

CITIZENS FOR A BETTER EASTERN SHORE

SHORELINE

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

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Health Rankings for Accomack & Northampton

By Mary Miller

The "County Health Rankings and Roadmaps," which annually measures the health of every county in the United States, has released its 2014 rankings. The Virginia statistics were presented to the Northampton County Board of Supervisors in July, and the Accomack County Board has most likely received the report as well by this printing. The rankings are funded by the Robert Wood Johnson Foundation and published by the University of Wisconsin's Population Health Institute. Neither Accomack nor Northampton ranked well.

In the report, health "Outcomes" are measured equally by mortality (length of life) and morbidity (quality of unhealthiness). Outcomes are further measured by things like tobacco and alcohol use, premature death, diet and exercise, access to healthy foods, obesity, sexual activity, access to health care and the quality of care.

Health "Factors" are measured by social and economic factors. Factors are further measured by the education and employment levels of the community, income, family and social support, community safety and environmental quality.

All these statistics are compiled and published in a state-by-state report which then compares communities within each state, and then each community to the state as a whole. The report hopes to help low ranking communities identify the root causes of poor health and understand that much of what affects health happens beyond medical care. That understanding may create support for public policy changes that encourage better health. Poor health of a locality affects the quality of life for the whole community – everything from the costs and availability of health care, school success and the state of a work force to the ability to attract economic development.

As in previous reports, the more isolated rural counties ranked lowest in the state in terms of both health "outcomes" and health "factors." In Virginia, counties in the far western end of the state, the Southside, the Eastern Shore and some counties on the Western Shore and cities in those regions faired worst. Both Accomack and Northampton counties continue to rank among the least healthy communities in the state. Out of 133 localities (with the higher numbers identifying the *less* healthy localities), Accomack ranked #99 and Northampton ranked #97. Since 2010, when the first rankings were published, there have been minimal improvements for both counties but not enough to demonstrate significant health improvement strides.

What causes or contributes to the persistent and intractable poor health rankings for the Eastern Shore?

By comparing counties within Virginia, health factors such as adult obesity, physical inactivity, sexually transmitted infections and teen births were found to be much higher for both Shore counties. Why are these markers important?

Obesity and physical inactivity. "Obesity is often the result of an overall energy
imbalance due to poor diet and limited physical activity. Both adult obesity and
physical inactivity increase the risk for health conditions such as coronary heart
disease, type-2 diabetes, cancer, hypertension, dyslipidemia, stroke, liver and gall-

"County Health Rankings," Cont'd from p. 1

bladder disease, sleep apnea, respiratory problems, osteoarthritis, cardiovascular disease and premature mortality. In addition, physical inactivity at the county level is related to health care expenditures for circulatory system diseases." Obesity and physical inactivity rates on the Shore are among the highest in the state.

- Sexually transmitted infections (STI). "STIs are associated with a significantly increased risk of morbidity and mortality, including increased risk of cervical cancer, involuntary infertility and premature death. They also have a high economic burden on society. A high incidence of chlamydia (the measurement used in the rankings) is associated with unsafe sexual activity." Incidence rates for the Shore counties are almost 70% higher than the state average.
- Teen births. "Evidence suggests teen pregnancy significantly increases the risk of repeat pregnancy and of contracting a sexually transmitted infection, both of which can result

in adverse health outcomes for mothers, children, families and communities. Pregnant teens are more likely than older women to receive late or no prenatal care, have gestational hypertension and anemia and achieve poor maternal weight gain. Teens are also more likely than older women to have a pre-term delivery and low birth weight baby, increasing the

risk of child developmental delay, illness, and mortality." Teen births are twice as high in both counties on the Shore than the state average.

In addition to the high risk for poor health factors cited above, other circumstances contribute to the low health

rankings of both Accomack and Northampton counties.

• Lack of insurance. "Lack far more likely than those with insurance to report problems care. One-quarter of adults without coverage (25%) say that they went without care in

of health insurance coverage is a significant barrier to accessing needed health care. The Kaiser Family Foundation released a report in October. 2013, that outlines the effects insurance has on access to health care. One key finding was that 'Uninsured people are [in] getting needed medical the past year because of its cost, compared to 4% of adults with private coverage." The number of uninsured on the Shore is 50%

higher than the state average. • Children in poverty. "Poverty can result in an increased risk of mortality, prevalence of medical conditions and disease incidence, depression, intimate partner violence and poor health behaviors. While negative health effects result-

See "County Health Rankings," Cont'd on page 3

A Sample of Virginia Health Rankings from the 133 city and county jurisdictions of the state. (#1 is best and #133 is worst.)

