CITIZENS FOR A BETTER EASTERN SHORE



SHORELINE

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Virginia Population Shifts Continue.... ...Shore Counties Fare Better Than Most Rural Areas

By Mary Miller

On July 1, the 2016 Virginia population estimates were released by the Weldon Cooper Center for Public Service at the University of Virgina

- the official information source for state and local governments and policy makers. As expected, decades- long trends continue - rural areas continue to lose population, sometimes at alarming rates; large cities gain population, often more quickly than schools and other essential services can keep up; and young people continue to leave home for college and other skill training, for the military, and for entry level career-starting jobs. There are some surprises however - Virginia retirees are bucking the national trend of retiring to small cities or university towns and choosing rural communities instead: the state population as a whole is aging faster than it used to; and now almost every single Virginia county saw its 15- to 24-year-olds move to another area.

The Data

- Over the last 10 years, 82 of Virginia's 95 counties aged faster than the state as a whole.
- Every rural county in the state is now older than Virginia's median age of 37.5 years.
- A significant reason for the declining numbers in rural counties is the aging population, which results in fewer births than deaths.
- Over the past five years, 88 of Virginia's 95 counties had

more 15- to 24-year-olds move away than move in to the rural communities.

• 69% of 2015 Virginia high school

Young adults leave rural areas for school, the military, or their first full-time jobs – the pattern in 93% of Virginia's rural counties, a pattern *not* unique to the Shore.

- graduates enrolled in college, many away from their home communities
- In spite of the birth/death ratio, populations remained stable in several rural counties due to the in-migration of 55- to 74-year-old retirees
- The largest in-migration of retirees was to the "ex-urban crescent" west and south of the Washington, DC area, from Frederick County south to Hampton Roads, and to rural Eastern Virginia, specifically to the counties around the Chesapeake Bay

What the Numbers Mean for the Shore

First of all, the raw figures show that over the past five years Accomack's population grew by one-half of one percent—2/3 of this change from in-migration, which was then offset by fewer births than deaths. Northampton on the other hand, lost 2% of its population, almost all of it the result of fewer births than deaths, the result of an aging population. However, both counties had more

people moving in than moving out.

The second population change factor fits the prevailing trends of most of the other rural counties in the state.

Their young adults leave rural areas for school, the military, or their first full-time jobs – the pattern in 93% of Virginia's rural counties, a pattern not unique to the Shore.

Rural counties in western and southside Virginia are being hit especially hard by these trends. Young people are leaving, and the aging-in-place of the remaining population, with the inevitable birth/death disparity, shows many counties losing residents by the hundreds over the past five years.

What's different in the rural counties around the Chesapeake Bay is the growing numbers of retirees permanently relocating to the area – the region is actually leading the state in the increase of this population sector.

Much has been written about retirees preferring to relocate to small cities and college towns. This does not

See **Population**, cont'd on p. 3

Virginia Population Shifts1
EB-5 Visas2
Nitrogen Loading3
Calculating Sea Level4
Keeping Track6
Brownfields Program7
Community Calendar8

EB-5 Visas...Green Cards for Cash Investments

Mary Miller

7B-5 is short-hand for a preferential L'visa program that allows applicants to sink at least \$500,000 in any venture that promises American jobs in rural or low-income urban areas with high unemployment. In return, investors, their spouses and unmarried children under 21, are offered green cards which provide:

- The freedom to live, work and retire anywhere in the U.S.
- Attendance at U.S. colleges and universities at the same cost as US residents
- An optional path to U.S. citizenship in five years

In theory, the program would provide jobs in the areas that need them most – projects must create, or save, 10 full-time jobs. But the government is very flexible with the job count, allowing theoretical job creation in peripheral support industries to be counted, even if the EB-5 investments are only a small fraction of the project funding. With virtually no government financial oversight, the program has attracted financing for

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marginal ventures no bank would ever touch; allowed privately owned, forprofit "regional centers" to become the middle-men; and permitted high end real estate developers to save

In theory, the program would provide jobs in the areas that need them most...

money on financing by using EB-5 visa investments. The program is regulated by the U.S. Citizenship and Immigration Services (USCIS), which is both ill-equipped and not authorized to oversee business plans or securities offerings.

Jobs?

