ALBEMARLE-PAMLICO ESTUARINE STUDY ROUNDTABLE AND POLICY COMMITTEE MEETINGS

November 30, 1993 North Carolina Aquarium at Roanoke Island Manteo, North Carolina Part I: Roundtable Meeting

Call to Order

North Carolina Dept. of Environment, Health, and Natural Resources (EHNR) and Co-chair of the Albemarle-Pamlico Estuarine Study (APES) Policy Committee Jonathan Howes called the meeting to order. After a self-introduction of those present, Howes stated that APES was now nearing the end of its program, and that committee members had received a final interim draft of the APES Comprehensive Conservation and Management Plan (CCMP), with revisions made subsequent to the last meeting, held in October. Howes stated that he would like a quick review of the last set of changes, after which attendees would present their reactions to the current draft.

Overview of CCMP Revisions

APES Program Director, Randall Waite, and his staff discussed changes that had been incorporated into the present draft of the CCMP. Waite stated that there had been a slight delay in sending the draft document to committee members and representatives, as staff wanted to ensure that the draft included all of the modifications to the Management Plan. Waite stated that new material in the draft had been underlined, while material to be deleted had been marked through.

Revisions to Water Quality Plan

APES environmental specialist Guy Stefanski noted the following changes relative to the Water Quality Plan of the CCMP:

- Specific attention had been made to Management Action 5, which discusses the prior notification to harvest for logging operations. This management action had been discussed during a recent meeting with members of the forestry industry. The results of that meeting prompted the development of a new management action for forestry, emphasizing the strengthening of Best Management Practices (BMPs) through training, education, and enhanced enforcement. This measure would be accomplished through a variety of agencies, such as the Division of Land Resources and the Division of Forest Resources and would attempt to help educate loggers and land owners with regard to enforcement of BMPs for water quality.
- * The Introduction section of the technical document featured water quality management initiatives, in which staff attempted to emphasize some of the successful measures North Carolina had already begun taking with regard to water quality, such as the implementation of the state stormwater program in some of North Carolina's river basins.
- * Staff continued to receive both positive and negative comments relative to the removal of the buffer strip recommendation.
- * Some readers had expressed desire for more emphasis in the Water Quality Plan on water quantity, forestry issues, air pollutants, and requirements of Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990.
- * Comments had been made supporting an attempt to offer more incentive programs for controlling nonpoint source pollution.
- * Broad support had been expressed for the expansion of the North Carolina Agriculture Cost Share Program.

* APES had received the final version of Randall Dodd and colleagues' (Research Triangle Institute) report entitled Riparian Buffers for Water Quality Enhancement in the Albemarle-Pamlico Area (This report is now available from the APES offices as APES Report No. 93-17). Waite stated that it was hoped that this report could be used as a support document for nonpoint source planning processes. Waite stated, "we hope this [report] will help sell the concept of buffer strips, as opposed to enforcing [buffer strips] across the board."

Revisions to Vital Habitats Plan

Environmental analyst Andrew Coburn discussed changes made to the Vital Habitat Plan. While no substantial changes had been made in actual content, the following modifications should be noted:

- Management Actions A and B from the previous draft had been broken down into Management Actions A, B, and C, for clarity, organization, and consistency. This attempt to improve clarity, organization, and readability had been incorporated throughout the Vital Habitats Plan.
- * Based on extensive discussion with the Div. of Coastal Management and the Div. of Environmental Management, the Advanced Identification guidance program and the evaluation of wetlands were clarified in detail.
- * Based on input from a meeting with other agencies, estimated costs had been reduced by 50% from estimations in previous drafts.

Modifications to Fisheries Plan

Environmental analyst Nina Petrovich presented the following changes to the Fisheries Plan:

- * Some of the management actions had been combined, yet the content remained the same as in the earlier draft.
- During the public hearing process, some attendees had expressed concern relative to the lack of attention given to inshore trawling. APES was expecting to receive in early December the preliminary draft of a report that would examine the effects of inshore trawling.

