The Railroad Doesn’t Stop Here Anymore

Compiled from publicly available resources

Since 1884, trains have run up and down the Eastern Shore – at first from Cape Charles to Pocomoke City with connections north – and then with barges, designed by founder Alexander Cassatt, large enough to carry 18 railroad cars across the Bay to and from Little Creek in Norfolk. Freight, produce, and passengers used the railroad the way highways and commuter flights are used today. Co-founder William Scott financed construction of the town of Cape Charles, the railroad’s Eastern Shore terminus.

But after the Great Depression, as automobiles became more affordable, rail passenger numbers declined. And in 1958, passenger service on the line was discontinued. Twenty years after that, there was news that the whole rail line would be shut down.

Plans to Save the Railroad – Public or Private, or Both

In an effort to save freight service on the Shore, the two Virginia Eastern Shore counties formed the Accomack-Northampton Transportation District Commission (A-NTDC), a public body. The commission purchased the rail line in 1976. In September 1981, the Eastern Shore Railroad, Inc. (ESHR) was formed and became the operator of the line.

A month later, in October 1981, a private corporation was formed called Canonie Atlantic Company. All the railroad real estate and equipment was transferred to Canonie, which then controlled the railroad’s finances and operational decisions, including the operation of the Eastern Shore Railroad. Canonie is wholly owned by the A-NTDC, has several shared Board members, and several additional Board members appointed by the A-NTDC. But since Canonie is a private corporation, in spite of 100% ownership by a public body, its meetings and financial records have been closed to public view, and even to A-NTDC Board members. The only apparent mention of Canonie Atlantic in the A-NTDC minutes is the annual Board appointments – no annual reports, no audit information, no profit and loss statements are recorded.

In 2005, Cassatt Management, LLC, founded by Dickie Foster, developer of Bay Creek, replaced the Eastern Shore Railroad as the line’s operator. The line was renamed the Bay Coast Railroad and entered into a 30-year lease with Canonie to operate the rail line.

Where Did the Operations Revenue Come From?

Over the years, millions of state tax dollars have been poured into the railroad to support operations, among other things. A March 11, 2000, Virginian-Pilot article reported a $6.6 million appropriation by the General Assembly for the Eastern Shore Railroad, made on the final day of the session. The funds, which would be funneled through VDOT, were either for a “new transit vehicle and equipment program,” or to fix the tracks, or to retire debt to make it easier to sell the railroad – depending on who was trying to explain the largesse. However, according to the Vice-President for Operations at the time, the railroad was not for sale.

In 2009, Bay Coast reported to the A-NTDC that it had suspended service of the barge used to ferry rail cars between Cape Charles and Little Creek because of structural deficiencies. The report continued: “The railroad does not have funds to invest in the repair of the car float. In
Tuesday, November 6, is Election Day. Polls will be open from 6:00 AM to 7:00 PM. Candidates on the ballot will be:

**U.S. Senator:**
- Tim Kaine (D)
- Corey Stewart (R)
- Matt J. Waters (L)

**U.S. Representative, Congressional District 2:**
- Elaine Luria (D)
- Scott Taylor (R)

There will also be 2 ballot questions on proposed Constitutional Amendments (for background information, see https://www.elections.virginia.gov/election-law/proposed-constitutional-amendment-2018/index.html):

**Question:** Should a county, city, or town be authorized to provide a partial tax exemption for real property that is subject to recurrent flooding, if flooding resiliency improvements have been made on the property?

**Question:** Shall the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a 100% service-connected, permanent, and total disability be amended to allow the surviving spouse to move to a different primary residence and still claim the exemption?

There will also be special elections for Accomack County Commissioner of Revenue, Northampton County Commonwealth’s Attorney, and Cape Charles Member Town Council; and Mayoral and Town Council elections for Bloxom, Eastville, Melfa, Nassawadox, Onley, and Painter.

**Key dates to remember:**
- October 15 is the last day to register to vote or update your address.
- October 30 is the last day to request that an absentee ballot be mailed to you. If you mail your absentee ballot, it must be received by 7:00 PM on Election Day.
- November 3 is the last day to vote absentee in person at the Registrar’s Office.

Democracy requires participation at every level, and every vote and every election counts. For more information, and details on polling locations, visit the Registrars’ websites for Accomack County (www.co.accomack.va.us/departments/registrar) and Northampton County (www.co.northampton.va.us/gov/registrar/index.html).

**RAFFLE to WIN**

Between the Waters 2018 by popular Shore artist, Bethany Simpson

CBES thanks LEMON TREE GALLERY, Cape Charles, for showcasing this striking Coastal Folk Art painting at their 301 Mason Avenue studio (757-331-4327). Come savor Bethany’s works as well as those of other talented Shore artists and artisans!