Health Outcomes

(Mortality & Morbidity)

The Best:

#1 Loudoun County #2 Fairfax County #3 Arlington County

#4 Albemarle County

#5 York County

The Eastern Shore counties rank in the Bottom 25%:

#97 Northampton County #99 Accomack County

The Worst:

#129 Martinsville City #130 Dickenson County

#131 Buchanan County

#132 Tazewell County

#133 Petersburg City

#129 Danville City

Health Factors

(Socio-economic factors)

#1 Arlington County

#2 Loudoun County

#5 Falls Church City

#111 Accomack County

#113 Northampton County

#3 York County

#4 Fairfax County

#130 Martinsville City #131 Emporia City

#132 Hopewell City #133 Petersburg City

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Public Library Bond Referendum

By Lynn Badger

n Tuesday, November 4th, the voters of Accomack County will have the opportunity to support the Eastern Shore Public Library. There will be a bond referendum to provide funding for a new main library to replace the outdated building in Accomac. This 50 year old facility meets less than half of the Virginia State Library standards. It is crowded, has no private space for computer use or training and does not have adequate parking or handicap accessibility.

A new library will provide better access to technology, more Wi-Fi access and more public-use computers. It will also have multi-purpose areas for tutoring, homework and computer classes, and job training and work skills development classes and seminars. In addition, the Eastern Shore room will be better able to preserve the Eastern Shore's rich historical and cultural heritage information. Since the library provides services to the Cape Charles, Nassawadox, and Chincoteague branches, a new main library will also be able to provide better support throughout Accomack and Northampton counties.

For more information, please visit: www.VoteYesLibrary.com



ing from poverty are present at all ages, children in poverty experience greater morbidity and mortality than adults due to increased risk of accidental injury and lack of health care access. Children's risk of poor health and premature mortality may also be increased due to the poor educational achievement associated with poverty." The number of children living in poverty on the Shore is double the state average.

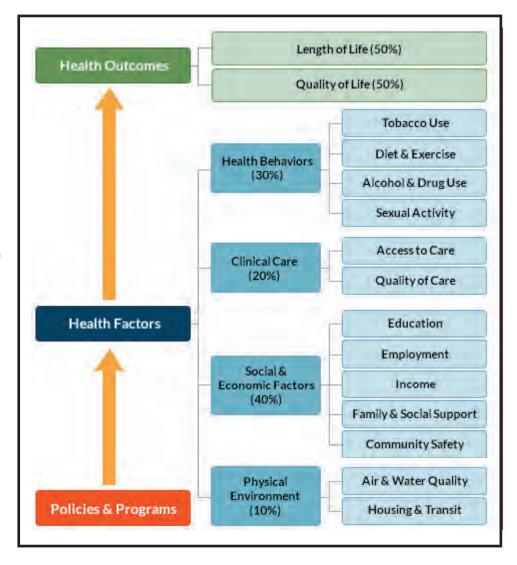
• Children in single parent households (with male or female head of household but no spouse present). "Adults and children in single-parent households are at risk for adverse health outcomes such as mental health problems (including substance abuse, depression, and suicide) and unhealthy behaviors such as smoking and excessive alcohol use. Children in single-parent households are at greater risk of severe morbidity and all-cause mortality then their peers in twoparent households." The number of children in single-parent households on the Shore is 40% higher than the state average.

Is there any good news in the Shore's health picture?

Yes, a little. The incidence of violent crime on the Shore is almost 10% less than the state average. And diabetic and mammography screening is equal to the rest of the state.

"The Health Rankings information makes it possible for [low ranking] communities to see the health problems they face. Access to health care is only one piece of the puzzle for helping people stay healthy. The conditions that influence health in our neighborhoods and our schools are just as important."

Several tools for community action to improve health outcomes are discussed on the website noted below. Learning healthy eating patterns, access to nutritious food, serving healthy food in school meal programs, nutritional counseling and education, physical activity in and out of school, recreational opportunities and facilities, relationship and early parenting counseling, access to health insurance, addressing the causes of childhood poverty, and programs to decrease alcohol and tobacco use all require community, government and personal cooperation. Each county's health problems have been documented – the tools are available to get started on solutions.



Author's Note. Complete 2014 health rankings by county, including sources, resources and explanations of measurements can be found at: www.countyhealthrankings.org.