What about investment and job creation in those rural or poor urban areas, regions of high unemployment? Since there is little government oversight for projects, the privately owned "regional centers" fill the role of creating investment districts. By gerrymandering, manipulating and drawing district boundaries, parts of distant poor neighborhoods have been combined with the high-end districts being developed. The "regional centers" are often owned and operated by the real estate developers seeking to raise money through EB-5 visas. Each of these districts, called Targeted Employment Areas, are first approved by the states; bowing to industry pressure, the USCIS policy now is to routinely accept these gerrymandered districts and certify eligibility for EB-5 investments. Jobs may or may not go to local residents; the jobs counted toward the employment requirement might not be part of the project at all.

Projects?

Investment opportunities are marketed at extravagant trade fairs held annually in Asian cities. One called the "Invest in America Summit" last year featured 60 American exhibitors seeking Chinese cash, reported

Fortune magazine. "Because the immigrants care far more about getting a green card than anything else (their families get visas too), they're willing to accept a token financial return" on their \$500,000 investment. "Today the program brings about \$1.8 billion into the U.S. annually."

Although the EB-5 investments often go to fund urban projects, especially hotels and commercial buildings, Targeted Employment Areas have also been created in rural areas. Much of Eastern North Carolina's rural areas are designated as EB-5 investment areas. More than half of Maryland's Eastern Shore farmland is qualified for EB-5 investment. Both these areas are large livestock producers – poultry and hogs. Virginia's Eastern Shore does not appear to have been mapped as a Target Employment Area.

Although it would be interesting to see a list of projects funded by EB-5 investors in return for Green Cards, that information is not publicly available. EB-5 investment projects are securities and can only be offered by a federally licensed broker/dealer. Any published list of projects funded by these investments would contravene Securities and Exchange Commission regulations.

Resources: Fortune magazine online, Los Angeles Times, New York Times, North

Bike Tour Volunteers are --- Wheelie Cool!

Meet fun folks and support "Pedal to Protect Virginia's Eastern Shore." A variety of tasks! Help on Saturday, October 28, CBES 25th **Anniversary Between the Waters** Bike Tour and that evening's Oink & Oyster Roast at Sunset Beach Resort, Cape Charles. Contact us at info@cbes.org or 757-678-7157.

Nitrogen Loading Analysis Shows Potential Harm for Seaside Lagoons

by Sue Mastyl

On August 2, Dr. Mark J. Brush, Associate Professor at the Virginia Institute of Marine Science, presented a study on "Nitrogen Loading and Water Quality

Along the Delmarva." He and his team studied the seaside coastal bays, including three sites in Delaware, six sites in

"Nitrogen has the potential to negatively impact water quality and ecosystem functions..." – Dr. Mark Brush

Maryland, and 16 sites in Virginia, and noted a "general decline in nitrogen loading, and an increase in water quality," in moving from north to south. The implication is that higher population densities and more intensive land use in Delaware and Maryland to the north account for this trend.

Brush reviewed the role of nitrogen in the landscape, including its use in fertilizers and the value of nitrogen-fixing crops. He noted that "nitrogen is typically the limiting nutrient in temperate marine systems." Increased nitrogen loads result in eutrophication, with algal blooms, fish kills, accumulation of phytoplankton, increased seaweed (which can smother sea grass beds), and dead zones. He also noted that studying sediment cores has shown that increased nitrogen is correlated with human arrival in the area.

Brush reviewed the data for nitrogen loads in the coastal bays, noting that this is a very different system from the Chesapeake Bay. The ratio of water volume (watershed:estuary) is 14:1 for the Bay, compared with 1:1 for the coastal bays. For the latter, there is much less input of freshwater, and flushing time is faster (1 to 14 days, versus 8 to 9 months for the Bay). Nitrogen loads were approximately 1, 12, and 20 g/m²/yr for Virginia, Maryland, and Delaware coastal bays, respectively.

He described the model the team developed, to study the effect of land uses on nitrogen loading in the watershed. Nitrogen inputs in the model included row crop agriculture, tomato plasticulture, poultry operations, residential septic systems, atmospheric deposition, and point sources (poultry plants and water treatment plants). Industry and government sources were used for the figures for each input; poultry houses were estimated from 2007 aerial photographs. The results showed little impact from septic systems. The results also shed light on the cycling of phytoplankton, benthic micro algae, and denitrification in the different coastal bays, especially when triggers such as large storm events were added in.