Modifications to Stewardship Plan

Nina Petrovich and APES writer Tom Stroud continued with the following changes to the Stewardship Plan:

- * More explanatory information had been added to the beginning of the Stewardship Plan to address an increase in staff and enhanced community involvement to assist local planners in the integration of environmental issues and economic development.
- * Comment had been made on the fact that the Stewardship Plan had not addressed the impact of environmental planning to the tax base.
- * The Management Action which discussed the Partnership for the Sounds had been moved from Objective B, which dealt primarily with public education and involvement, into Objective A, which discusses the promotion of local and regional planning.

Major Change in Implementation Plan

Based on earlier discussion during previous committee meetings, the number of Regional Councils had been changed from seven to five to coincide with the delineations used by DEM. These Regional Councils would be comprised of at least fifteen members, consisting of at least one representative from each county within the river basin and would also include representation by a variety of interests such as silviculture, agriculture, commercial fishing, recreational fishing, tourism, Soil and Water Conservation districts, environmental science, business, industry, municipal government, and county government. The Regional Council members would be drawn from local government and other interest group nominations, with initial selection of nominees being made by the Secretary of EHNR.

The Coordinating Council would be comprised of ten local representatives from the Regional Councils (one of which <u>must</u> be an elected official), seven representatives from citizen commissions and councils, four representatives from federal resource agencies, and three representatives from state government, for a total of 24 members.

Follow-up Documents

Randall Waite discussed two documents that would be a component of the final submission of the CCMP to the Governor of North Carolina and the Administrator of the U. S. Environmental Protection Agency. First, a Coastal Zone Management Act consistency determination would have to be submitted to the Div. of Coastal Management for official certification of the CCMP's consistency with the Coastal Zone Management Plan. In addition, an official responsiveness summary to all public comments received throughout the CCMP process would be prepared. This responsiveness summary, which would be printed as a separate document, would demonstrate how the CCMP had responded to public comment.

The question was posed to Waite as to whether Waite felt that the Division of Coastal Management (DCM) would deem the CCMP consistent with the Coastal Zone Management Act. Waite stated that he did not feel that DCM would find discrepancies, since the agency had participated in the CCMP process from the beginning. Furthermore, most of the CCMP would focus on a broader area than the Coastal Resources Commission covered, and "therefore, we don't see anything that [DCM] would specifically object to or could say is against what they have in terms of provisions for the Coastal Area Management Act."

Discussion of CCMP

Policy Committee Co-chair Jonathan Howes opened discussion on the present (fourth internal) draft of the CCMP. Dr. Costlow commended the APES staff on the CCMP's improved readability. However, he questioned the staff's omission of parasites as a problem facing the oyster population.

Bogue-Core/Carteret County Question

Costlow also questioned if staff had eliminated the waters of Bogue and Core Sounds from the Albemarle-Pamlico Study area and the CCMP, and he stated that, if so, this omission could generate from readers "more turmoil than it's worth." Waite responded that Bogue and Core Sounds had been eliminated only under the discussion of the Regional Councils, where the five main river basins were chosen. Furthermore, Waite stated that Bogue and Core Sounds, in terms of DEM's basinwide planning, fell within the White Oak River Basin, which, for the most part, is considered to be outside of the A-P Study. He further stated, "So, in terms of [Regional Council] representation, it seemed a little small to have half a county make up an entire Regional Council, when the others are made up of a dozen counties or so."

Waite continued by stating, "All of our discussions still apply to Bogue and Core Sounds. They're basically tacked on to the Neuse River Basin, so they're not lost. All of these [recommendations] will continue to apply to Bogue and Core Sounds... So Bogue and Core Sounds as part of the planning process will really fall under the White Oak Basin." In conclusion, Steve Levitas, Co-chair of the APES Technical Committee stated, "I think the short answer is that Carteret County, Core and Bogue Sounds, are fully included in this plan - that Carteret County will participate in the Region 5 Regional Council, which is essentially a Neuse River Basin Council and will appropriately address Bogue and Core as well."