ShoreLine Comment. Unfortunately, the health rankings described above reflect other demographic factors that we've written about before. The weakest counties and cities in Virginia from a population, education, business, economic development, and now, health perspective are in a band across the southern tier of Virginia counties that includes the Eastern Shore. The strongest counties and cities are in central and northern Virginia. This realization should help to inform and focus both state and local efforts to deal with these problems – but no one really seems to be paying attention. And small counties like Accomack and Northampton are left to deal with these problems on their own with insufficient leadership and support.

The Public Trust Doctrine and The Shore's Marine Waters

By Vic Schmidt

In essence, the Doctrine provides the

States with not only the authority to exer-

cise stewardship over marine waters and

other natural resource assets but also the

responsibility to protect these resources.

This article is reprinted from an earlier issue of ShoreLine. The current editorial board thought that it would be a useful reference in the continuing discussion of Northampton's zoning ordinance revision and what the county's responsibilities are in protecting the county's tidal waters and the businesses dependent upon them.

The term "Public Trust Doctrine" will probably be interpreted by many as some arcane law dredged up from a dusty law book. But when typed into an Internet search engine the term produces over 800,000 references. What is this seemingly obscure Doctrine? One writer offers the following definition:

"The Public Trust Doctrine provides that public trust lands, waters and living resources in a

State are held by the State in trust for the benefit of all the people and establishes the right of the public to fully enjoy public trust lands, waters and living resources for a wide variety of recognized public uses. The Public Trust Doctrine is applicable whenever navigable water or the lands beneath are altered, developed, conveyed or otherwise managed or preserved."

The concepts of this Doctrine incorporated into federal and state constitutions and law also set limitations on the States, the public, and private owners, and perhaps most important, establish duties and responsibilities of the States for protecting and managing these public assets.

The Public Trust Doctrine has been recognized and affirmed by the United States Supreme Court, the lower federal courts and State courts from the beginning days of this country to the present. In essence, the Doctrine provides the States with not only the authority to exercise stewardship over marine waters and other natural resource assets but also the responsibility to protect these resources. To the average citizen this may not be really big news, but because of the increasing number and variety of public trust issues being decided by the courts, the Public Trust Doctrine has been characterized as a sleeping giant beginning to arise.

One organization paying considerable attention to the Doctrine is the Coastal States Organization (CSO). Since 1977, the CSO has represented the Governors of the nation's coastal and Great Lakes states, Commonwealths and Territories on issues relating to the improved management of coastal development and the protection of coastal resources. The CSO in 1997 issued a report prepared under contract with the US National Oceanic and Atmospheric Administration (NOAA) entitled *Putting the Public Trust Doctrine to Work*. The report is in book form and covers a wide range of issues related to the Doctrine including coastal zone management, the "takings" doctrine, agency responsibilities and innumerable case histories. It is indeed a

most valuable reference for planners, regulators and managers of coastal resources.

The Doctrine has a long history, even pre-dating English law. In the United States, as early as 1820, there was a case involving a New Jersey waterman accused of trespass while gathering oysters, which reached that state's Supreme Court. The Court upheld the waterman's right to gather shellfish

on bottom land held in trust for the public by the State. Subsequently the Doctrine has been the basis for securing public access to seashores across beaches where beach front owners had previously prohibited trespass.

More recently, the Doctrine has had application in winning monetary damages from polluters of public trust waters. One high profile case involved

the \$1 billion suit won against Exxon Corporation for the Alaska Exxon Valdez oil spill, and a second case evaluating the Hudson River where the General Electric Company had been accused of discharging toxic PCBs into the river.

In June of 2000, the Waterkeeper Alliance and the North Carolina Riverkeeper organizations filed a lawsuit in North Carolina Superior Court against all of Smithfield Food's North Carolina hog farming operations, invoking the state's nuisance laws and the Public Trust Doctrine to halt pollution of waterways.

In the state of Washington, the Supreme Court upheld an ordinance banning the use of noisy motorized personal watercraft on all marine waters and one lake in San Juan County, noting that the ordinance was not in violation of the Public Trust Doctrine.

In a case involving the Sierra Club, South Carolina's Supreme Court held that the Coastal Council's decision to permit the construction of 36 docks did not violate the Public Use Doctrine because the docks would not substantially impair marine life, water quality or public access.