The model also showed responses to different changes in watershed loading. Increases in nitrogen loading of two, four, or eight times led to peak summer blooms of phytoplankton and chlorophyll-A, with species changes that would shade out benthic micro algae. A 16-fold increase in

nitrogen loading would lead to a year-round phytoplankton bloom. It was noted that Accomack County will be experiencing a three-fold increase in poultry production, with

> accompanying increases in nitrogen loading, so these changes could be seen in the near term. Nitrogen, Brush

noted, has "the potential to negatively impact water quality and ecosystem functions, [with] thresholds where the responses get really bad."



Population, cont'd from p. 1

appear to be the case in Virginia. The preference recorded by the demographers at Weldon Cooper show that the 55-to 74-year-old population sector is choosing to relocate to rural areas located within an hour of a large urban area. This group, relocating retirees and the aging local population, will now be driving the demographic changes in rural counties like Accomack and Northampton.

Working with the Changes

An increase in the number of retirees to the area might increase the total population, but the changing age demographic needs to inform long-term planning for the counties. Will the increase in an aging population, and the need for more medical and support services, encourage the non-profit and commercial health care providers to invest more on the Shore? With the increased possibility of fewer school age children, how should governments plan for school infrastructure? Will the economic resources of retirees support a growing entrepreneurial sector of employment for local residents? Perhaps new voices and faces will step up to the plate of public service? How can the newcomers work with local residents and elected officials to create new cultural, educational and recreational opportunities for all who want to participate?

Change is often challenging and sometimes uncomfortable – both for the so-called "come-heres" and the "from-heres." But the numbers are in, the older population sector is growing, change is upon us, and with the thoughtful planning which includes everyone who wants to participate, change can bring the momentum for new possibilities and opportunities.

Hamilton Lomba provided ShoreLine with much of the data for this article. He is a Research and Policy Analyst for the Demographics Research Group at the University of Virginia Weldon Cooper Center for Public Service.

How Is Sea Level Calculated?

by Sue Mastyl

It has been well established that sea levels are rising, and that this rise is expected to accelerate with rising ocean temperatures, melting freshwater glaciers, and slowing ocean currents. Although much has been written about these predictions, less attention is paid to the measurements we already have, showing the increases in sea level to date. Since it's often difficult to perceive these changes over time, especially in the background with rising and falling tides twice a day, it's worth examining the historical data to see where we are.

The National Oceanic and Atmospheric Administration (NOAA) has data (minimum of 30 years) for 142 long-term tidal stations on U.S. coasts. Local mean sea level (MSL) trends in the Mid-Atlantic region (see table) show a rise in sea level from 0.93 feet/century at Tolchester Beach, MD, to 1.95 feet/century at the Chesapeake Bay Bridge Tunnel.

For the two local stations (Wachapreague and Kiptopeke), there are some significant differences. The MSL rise seen at Wachapreague is 50% greater than that seen for Kiptopeke, although there is slightly more confidence for the Kiptopeke data, since the station has been recording data almost twice as long as Wachapreague. This is interesting; with Kiptopeke closer to the meteor impact, one would expect a greater contribution of subsidence, and therefore a higher MSL than that seen on the seaside. However, the subsidence data are based on a single 1974 study; updated data are expected within a year. In addition, five new local stations have come online in Chincoteague, Oyster, Tangier, Saxis, and Bayford, which will help to enhance the quality of the data at the local level.

It's important to distinguish between global sea level rise and local measurements. The surface of the oceans is actually

See Sea Level, cont'd on page 5

		Mean Sea Level Trend		
Station Name	Year Started		Feet/Century	
Cape May, NJ	1965	4.55 ± 0.53	1.49 ± 0.17	
Philadelphia, PA	1900	2.93 ± 0.19	0.96 ± 0.06	
Lewes, DE	1919	3.42 ± 0.24	1.12 ± 0.08	
Ocean City Inlet, MD	1975	5.58 ± 0.92	1.83 ± 0.30	
Cambridge, MD	1943	3.70 ± 0.32	1.21 ± 0.10	
Tolchester Beach, MD	1971	2.84 ± 1.00	0.93 ± 0.33	
Baltimore, MD	1902	3.14 ± 0.13	1.03 ± 0.04	
Solomons Island, MD	1937	3.75 ± 0.24	1.23 ± 0.08	
Wachapreague, VA	1978	5.38 ± 0.79	1.77 ± 0.26	
Kiptopeke, VA	1951	3.61 ± 0.33	1.18 ± 0.11	
Colonial Beach, VA	1972	4.89 ± 0.97	1.60 ± 0.32	
Lewisetta, VA	1970	5.19 ± 0.65	1.70 ± 0.21	
Gloucester Point, VA	1950	3.81 ± 0.47	1.25 ± 0.15	
Sewells Point, VA	1927	4.61 ± 0.23	1.51 ± 0.08	
Portsmouth, VA	1935	3.76 ± 0.45	1.23 ± 0.15	
Chesapeake Bay Bridge Tunnel, VA	1975	5.94 ± 0.74	1.95 ± 0.24	
Duck, NC	1978	4.53 ± 0.74	1.49 ± 0.24	
Beaufort, NC	1953	3.00 ± 0.36	0.99 ± 0.12	
Wilmington, NC	1935	2.27 ± 0.35	0.75 ± 0.11	
Charleston, NC	1901	3.24 ± 0.20	1.06 ± 0.06	