Raffle tickets cost $20 or 3 for $50, and are available at Lemon Tree or online at www.cbes.org. The drawing will take place on December 1, 2018.

All proceeds benefit CBES 26th Annual Between the Waters Bike Tour and its mission: Pedal to Protect Virginia’s Eastern Shore.
Stakeholders Work on Phase III Plan for Chesapeake Bay Program
by Sue Mastyl

To date, 3 meetings have been held with stakeholders in the community to develop the Phase III Watershed Implementation Plan (WIP) for the Chesapeake Bay Program. The plan, which will identify non-point source best management practices (BMPs) to achieve the necessary reductions in nitrogen, phosphorus, and sediment to meet the 2025 goals for the Bay, is being coordinated by Planning District Commissions (PDCs) and Soil & Water Conservation Districts (SWCDs) in each region of the state within the Bay watershed, including the James River Watershed, the York River Watershed, the Rappahannock River Watershed, the Potomac-Shenandoah River Watershed, and the Chesapeake Bay Coastal Watershed (which includes the Eastern Shore as well as portions of the Northern Neck, Middle Peninsula, and Hampton Roads).

Two of these meetings, on August 23 and September 21, involved community members working with A-NPDC and the Department of Environmental Quality (DEQ) on the WIP III for developed (residential), natural, and septic BMPs. A third meeting was held on September 17 with farmers and the Eastern Shore SWCD (ESSWCD) for agricultural and forestry BMPs. Although both groups were intended to include stakeholder input prior to developing final plans, it appears that the SWCDs were asked to develop final plans on short notice in July, with no outside input. A meeting of SWCDs in Soil & Water Conservation Area 6 was held in Suffolk on August 28 to review these plans. After several groups of both citizens and farmers voiced their concerns, the meeting on the 17th was organized. A third meeting is planned for the A-NPDC/DEQ group. It is expected that an additional meeting will be scheduled for the SWCD group; a final meeting will bring the two groups together to synchronize the two plans. The draft of the final report will be available for public review and comment in spring 2019; the final plan will be submitted to EPA in summer 2019.

The Process to Date

This is the culmination of a process that began in 2010, with the establishment of Chesapeake Bay Total Maximum Daily Loads (TMDLs) for nitrogen, phosphorus, and sediment, so that all necessary pollution control measures are in place by 2025, and the submission to EPA of Phase I WIPs for each state. These were further refined in the Phase II WIPs in 2012. A mid-point assessment of the Bay in 2017 showed improved oxygen levels, decreased phosphorus loads, and rebounding populations of blue crab, bay anchovy, and striped bass, but still showed excessive nitrogen pollutant loads and poor water clarity.

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Targets for Phase III

During Phase III, the goal is to fine-tune the recommendations in the plan based on local knowledge, and to reflect what’s already been done as well as realistic goals for each region. To assist with this, the goals have been incorporated into a Watershed Model, the Chesapeake Assessment Scenario Tool (CAST; cast.chesapeakebay.net). As the Quick Reference Guide for BMPs states, the Chesapeake Bay “watershed has a land-to-water ratio of 17 to 1, higher than any [other] estuary in North America, which illustrates that water quality in the Bay itself is greatly influenced by actions on the land.” During the stakeholder meetings, the groups will determine the most cost-effective BMPs and their associated metrics; the programmatic needs and funding/capacity needs to support these BMPs; any co-benefits associated with the BMPs; and gaps in statutory or regulatory authority that need to be addressed.

A mid-point assessment of the Bay in 2017 showed improved oxygen levels, decreased phosphorus loads, and rebounding populations of blue crab, bay anchovy, and striped bass, but still showed excessive nitrogen pollutant loads and poor water clarity.
Inconsistencies Arise in Groundwater Meetings

By Sue Mastyl

As reported in earlier ShoreLine articles (January 2017, May 2017, February 2018, August 2018), the increased groundwater withdrawals associated with expanded poultry operations in Accomack County could endanger our sole-source aquifer, since they could add 2 million gallons a day (MGD) of withdrawal to the 10.4 MGD for current permitted withdrawals, with a recharge rate of 9 MGD. In addition, sea level rise could pose additional risks of saltwater intrusion for the aquifer, further endangering its sustainability. However, on an issue where we need leadership and solid facts, two recent meetings highlighted some of the discrepancies among key players.