Regional Council Representation

Don Hoss, sitting in for Ford "Bud" Cross of the APES Policy Committee, presented his comments on the CCMP. He stated that he felt that the language of the CCMP (page 133, Implementation Plan, fourth internal draft), would exclude the possibility of an elected official serving on the Regional Council as a member from one of the listed "various backgrounds." Joe Hollowell, APES local government liaison, stated that this misconception could be remedied by deleting the word "other" from the discussion on page 133, Implementation Plan ("Each Regional Council will elect one local elected government official and one other representative from any ether background.") Committee members agreed that this suggestion was satisfactory, and Waite stated that his staff would make that change in the next draft of the CCMP.

Hoss continued with his comments. He stated that he felt that page 137, Implementation Action Plan "reads like a text book" (see Management Action 1, Explanation). Committee members agreed that this language could be improved by replacing the word "a" ("The most critical stage of **a** management program....") with the word "the."

In addition, Hoss stated that, on page 105, and elsewhere in the document, it was stated that "the General Assembly would...." (e. g., ".. the General Assembly would ... approve funding for this proactive planning initiative..."). Hoss stated, "it seems to me that we're being a little presumptuous, and we should say that the 'General Assembly would be asked to ..'". Waite stated that the general intent of such language was to present a given action and to put forth the notion that the General Assembly would receive special attention in the implementation of that action. Waite stated that he, however, had no objection to modifying the language of the document's discussion of the General Assembly.

Hoss also asked that clarification be made in the discussion of Regional Councils. He felt that Regional Councils should be defined in detail in the Summary or elsewhere, prior to the Implementation Action Plan. Waite stated that that clarification would be made. Next, Hoss read a letter from Dr. Cross, which stated, "My only major concern with the CCMP lies with the Implementation Plan. I am not sure that members of the various Commissions are the appropriate State representatives to serve on the Coordinating Council. I would favor having these individuals replaced with the respective State Division Directors that serve these Commissions." Waite responded that the language in the Implementation Plan relative to this comment had been arrived at consciously and would thus remain as currently stated.

Concern was expressed that, in the initial appointment of members to the Regional Councils, there could be people who could serve as "important participants" on the Councils but may not fall into one of the particular categories listed (page 132). It was decided that, by having an initial appointment of <u>fifteen</u> people (as opposed to eleven), there would be more flexibility to include more interests, including local government officials and general citizens.

Dr. Costlow asked for clarification relative to the minutes from the previous (Roundtable) meeting, in which it was indicated that a subcommittee was to convene to present an alternative to who would appoint the local representatives to the Coordinating Council. Waite stated that it had been decided that the nominees to the Coordinating Council would be selected by the Secretary of the N. C. Dept. of EHNR, and that,

since the Secretary would ensure that all interest groups and counties were represented in the initial eleven or so members, each Regional Council could expand its membership as desired. Joe Hollowell suggested that the minutes from the October 20 meeting be modified for clarification.

Funding Sources Document

Mike Wicker of the U. S. Fish and Wildlife Service stated that he and his colleagues felt that several funding numbers had been stricken from the present draft of the CCMP, and wondered if it might be helpful to produce an ancillary document, with reference to funding sources. Wicker stated that such a document would "identify potential funding sources for the implementation phase." Waite stated that a funding source identification document had been produced for APES and would be published (APES Report No. 93-16).

Next, Wicker stated that he and his colleague Mike Gantt had been concerned about citizen representation in the Currituck area and had questioned whether a regional implementation committee for that area would be feasible. Levitas responded that there had been a lengthy discussion about this issue during the last meeting, and had been decided that, from a planning perspective, representatives from counties bordering Currituck Sound would be represented in the Regional Council of the Currituck Sound and Pasquotank River/Albemarle Sound Drainage Basin.