Observed MSL trends through 2016 at selected tide gauges in the Mid-Atlantic region. Values are shown ± 95% confidence interval (stations with more years of data will have a narrower confidence interval). For ease of viewing, stations with a MSL trend > 1.49 ft/century are shaded. From NOAA Tides & Currents (https://tidesandcurrents.noaa.gov/sltrends/mslUSTrendsTable.htm).

Sea Level, cont'd from p. 4

not flat, and is also not changing at the same rate everywhere. Global sea level refers to the average height of all the oceans; since 1992 this has been measured by satellite altimeters. Local sea level is measured at specific tide stations along the coast, relative to stable vertical points on the land (benchmarks). Because both the water and the land are changing (eg, subsidence, glacial rebound), the local MSL trends can vary greatly from each other and from global trends.

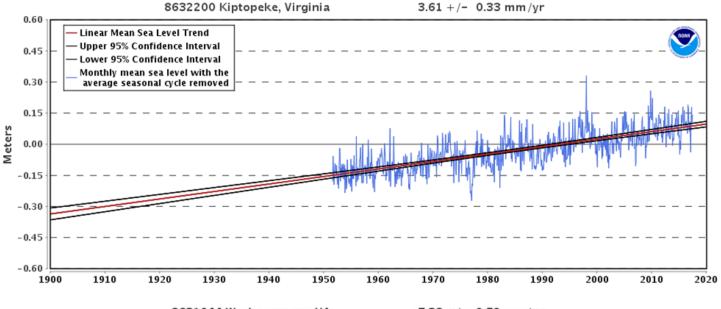
Mean sea level is also one of several tidal datums, which refers to a "standard elevation defined by a certain phase of the tide" (such as mean high water, mean low water, mean range of tide). Tidal datums are limited to local waters, and can't be extrapolated to areas with different oceanographic characteristics without adjustments. Tidal datums are used

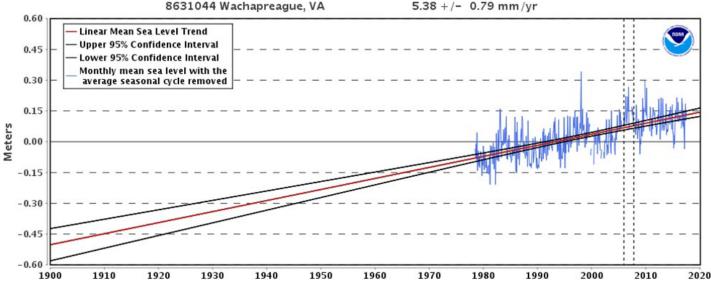
for establishing land elevations and territorial sea and high seas boundaries. Relationships between tidal datums and other points on land are established "by connecting tidal benchmarks to the National Spatial Reference System maintained by the National Geodetic Survey."

Because sea level is rising, the question arises as to how elevations can be calculated if the reference point itself is changing. To accommodate global sea level rise, the National Ocean Service has adopted a 19-year National Tidal Datum Epoch (NTDE), to establish a time frame to calculate the means for each tidal datum to serve as the current reference. The current NTDE is 1983 to 2001; this is actively considered for revision every 20 to 25 years.

Source: NOAA Tides & Currents (https://tidesandcurrents.noaa.gov/datum_options.html)







MSL trends for Kiptopeke and Wachapreague stations, plotted relative to the current 19-year reference period (1983-2001) for the National Tidal Datum Epoch (0.00). Dashed vertical lines (Wachapreague) represent a period of questionable data. From NOAA Tides & Currents (https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=8632200; https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=8631044).