In Virginia the Public Trust Doctrine is embodied in the State's Constitution adopted in 1979 that states:

"... it shall be the policy of the Commonwealth ... to protect its atmosphere, lands, and waters from pollution, impairment or destruction, for the benefit, enjoyment and general welfare of the people of the Commonwealth" and that "the natural oyster beds, rocks and shoals in the waters of the Commonwealth shall not be leased, rented or sold but shall be held in trust for the benefit of the people of the Commonwealth" [the so-called Baylor grounds].

The Chesapeake Bay Preservation Act (CBPA), approved by the General Assembly in 1988, is an extension of the Public Trust Doctrine. This Act places the primary responsi-

"Public Trust Doctrine," Cont'd from p. 4

bility for implementing and enforcing the provisions of the Act on the 84 Tidewater-region local governments including Accomack and Northampton counties. The localities meet this responsibility by developing and implementing their own local programs – usually by adding appropriate provisions to their zoning ordinances.

In counties like Northampton and Accomack where aquaculture and water-based recreational activities are such a major component of their economies, the protection of their high quality marine waters, a public trust responsibility, is of paramount importance. State agencies and local government try to exercise stewardship with the limited resources available to them, however, sedimentation and non-point source pollution continue to adversely impact the bayside creeks.

In lower Northampton County, it has been necessary for Cherrystone Aquafarms, one of the county's largest businesses, to haul water from the seaside to its clam hatchery at King's Creek on the bayside because the bayside creek water is unsuitable for the hatchery. And the closure of shellfish grounds in Plantation Creek, once one of the most productive creeks for shellfish, was required by the Division of Shellfish Sanitation. Both are further indications that sources of water quality problems are in need of additional attention.

Just how far the scope of the Public Trust Doctrine can be extended is an open question. There does appear to be a developing trend, attributed to increasing citizen interest in natural resources, which is expanding the scope of the Doctrine to include coastal zone management areas and even well-defined ecological systems. Two court decisions in New York are examples of the expansion trend. In one instance the Court declared that, "the entire ecological system supporting the waterways is an integral part of them and must necessarily be included within the purview of the trust." The Court was calling for protective measures against actions which would degrade the public trust resource, the waterway.

In the case of W. J. F. Realty Corporation and Reed Rubin vs. the State of New York, the New York State Supreme Court, Suffolk County upheld the Long Island Pine Barrens Act against a "takings" challenge by highlighting the Public Trust Doctrine. The decision was handed down on April 22, 1998, Earth Day. Briefly stated, the Pine Barrens Act is a comprehensive planning law that established a 50,000 acre protected preserve surrounded by a 50,000 acre managed growth area. Justice William L. Underwood's decision includes an analysis of the common law and he concludes that, "Contrary to popular misconception, the Common Law did speak on the subject of environmental regulation." He concludes his analysis by declaring that: "In enacting environmental mandates (as in protecting the right of property), we are merely discharging our obligation under the societal contract between 'Those who are dead, those who are living and those yet to be born' (Edmund Burke)... This generation's duty has been discharged merely by setting aside this and for their [e.g., for future generations] use under the doctrine of the Public Trust."

Citizens, commercial aquaculture producers, recreational fishermen and public officials who have a deep interest in the maintenance of high quality water standards for the Shore's

marine waters and who are concerned about the future of two of our most important local industries have the assurance that a recognized Doctrine exists that provides a solid legal foundation to protect this valuable natural resource.

Author's Note. This article relies heavily upon several references: an article, "An Introduction to the Public Trust Doctrine," by Paul M. Bray of the Government Law Center at Albany Law School in Albany, New York; a book, *Putting the Pubic Trust Doctrine to Work*, published by the Coastal States Organization; and numerous articles posted on the internet.

ShoreLine Comment. Readers should be aware of one caveat – the public trust doctrine does not exist as a discrete piece of specific text. It exists as a concept embodied in English common law and in even earlier legal codes going back to the Roman Empire. That concept is now incorporated into many modern constitutions and laws. While laymen often would like to see a specific text, in fact, it varies from one state to the next. As the US Supreme Court said in an 1894 case: "... Each State applies the doctrine to the lands under the tidal waters within its borders according to its own views of justice and policy. ... Great caution, therefore, is necessary in applying the precedents in one State to cases arising in another." But that doesn't make the public trust doctrine any less real or meaningful – it just makes it a little harder to understand and "enforce."