Characterizing the Columbia Aquifer

The Eastern Shore of Virginia Ground Water Committee meeting on September 18 focused on ways to encourage the confined animal feeding operations (CAFOs) to drill wells into the Columbia (shallow, or surficial) aquifer for cooling water, in order to relieve the pressure on the deeper, Yorktown-Eastover aquifer. Committee Chairman John Coker noted that, of the 57 CAFOs under the Consent Order for groundwater withdrawal permits with the Department of Environmental Quality (DEQ), all but 3 of the wells have already been drilled. Tyson Foods had committed in February 2018 for their contractors to use the Columbia whenever possible, but as of the August meeting had only 1 production well in the shallow aquifer. Coker noted that “we need to push really hard” for them to use the Columbia going forward.

The Committee’s discussion centered around the resistance to using the Columbia, and ways to overcome this. Well drillers have expressed doubts about the water quality and quantity of shallow wells. Accomack-Northampton Planning District Commission (A-NPDC) Executive Director Elaine Meil suggested that drillers don’t have experience drilling into the Columbia, and “there are plenty of shallow wells with good water quality.” In addition, poultry industry representatives have expressed concerns about the iron content of water from the Columbia, since it may clog their equipment. The Committee appointed a Steering Committee to look at possible legislation to encourage or mandate use of the Columbia for certain uses, and resolved to meet with stakeholders (well drillers, DEQ, and poultry industry representatives) to determine what the real issues are.

A draft presentation from Britt McMillan, Principal Hydrogeologist for Arcadis and Ground Water Consultant for the Committee, showed water quality data from over 50 wells in the Columbia and over 130 wells in the Yorktown-Eastover. Water from the Columbia was slightly more acidic (interquartile range [50% of results] for pH of 6 to 7, compared with 7.5 to 8 for the Yorktown-Eastover), which could require treatment for use as cooling; however, water from the Yorktown-Eastover was more alkaline, which could cause scaling problems in cooling systems. Both sodium and chloride concentrations were higher in the Yorktown-Eastover, while iron was higher in the Columbia, although most samples were less than 4 mg/L.

In sharp contrast, comments provided to the Ground Water Committee by Scott Kudlas, Director, Office of Water Supply for DEQ, state in part, “Our primary concern with the [Ground Water Committee] Presentation on this topic is the broad generalization made regarding quantity and quality from [a] very small data set.” At the State Water Control Board (SWCB) meeting on September 20, Kudlas indicated there are only 3 (modern) test wells for the Columbia, and “the Consultant chose to generalize across the entire Eastern Shore.” He also indicated that on at least 1 occasion, the surficial aquifer would not produce sufficient yield for a CAFO, and that the water quality may interfere with the proper functioning of the cooling system. Randy McFarland of the U.S. Geological Survey notes in a personal communication cited by Kudlas, “From a general perspective, the surficial aquifer has greater potential for certain water-quality problems than the confined aquifers,” although he then states, “Much of the surficial aquifer contains water of good quality for many purposes.” And Lee Crowell, Enforcement Operations Manager for DEQ, in the summary of DEQ’s responses to public comments for the Consent Order, states “The surficial (Columbia) aquifer has variable quality and is at higher risk of surface contamination, so it may not be an appropriate source for each facility.”

Jay Ford of the Chesapeake Bay Foundation spoke during the SWCB meeting, noting that the current Consent Order is the “best opportunity to get a protective plan” in place, by adding language that the cooling systems must

See Groundwater, cont’d on page 7
Railroad, cont’d from p. 1

fact, the car float operations require heavy subsidies, as the number of cars floated do not produce sufficient revenue to cover the costs of operations.” In 2011, the state Shortline Preservation Fund provided a grant of $700,000, matched by $300,000 in Accomack and Northampton funding, to repair the barge. Previous hurricane damage to the float bridge at Cape Charles had reportedly been repaired and could now service the barge. The A-NTDC minutes do not appear to record the timing or cost of this repair. Governor Bob McDonnell announced that the Bay Coast Railroad barge had also been repaired and would resume service. After a few reported crossings, in March 2014, Bay Coast stated that it had not run the barge for more than a year and a half and had no intention of resuming the service.

Another grant application was made to the state Department of Rail and Public Transportation for $1,026,300 for crosstie replacement and surfacing for fiscal years 2013-2017. But with no public financial records available, it’s unclear if the funding was provided, or where and when these repairs were made.

These 3 examples of revenue and expenses are the few that appear to be available in public records.

And Then It Was Over

In May 2018, Bay Coast Railroad suddenly announced that it was ceasing operations between Cape Charles and Hallwood. The remainder of the 30-year lease with Canonie was terminated. Other entities have leased the 14.8 miles of track between Hallwood and Pocomoke and the Little Creek operation in Norfolk. And the popular annual Santa Train was discontinued.