Keeping Track

Bridge-Tunnel Work to Start

The CBBT Thimble Shoal tunnel project will break ground in September and the excavated material will start to be deposited in the Wagner site just south of Eastville. The Special Use Permit application states: The material coming from the Thimble Shoal tunnel project will be in two stages, the first being removal of material from the two islands in order to stage the tunnel boring machines. This initial stage will produce 60,000 - 80,000 cubic yards which would be brought on site this summer. The tunnel boring is proposed to start in January 2019 and the remaining fill will be a result of the boring from that stage of that project.

An informative article in the July 27, 2016 online edition of WAVY.com includes a lengthy video about the tunnel boring machine to be used in excavating the tunnel (http://wavy.com/2016/07/27/new-parallel-tunnel-to-be-built-at-the-thimble-shoal-channel/). The video includes a short discussion of materials to be injected into the excavated materials to facilitate the creation of a slurry – materials include water, foam and unnamed chemicals.

The permit application also states that the project will be regulated by the State Department of Mines, Minerals and Energy which conducts "regular scheduled inspections." The county's Special Use Permit includes this condition: "Credible, reliable evidence that the material is not hazardous in any way to water quality or groundwater, based upon approval or confirmation by DEQ of compliant material." The assumption is that the reliable evidence will be based on DEQ testing of the excavated material from the boring, of any chemicals added to the slurry, and of the materials removed from the island surfaces for a staging area.

E-Recycling Is Back

In the January 2017 ShoreLine, we reported that electronic household items were no longer being accepted at the Fishers Corner convenience center (Parksley) in Accomack County. Fortunately, this service has been restored. They're accepting computer equipment (computers and laptops, printers, ink cartridges, monitors, keyboards and mice, power supplies, electrical cords, speakers, scanners, dump terminals, servers, cell phones and chargers, and gaming consoles), satellite receivers, dish antennas, office equipment (fax machines, copiers, ink cartridges), small electronics (radios, clocks, stereos), air conditioners (including fully charged units), and flat panel TVs.

Northampton Stakeholders Group Convened

The Planning Commission has been reviewing and revising the county's Comprehensive Plan since 2012. The members of Plan Review Stakeholders Group, revised in 2014, then again in 2017, have been notified that they

will have received a completed draft of the Plan by the end of August. The Plan was presented by the Planning Commission; no organized community input meetings had been held. One Stakeholders meeting will be scheduled in September and all final Stakeholders' comments must be submitted by September 25. The original goal of the Plan Review Stakeholders Group was to ensure that all cross-sections of the community had someone at the table - as the plan was being drafted - who would represent the towns and villages, education, small businesses, retirees, the farming and aquaculture industries, tourism, newcomers, young people and the diverse population of the county. Many of the original Stakeholders are no longer active in the county, so it is unclear if all community sectors will continue to be represented. No Public Hearing date has been announced.

New Laws

Interesting laws that went into effect on July 1, 2017:

Civil Law HB 1941/SB 1413. Among other provisions, the law makes citizens immune from claims of defamation for statements made at a Public Hearing of any local government entity ie. Board of Supervisors, Planning Commission, Board of Zoning Appeals, etc. The law does not apply if the statements are known to be false, or if there is reckless disregard for whether or not the statements are false.

Dogs and Cats SB 856. This new law allows a local governing body to provide for a lifetime dog or cat license. The law removes the minimum annual tax and sets the lifetime license fee at \$50.

Hunting HB 1939. This law allows hunters to choose between blaze orange or blaze pink hunting apparel when required during deer hunting seasons.

Traffic Control HB 2201. Driving slowly in a passing lane can now result in a fine of at least \$100 for a traffic ticket. Starting July 1, police will enforce rules that require drivers to travel in the right lanes of highways except when passing other traffic. That means drivers who use the left lane for any means other than passing another vehicle or preparing for a left turn could face a fine. The Bill clarifies that where there are multiple lanes available, the right lanes are for traffic that is moving at less than the normal speed of traffic at the time.