Waterway Guardian Awards

By John Ordeman

The Virginia Eastern Shorekeeper (VES) presented Waterway Guardian Awards to three men who have made significant contributions to efforts to protect, restore and improve our tidal waters at the organization's annual Clamboree on August 16 at the Eastern Shore Yacht and Country Club. The award, a David Turner bronze sculpture of a black skimmer, is made by the VES Board to people and organizations working on the Eastern Shore whose actions have been a positive force in protecting clean water and other natural resources.

The first recipient of this year's awards was the Hon. Ralph Northam, who served as our district's State Senator for seven years before being elected Lieutenant Governor last fall. During his years in the Senate, Dr. Northam led successful efforts to ban phosphorus in lawn fertilizers and to retain restrictions on uranium mining and winter dredging of crabs; and he spearheaded efforts to put catch limits on menhaden. He served on the climate change commission and the sea level rise commission and was a leading opponent of off-shore drilling. His work for the Chesapeake Bay has been unparalleled by any other Virginia legislator, and he continues to promote efforts to protect the Bay from contamination and to promote a greater understanding of the consequences of climate change.

Steve Parker, who recently retired as Director of the Virginia Coast Reserve of The Nature Conservancy, for which he served as Conservation Project Manager for more than two decades, was the second recipient of a Waterway Guardian Award. During his years on the Shore, Parker developed partnerships with NASA-Wallops, the University of Virginia and various federal, state and

See "Waterway Guardian Awards," Cont'd on page 6

Land use assessment taxation — What it is and what it isn't

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Seventy-six counties and 18 cities in Virginia employ land use assessment taxation for land being used for farming, forestry, open space or all of the above. Eligible land enrolled in a locality's land use assessment program is taxed on its use value, as opposed to its fair market value.

While it's a common practice, it's sometimes misunderstood. "Land use taxation is not a tax break; rather, it's a tax deferral program," said Trey Davis, assistant director of governmental relations for Virginia Farm Bureau Federation. "Participating counties defer a landowner's taxes based on fair market value in exchange for the landowner keeping that land in use for farming or forestry or as open space. At the same time, if a participating landowner sells his or her land or discontinues the agricultural activity on it, the county can collect those deferred taxes plus interest for up to five years."

In addition, the landowner continues to pay [taxes at full] fair market value on his or her home site and other non-eligible land. "My taxes are no different from anyone else's," said Chesterfield County cattle producer Howard Nester, Jr., of real estate taxes on his home in the county. His land that is used for farming, however, is taxed based on its value as farmland. So is a neighbor's land on which Nester grows hay.

"Waterway Guardian Awards," Cont'd from p. 5

local agencies to create strategies to address issues associated with increased sea levels and storm and disaster problems. He served several terms a board member and officer of CBES, and he has been an authority, a spokesman and a leader in all matters pertaining to conservation, ecology and the quality of life on the Eastern Shore.

The author of numerous books on the natural resources of the Eastern Shore, Curtis Badger was the third recipient of a Waterway Guardian Award. Badger's books promote the beauty and the value of the barrier islands, salt marshes, mudflats, seaside and bayside creeks and the wonderful variety of creatures that depend on these coastal ecosystems. A Natural History of Quiet Waters – Swamps and Wetlands of the Mid-Atlantic Coast highlights the importance of these under-appreciated places. Among his other publications are Salt Tide, The Wild Coast, Bellevue Farm, A Naturalist's Guide to the Eastern Shore and Virginia's Eastern Shore: A Pictorial History. Badger's writings have educated, enlightened, inspired and entertained; and they have been a powerful force for the current and future protection and preservation of the lands and waters of the Virginia Eastern Shore.

Virginia Eastern Shorekeeper will welcome nominations from the public for the 2015 Waterway Guardian Awards, which will be presented at next year's Clamboree to the recipients selected by the VES directors.

That can make a difference for farmers in a county like Chesterfield, which has seen significant development in recent decades. "It helps control growth. It doesn't force people into selling their property when the real estate values go up on adjacent lands," Nester said. "You're talking about people selling land who really don't want to sell it."

Nester noted that land use assessment also encourages farmers to invest in their business by providing some tax relief. "People actually take better care of that land" to keep it profitable, he explained.

Another benefit of land use assessment is its ability to maintain a positive net impact on local revenues, Davis said. "Keeping open land from being developed helps hold taxes down, while building on it increases the demand for community services and, ultimately, increases taxes."