Wicker stated that Gantt had expressed concern that silvicultural involvement should be incorporated into the CCMP in a way that was "not offensive to the forestry industry." Gantt had prepared specific language to be inserted in the document; a motion was made that, at the discretion of Secretary Howes and Randall Waite, the language be inserted. The motion was seconded and approved.

Steve Levitas presented the committee with more background on the CCMP's recommendations for forestry. Levitas stated that the third internal draft of the CCMP, which was distributed in May, had had "no provision for dealing with nonpoint source impacts of silviculture;" during the July committee meetings, concern had been expressed relative to the need for a management action that spoke to this issue, particularly the problem of silvicultural runoff. During the same meeting, it was suggested that "there was now an emerging consensus for the pre-harvest notification concept," which was included in the third public draft. Levitas continued, "it turns out that...our information was not accurate as to where the general sentiment was on pre-harvest notification, and in fact [the recommendation] generated a lot of adverse comment and concern." In response, the APES staff was charged with meeting with representatives of the forest industry in order to build a "more consensus type" recommendation which would address silviculture.

Waite continued discussion on silviculture. He stated that, during a meeting with the forestry industry, including the Div. of Forest Resources and the U. S. Fish and Wildlife Service, a participant had expressed that the recommendation for pre-harvest notification did not adequately address the problem of silvicultural runoff, and in addition, that the recommendation "created a lot of paperwork with no real benefit." The individual stated that, "if we wanted real benefit, we should go after the type of scenario where we are actually increasing our enforcement efforts by increasing our education and outreach." The enforcement would be enhanced by additional personnel in the Div. of Land Resources. Howes encouraged staff to discuss this recommendation with members of the forestry industry.

APES Albemarle Citizens' Advisory Committee member Yates Barber presented two points of clarification. First of all, he noted that, on page 19 of the summary document, it had been stated that "Nursery areas for fisheries cover almost 25,000 acres of the Albemarle-Pamlico region." Yet, on page 12 of the Introduction (technical document), it had been stated, "*Primary* nursery areas for fisheries cover almost 25,000...of the Albemarle-Pamlico region." Barber asked that, for accuracy and consistency, the word "Primary" be inserted in the statement on page 12.

Secondly, Barber pointed out the unique tidal system of the sounds in the A-P region. Barber noted that "we do not have lunar tides; we have wind tides." Barber asked that some discussion be added to the CCMP that would emphasis this unique tidal system. Waite stated that he would be willing to have his staff add this discussion to the Introduction chapter.

The Role of Virginia

Tom Ellis of the Technical Committee pointed out a statement appearing on page 36 of the summary document, which stated, "This does not mean that eastern North Carolina needs another regulatory body, and that is not proposed in this document." Ellis stated that, while he agreed with this statement, he wondered what was being requested of Virginia, which "is integratively connected to the A/P system." Another committee member added, "I don't think we can solve a lot of our problems without a lot of good cooperation and work with Virginia; I think we've built up some very good relationships [with Virginia], and we certainly don't want to damage them."

John Carlock of the Hampton Roads Planning District Commission (HRPDC) further discussed the issue. He stated that the HRPDC had prepared two documents through a grant from APES during the past spring (APES Reports 92-18 and 92-19), which had offered a plan to continue working with the state of North Carolina to "make sure [Virginia] was doing things that were consistent, and over time we would develop somewhat of a [bi-state] agreement."

Waite responded that, "most of the reason for 'writing out' Virginia from the document...is because hardly any of the research focused on Virginia, especially when it came to program evaluations." Waite continued, "The thought was we really needed to set [the implementation process] in motion in a framework where we have some control over the agencies, etc. here in North Carolina; Virginia was not anywhere near being invited to be close enough partners that we could [make recommendations to] the Virginia agencies, the way we are for North Carolina. So the thought was, if we can get this [recommendation] set for North Carolina, then we can look to Virginia, especially in the individual basin plans, and ask them to sign a bistate agreement for that basin." Waite stated that the primary issue was whether or not the Implementation Plan should specifically address the two regions in Virginia which are in the APES area, and if the Plan should suggest that Virginia representatives be included on their Regional Council. It was suggested that, though Virginia had already been mentioned in the technical support document, this issue could be more prominently included in the Introduction of the technical support document and in the summary document. Waite stated that such language would be included in the next draft of the CCMP.

