervisors followed his lead, maybe it would be less critical to leave the public comment period as open as possible. However, in the current environment, we need to let our citizens speak, and not just at the pleasure of the Board or the Chairman, but as our right. We urge the Board to change this rule as soon as practical, and to resist any enforcement of it until it is changed."

Following the rest of the business for the evening, County Administrator Steve Miner acknowledged responsibility for putting the wrong information in the Board's packets concerning public comments, and indicated that the Board had voted in 2011 to formalize the long-standing practice of letting members of the public speak on any topic they chose to address.

We applaud Dr. Miner for correcting this error, and encourage all of our members to bring any of their concerns to the Board at any time.

ShoreLine comment: Also during this discussion, the Board agreed to the expenditure of up to \$2,000 for a speaker system in the hallway, outside of the Board Chambers, to address the overflow of citizens at their meetings. The need for this, and the frequent overflow of attendees at meetings of the Board and the Planning Commission, points out the necessity of Accomack to find a larger, permanent meeting room. Northampton County, with one-third the population, has a Board Chamber two-thirds larger. We would also encourage the Accomack Supervisors to consider pushing back the time for the public comment period; 5:00 PM is not conducive to allowing most working people to speak their concerns to the Board, and for the Board to hear the concerns of fellow citizens.

Join Jim Flowers, Executive Director of VT KnowledgeWorks, for an interactive entrepreneurship workshop.

The Entrepreneurship Option

Thursday, October 27, 2016 9 AM - Noon

Eastern Shore Community College, Great Hall, Melfa, VA

Free: pre-registration required by October 24

Register at www.vtknowledgeworks.com, info@vtknowledgeworks.com or call 540-443-9100 ext. 3

Presented in conjunction with A-NPDC (www.a-npdc.org)

Citizens for a Better Eastern Shore P. O. Box 882 Eastville, VA 23347-0882

REGISTER FOR THE BIKE TOUR NOW!

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SHORELINE

Community Calendar - October 2016

Note: Please verify times and places prior to attending meetings.

CBES and Other Activities

www.cbes.org

Oct 5	VIMS Public Seminar	Accomack County			Northampton County	
Oct 6 - 9	7:30 PM, Wachapreague ES Birding & Wildlife Festival Sunset Beach Resort, Kiptopeke	Oct 5	Board of Zoning Appeals 10 AM, Sup. Chambers	Oct 4	Board of Zoning Appeals Time TBA, Conference Room	
Oct 12	CBES Exec. Committee 5 PM, CBES Office		Planning Commission 7 PM, BOS Chambers	Oct 4	Planning Commission 7 PM, Sup. Chambers	
Oct 13	Shorekeeper Meeting* 3 PM, ES Chamber of Commerce	Oct 18	7 PM, BOS Chambers 9 Board of Supervisors 5 PM, BOS Chambers	Oct 11	Board of Supervisors 7 PM, Sup. Chambers	
Oct 18	CBES Board Meeting 7:00 PM, Eastville	Oct 19		Oct 19	Wetlands Board TBA, Conference Room	
Oct 18	ES Groundwater Committee 10 AM, Accomac	Oct 20	Wetlands Board 10 AM, Sup. Chambers	Oct 24	BOS Work Session 5 PM, Sup. Chambers	
Oct 13	Shorekeeper Forum 6 PM, ES Community College			Oct 25	School Board 5:30 PM, Sup. Chambers	
Oct 22	Between the Waters Bike Tour 7 AM, Wachapreague					
* Alternating between the ES Chamber of Commerce and the Barrier Islands Center						