County Asserting Control Over Boat Ramp

A landowner in Hacksneck, Tucker Terry, has been dumping gravel on the Hacksneck county boat ramp on Back Creek, claiming that his recent purchase of the property included the end of county road 759 and the boat ramp

Keeping Track, cont'd from p. 6

itself. According to Stewart Hall, Director of Public Works for Accomack County, disputes over this property go back many years, but the county's research shows clear title to the property back to the 1940s. Papers were served to the property owner on July 19 to cease and desist, and to restore the county boat ramp to its original condition. On August 1, he was issued a warrant for assault and battery in an incident involving a fellow waterman, Matthew May. On August 2, he installed poles on either side of the boat ramp connected with a chain, which the county promptly removed. 2

RAFFLE TO WIN "Between the Waters" Original Painting

You don't have to be a cyclist to claim this remarkable painting by Shore artist Bethany Simpson, who is featured in the Sept/Oct issue of *Coastal Virginia Magazine*.

"It's a landmark 25th year for our bike tour, an event that started to get folks thinking about how



ecotourism could be a sustainable industry on the Shore," said CBES President, Arthur Upshur. "Bethany's work draws attention to what CBES works to protect, and does so in a uniquely beautiful way."

Capturing a quintessential Eastern Shore scene in Bethany's vibrant Coastal Folk Art style, this 16 x 20 inch original is ready to adorn your home. Raffle Tickets: \$20 per chance or 3 for \$50. Purchase online at www.cbes.org or send check to CBES, P.O. Box 882, Eastville, VA 23347. All proceeds support Pedal to Protect Virginia's Eastern Shore.



Northampton Brownfields Program

Staff Report

In a project proposed by new County Administrator Charles Kolakowski, Northampton County will begin to address the issue of whether or not many of the old industrial/commercial so-called "brownfield" sites in the county need to be cleaned up before they can be redeveloped.

The Environmental Protection Agency (EPA) defines a brownfield as "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant." Over the years both EPA and Virginia DEQ have identified several brownfield sites in the county, and their often-outdated websites indicate various, sometimes conflicting, assessment and clean-up details.

Help Is Available

The county has issued a Request for Qualifications for Professional Consulting Services to identify and assess sites and secure and administer Federal and state grants to support the program. According to Mr. Kolakowski, who has previous experience in this field, in his July 11 Report to the Board of Supervisors, he provided information on opportunities for funding and other assistance to localities:

"The EPA offers grant funding to assist localities with brownfields studies in order to encourage redevelopment of abandoned and vacant buildings. The program seeks to remove uncertainty about the environmental issues in order to facilitate a sale or development. The funds can be used for public or private facilities. There are no matching funds required. The firm receives compensation from any work which is generated by a successful grant proposal. There is no direct cost to the locality....

"The Virginia DEQ has a brownfields program which also seeks to encourage redevelopment of brownfield properties. This program is more site specific to more particular properties. It also allows for some of the funding to be used for actual environmental abatement and planning process. It does require a 1:1 match from the locality but the match requirements can be met in non-cash ways to some degree."

The goal of the Brownfields Program is to remove the uncertainty of environmental issues at existing sites, including both the buildings and the surrounding property, many of which have some infrastructure in place, so that they can be marketed and redeveloped as viable commercial and industrial properties.

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

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Community Calendar - September 2017

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

CBES and Other Activities		Accomack County		Northampton County	
Sept 6	VIMS Public Seminar 7:30 PM, Wachapreague	Sept 6	Board of Zoning Appeals 10 AM, Sup. Chambers	Sept 5	Board of Zoning Appeals 1 PM, Conference Room
Sept 14	Shorekeeper Meeting* 3 PM, Barrier Islands Center	Sept 12	School Board 7 PM, Sup. Chambers	Sept 5	Planning Commission (PC) 7 PM, Sup. Chambers
Sept 19	ES Groundwater Committee 10 AM, Accomac	Sept 13	Planning Commission 7 PM, Sup. Chambers	Sept 12	Board of Supervisors 7 PM, Sup. Chambers
Sept 19	CBES Board Meeting 7:00 PM, Eastville	Sept 20	Board of Zoning Appeals 10 AM, Sup. Chambers	Sept 20	Wetlands Board TBA, Conference Room
* Alternating between the ES Chamber of		Sept 20	Board of Supervisors 5 PM, Sup. Chambers Wetlands Board 10 AM, Sup. Chambers	Sept 20	PC Work Session 7 PM, Sup. Chambers
Commerce and the Barrier Islands Center	Sept 28	Sept 25		BOS Work Session 7 PM, Sup. Chambers	
				Sept 26	School Board 5:30 PM, Sup. Chambers

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