CCMP and NC 2000

One committee member noted that, for a number of years, he had had the problem of having to assure some critics that APES "was not just another study." He noted that, in 1979, DEM had published a Water Quality Management Plan, which discussed issues such as waste disposal, water quality in planning, and water quality in construction. In addition, he noted Governor Hunt's 1981 effort which "identified all sorts of goals to be achieved before 2000." The individual stated that he felt that these documents had been neglected, and that he would like the assurance of being able to present concrete evidence of APES' progress.

Howes responded that, while he could not speak to DEM's 1979 Water Quality Management Plan, he had been involved in the process of producing *NC 2000*. Howes stated that this document, "like a lot of other goals documents, was intended to serve as kind of a blueprint to the administration that succeeded Governor Hunt's." Howes added that he thought that some of the recommendations that were put forth in *NC 2000* were considered by Hunt's successor, and that Governor Hunt was "now making plans to revive the basic ideas of *NC 2000* with a different name, a different cast of characters, but picking up on

some of the ideas that were included [in the document] that haven't been acted on, and to move forward."

Speaking to the 1979 DEM plan, Steve Tedder of DEM stated that the recommendations in this document "are pretty well in place" and "form the basis" of the nonpoint programs and basinwide planning which the state already has. Waite stated that he did not feel that the CCMP would be a document which would "collect dust."

Adjournment of Roundtable Session

There being no further business, Jonathan Howes proposed that the Roundtable Session be concluded, and that the Policy Committee meeting take place in order to consider a motion to recommend that the CCMP, with modifications made during the night's meeting, be presented to Governor Hunt and to EPA Administrator Browner for final approval.

Part II: Policy Committee Meeting

Call to Order

The members of the Policy Committee (6 present) were identified and were declared a quorum. Representing participants were Mike Wicker sitting in for Mike Gantt, and Don Hoss sitting in for Ford "Bud" Cross; according to Management Conference rules, these representatives could participate in the discussion during the meeting yet would not be permitted to vote.

Discussion of CCMP

A request for clarification of Bogue-Core Sounds/Carteret County's role in the CCMP was made. Waite stated that Bogue and Core Sounds would be included basically as an "add-on" to the Neuse Basin, "so that it is clear that [Bogue and Core Sounds] are still fully included in this program process." Waite added, "And we'll try to make note in that discussion that [the sounds] will also be included in the White Oak Basin for additional planning purposes, but they will not be excluded from the fifth major basin, which is the Neuse." In short, it would be clarified in the Management Plan that, while Bogue and Core Sounds are distinct regions, they will be included in the fifth (Neuse) Regional Council. It was added that all elements of the planning process, requirements, and implementation process would fully apply to Carteret County and Bogue and Core Sounds. It was also mentioned that, in one place in the Implementation Plan (page 132), Bogue and Core Sounds had been marked through. Waite stated that this item would be undeleted and re-stated to appear as an "add on" to the Neuse River Basin.

Implementation Funding and CCMP Approval Process

Derb Carter asked if, given that there was presently consideration in Congress of providing implementation funding for National Estuary Programs, APES would be eligible for this funding if the Management Conference was not going to formally reconvene. It was stated that APES would probably be eligible for this funding.

Eric Slaughter of EPA briefly explained what would occur after the completion of the CCMP. He stated that, after receiving the CCMP, the Administrator of EPA would have a 120-day period to review the document. (Slaughter added that this process usually takes less than 120 days.) Slaughter stated the following:

...what we do during that [review] period is, those sections of the plan which were commented on by offices within EPA and other federal agencies during the previous review of the draft, are given a chance to check on what the [agencies] said, were concerned about, and then we recommend to the Administrator that she approve [the Management Plan]. If she does approve it, at the day of her approval, the Conference ends that day. And from that point forward, any other arrangements to be made, implementation, etc. go into effect as described in the Implementation Plan. If the Administrator has things she wants [staff] to change, then [they] have to be changed by [the Management] Conference, by the Policy Committee, etc.