Now What?

State Code provides guidelines for maintenance of highway crossing road maintenance. In this case, Canonie remains responsible for this maintenance. In the absence of timely repair and maintenance, the highway or road authority is authorized to make such repairs and recover costs from the railroad.

So far, the rail lines have been “discontinued” as opposed to “abandoned,” so Canonie is responsible for timely repair and maintenance of the road crossings. Canonie is also responsible for weed and litter control and maintenance of the railroad right-of-way. “Abandonment” of rail lines is a long and complicated process, involving both State and Federal agencies; no official discussion of this process has been publicized. No other plans for the track right-of-way through both counties, or for the rail yard in Cape Charles, have been officially announced.

Now, for the first time in 134 years, there will no longer be that nostalgic sound of a train horn as the engines pass up and down through the towns of the Shore.
Keeping Track

Coal, Debris Wash Up on Northampton Shores

Submitted photo from Aug 26, 2018 at 5:36 PM, on a bayside beach south of Cape Charles

For much of the summer, property owners on the bayside have been finding chunks of coal and shredded plastic debris on their shorelines. From Savage Neck to south of Elliott’s Neck, directly opposite the Coast Guard’s existing anchorage of up to 28 cargo ships and colliers waiting for entry into the Port of Hampton Roads, residents have been seeing this rubble. Calls to State and local agencies seeking information have been unhelpful. In response to a local inquiry, Todd Cannon (Virginia Department of Emergency Management) stated that both the Departmental of Environmental Quality and the US Coast Guard (USCG) had responded to him, indicating that “there is no responsible party, it is Northampton County’s problem.” He then suggested a call to Hollye Carpenter, Coordinator of Emergency Management for Northampton County. She replied that the county is looking into the matter, but the affected areas are not owned by the county and that the Board of Supervisors should be contacted. She also noted that the USCG does not regard coal as a hazardous substance.

Gidden’s Do-Drop-Inn – the Legend Lives On

The Do-Drop-Inn Gets a Regional Celebration

Yet another Eastern Shore icon is being recognized as the cultural treasure that it’s become. WHRO-TV is filming a documentary about the legendary Gidden’s Do-Drop-Inn in Weirwood, Northampton County – its history, its challenges and its changing role in the community. The TV crew was there to film the September 22 celebration, “Night Out at the Do-Drop,” and had been interviewing supporters and long-time fans of the club for several weeks beforehand. And on September 21, journalist Barbara Hamm Lee aired her award-winning hour-long radio show, “Another View,” from the Barrier Islands Center, featuring stories and local memories from fans and patrons of the Do-Drop.

Proprietor, and a local icon herself, Jane Cabarrus, tells the story of her father’s dream to own his own business. A carpenter by trade, Lloyd Henry Giddens used materials from a torn-down building, and in 1967, built what is now one of the oldest continuously owned and operated African-American businesses on the Shore. People still talk about Miss Annie’s fried chicken and potato salad, and the times when Arthur “Big Boy” Crudup (blues singer-songwriter, whose songs were recorded by Elvis, Elton John, and Rod Stewart), played there every weekend. For years it was operated 7 days a week, serving up traditional soul food, live music, and providing a gathering place for a community that had few other places for socializing.

More recently, the Do-Drop has been the site of more widespread community organizing, fund raising, and a coming-together place for people who love the Shore and want to work together. And now, once a month, the doors are opened, the kitchen is back in business, and local and out-of-town musicians gather for a night of good food and great music in a place where history is still being made.

2018 CBES Between the Waters Bike Tour

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Many thanks to our 2018 sponsors!
Groundwater, cont’d from p. 4

use the surficial aquifer where possible. During the ensuing discussion, Kudlas noted that the technical evaluation and modeling for each site will include the rationale for the choice of aquifer. The Board approved the Consent Order as is, without adding Ford’s recommended language.

Other Discrepancies Noted

On other issues, DEQ also seems to have a differing opinion from other sources. In Crowell’s responses to the public comments, he notes, “The mass balance equation referring to recharge rate ... reflects how the surficial (Columbia) aquifer functions. However, given the physics associated with confined aquifer systems, the recharge rate, while important, is not definitive in determining the sustainability of a withdrawal because of aquifer storage.” This contrasts with the consensus presented repeatedly by the Eastern Shore Ground Water Committee that, of the total rainfall, 625 MGD penetrates to the surficial aquifer, and 9 MGD recharges to the confined aquifer.