Nester agreed. "Cows don't need school buses, and they don't need police and fire (services)," he said. According to studies by the American Farmland Trust, residentially developed land requires \$1.11 to \$1.26 in services for every \$1 paid in taxes; open space requires 15 cents to 80 cents. Additionally, Nester said, that open land helps preserve air and water quality, offers recreational and scenic benefits and in some instances serves as a source of local foods and other farm products.

Nester serves on the Chesterfield County Agricultural and Forestry Committee, which advises the county's Board of Supervisors, and is president of the Chesterfield County Farm Bureau. The county has a considerable amount of niche agriculture, grain and hay production, horse farms and commercial forest land, he noted, and the county Farm Bureau strives to make sure elected officials and the public realize why land use assessment is important.

"A lot of new candidates coming in don't understand it. We try to educate people as to the benefits of it."

N.B. For a list of Virginia localities using use values for agricultural and forest lands, please see page 7.



Ralph Northam (left) and Curtis Badger (right) are congratulated for their Shorekeeper Guardian Awards by the ES Shorekeeper, Jay Ford. Photo credit: Ken Schultz

Virginia localities currently using land use value assessment

Counties

Counties	King George		Cities		
Accomack	King William		Buena Vist	а	
Albemarle	Lancaster Loudoun		Chesapeal	ке	
Alleghany	Louisa		Danville		
Amelia	Madison		Franklin		
Amherst	Middlesex		Fredericks	burg	
Appomattox	Montgomery		Hampton		
Augusta	Nelson		Harrisonbu	irg	
Bath	New Kent*		Lynchburg		
Bedford	Northampton*		Manassas	014/0	
Bland	Northumberland		Newport N Petersburg		
Botetourt	Nottoway		Radford		
Campbell	Orange [°]		Roanoke		
Caroline	Page		Staunton		
Carroll	Pittsylvania		Suffolk		
Chesterfield	Powhatan		Virginia Be	ach	
Clarke	Prince Edward		Waynesbo		
Culpeper	Prince George		Wincheste		
Cumberland	Prince William				
Dinwiddie	Pulaski				
Essex	Rappahannock			county's use of	
Fairfax	Richmond		Forestal D	istricts (AFDs)	rather than a
Fauquier Floyd	Roanoke		use value p	rogram. While	AFDs are based
Fluvanna	Rockbridge		on a separa	ate ordinance, en	nrolled land is
Franklin	Rockingham			nd use rates.	
Frederick	Russell		001100 00 101	ia ase iaves.	
Giles	Shenandoah		ShoreLine	Comment: Ma	ny counties
Gloucester	Smyth Southampton			land use and Ag	
Goochland	•			istricts (AFDs).	
Greene	Spotsylvania Stafford			FDs, and the Bo	
Greensville	Tazewell		•		
Halifax	Warren		.1	stated policy of	
Hanover	Washington		our so ther	e will be no acc Iorthampton.	ess to use
Henrico	Westmoreland		values in Λ	orthampton. 🦹	
Henry	Wise			.29	ŧ.
Isle Of Wight	Wythe				
James City	York				
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SHORELINE

Community Calendar - October 2014

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

CBES and Other Activities		Northampton County		Accomack County		
Oct 1	VIMS Public Seminar 7:30 PM, Wachapreague	Oct 6	Board of Zoning Appeals 1 PM, Conference Room	Oct 1	Board of Zoning Appeals 10 AM, Sup. Chambers	
Oct 9	Shorekeeper Meeting* 1 PM, Barrier Islands Center Machipongo	Oct 7 Oct 14	Planning Commission 7 PM, Sup. Chambers Board of Supervisors	Oct 8 Oct 15	Planning Commission 7 PM, BOS Chambers Board of Supervisors	
Oct 14 Oct 16	CBES Exec. Committee 5 PM, CBES Office UVA Seminar Series 7 PM, Oyster	Oct 14	7 PM, Sup. Chambers Wetlands Board TBA, Conference Room	Oct 16	6 PM, BOS Chambers Wetlands Board 10 AM, Sup. Chambers	
Oct 21 Oct 30	CBES Board Meeting 7:00 PM, Eastville Southern Accomack County Ground Water Summit 6:30 PM, ESCC, Melfa	Oct 21 Oct 21	School Board 5:30 PM, Sup. Chambers BOS Work Session 7 PM, Sup. Chambers	Oct 21	School Board 7 PM, BOS Chambers	
* Alternating between the ES Chamber of						

* Alternating between the ES Chamber of Commerce and the Barrier Islands Center

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