And again, Crowell notes, “Not all 83 facilities identified as CAFOs have been constructed or have begun operation.” Yet, if the industry itself can be believed, Delmarva Poultry Industry, Inc., indicates on their website that “84 Accomack County farmers ... raised 10.2 million chickens in 2017.”

Rose, cont’d from p. 7

are mowed. Currently, mowing contractors are hired at great expense when VDOT staff cannot keep up. Add to that the expense of purchasing, maintaining, and operating the machinery required to mow all our roadsides up to 3 times per year. A significantly reduced mowing budget is not unrealistic, if mowing is limited to potentially dangerous areas. This money could then be used by VDOT to work on other important issues (e.g., increased litter pickup to make our roads more welcoming to tourists and home-buyers).

For more information on what VDOT is doing to encourage healthy pollinator habitat, go to http://www.virginiadot.org/programs/pollinator_habitat_program.asp. Although statewide implementation of the plan is incomplete, the program will continue to evolve if there is enough public awareness and support.

We are losing our pollinators for various reasons, but a major one is lack of habitat, and we will feel the loss severely. Nature is forgiving and, if given the chance, bounces back. However, there is the specter of extinction – lost species cannot bounce back, and we are definitely facing the loss of species (not just bumblebees). Now is the time to act – before it’s too late.

The 21st century started with some important announcements: New Ravenna expanded its product line and acquired the old Cameo Theater in downtown Exmore; the first wireless communications tower was to be built on the Shore; the Eastern Shore YMCA broke ground for its new facility in Onley; a Food Lion would be coming to Cape Charles; and Bo Diddly would headline the ESVA Music Festival in July.

Concerns continued to grow about the effects of runoff from plasticulture tomato crops, the looming total capacity of the Northampton landfill, and the increasing problem of how to dispose of chicken litter in Accomack.

The American Farmland Trust study for Northampton reported that the cost of providing community services to residential/commercial development is 4 to 5 times higher than to farmland and open space. At about the same time, the Commuter Toll Reduction Impact Study by the CBWT reported that lower Northampton County would bear the brunt of increased residential development if the toll was lowered or a commuter toll was put in place. Projections included growth of about 1.5% annually (twice that of Hampton Roads); by 2025, Northampton would have a budget shortfall of 25% and would need to increase taxes drastically to keep up with needed services.

Bay Creek construction got off to a difficult start. Wetlands were filled, primary dunes were disturbed, and a dredge spoil site was relocated – all without benefit of permits or other compliance documents. Multiple stop-work orders followed. The old Kings Creek Marina was bulldozed into history to make way for the new marina.

The General Assembly awarded $6.6 million to the Eastern Shore Railroad to assist in making the railroad “a viable transportation mode for the future” of the region.

The Wind Energy Association announced that it was interested in the possibility of wind turbines on the Shore. And a new concept, “Heritage Tourism,” became part of the conversation for Northampton County. Plans began to be discussed for bicycle, birding, and water trails, and for historic and heritage sites and events.

And finally, toward the end of 2000, the real estate industry announced that an increasing number of newcomers relocating to the Shore were shopping for homes in the $300,000-$400,000 range; locals were looking in the more moderate $100,000-$150,000 price range.
## Community Calendar - October 2018

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

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<th>CBES and Other Activities</th>
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<th>Northampton County</th>
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<td>Oct 3 VIMS Public Seminar</td>
<td>Oct 3 Board of Zoning Appeals</td>
<td>Oct 2 Board of Zoning Appeals</td>
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<tr>
<td>7:30 PM, Wachapreague</td>
<td>10 AM, Sup. Chambers</td>
<td>1 PM, Conference Room</td>
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<tr>
<td>Oct 15 Last day to register to vote or update your address</td>
<td>Oct 10 Planning Commission (PC)</td>
<td>Oct 2 Planning Commission (PC)</td>
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<td>Oct 16 ES Ground Water Committee</td>
<td>Oct 12 School Board</td>
<td>Oct 9 Board of Supervisors (BOS)</td>
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<tr>
<td>10 AM, Accomac</td>
<td>6:30 PM, Sup. Chambers</td>
<td>7 PM, Sup. Chambers</td>
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<tr>
<td>Oct 16 CBES Board Meeting</td>
<td>Oct 17 Board of Supervisors</td>
<td>Oct 17 Wetlands Board</td>
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<tr>
<td>7:00 PM, Eastville</td>
<td>5 PM, Sup. Chambers</td>
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<td>Oct 27 CBES Bike Tour</td>
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<td>Oct 25 Wetlands Board</td>
<td>Oct 22 BOS Work Session/ Adjourned Meeting</td>
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*For Memberships & Information: www.cbes.org*