Slaughter added that it was possible that Administrator Browner may want to reconvene the Management Conference for the purpose of making corrections to the CCMP. Yet he stated that he did not feel this action would be necessary.

Policy Committee Approves CCMP

A motion was made that the CCMP be sent forward with the recommendation of approval to the Governor of North Carolina and to the Administrator of EPA. The motion carried unanimously. Howes stated that the night's meeting had been a "historic" event, and that he was proud of having been a part of that history.

Closing Remarks and Adjournment

Waite stated that, after EPA's approval of the CCMP, he would like to reconvene all APES committees for a formal signing ceremony. One committee member asked that the final draft of the CCMP include a list of, not only present committee members, but also those who had previously served in APES committees and resigned. Waite stated that this suggestion would be put forth.

One committee member inquired on the current phase of endorsement of the CCMP by various county governments in the APES region. Levitas stated that, while he could not give a full report, "since our last meeting, when we made the changes to address local governments' concern [about lack of local government representation on the Coordinating Council], I don't think any resolutions have been adopted since then in opposition to the plan." Levitas added that Dare County and a number of municipalities had been supportive of the Management Plan. He concluded that, "I think we've turned the corner on the issue, and I would hope that, coming out of this meeting, we will see further expression of support from local governments."

A motion was made to adjourn for the executive session of the Policy Committee to discuss personnel matters. The motion carried.

Levitas suggested the committee give themselves a collective round of applause. Howes stated that, during the signing ceremony, individual plaudits could be expressed. He thanked all committee members and staff for their "good work and "tolerance."

Don Bryan made a motion that the "Policy Committee authorize Secretary Howes as Co-chairman to recognize current and past performance of Director and staff in a matter deemed appropriate by the Co-chairs." The motion carried unanimously.

There being no further business, the meeting was adjourned.



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE

Southeast Fisheries Science Center Beaufort Laboratory 101 Pivers Island Road Beaufort, NC 28516-9722

November 29, 1993

APES

NEC 02 1990

MEMORANDUM FOR:

APES POLICY COMMITTEE

FROM:

SUBJECT:

Approval of APES CCMP

Unfortunately I will not be able to attend the meeting of the Policy Committee on November 29, 1993 due to personal reasons. In absentia, however, I would like to voice my support for the present draft of the CCMP. I have been a member of the Policy Committee since the inception of APES and have watched APES progress from an idea to the present CCMP. In my opinion, much of the credit for bringing the Study to fruition belongs to Randy Waite and his staff. They have done a masterful job in pulling the CCMP together during this past year.

My only major concern with the CCMP lies with the Implementation Plan. I am not sure that members of the various Commissions are the appropriate State representatives to serve on the Coordinating Council. I would favor having these individuals replaced with the respective State Division Directors that serve these Commissions. My reason for this recommendation follows:

The State Directors are full-time professions who are responsible for implementing and enforcing State and Federal law relative to the protection of natural resources. Their support of and participation in the implementation of the CCMP is critical. If additional regulations are needed, the Directors can request this action from the appropriate Commission. For this reason, I believe that the State Directors will be in a better position to implement many aspects of the CCMP than a respective Commissioner.

I apologize for the late submission of this comment but I missed this point in the last draft.

If the CCMP is approved by the Policy Committee on November 30, and subsequently by North Carolina and EPA, NOAA looks forward to participating in the implementation of the CCMP.

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Note: This list may or may not contain the names of all present at the Policy Committee meeting.

Albemarle-Pamlico Estuarine Study Policy Committee Meeting November 30, 1993

List of Attendees

Name	Address/Affiliation
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Ystes M. Basher	all CAC
William & Vue	- Policy Committee 3
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April G. I. Le re	AAS

Albemarie-Pamlico Estuarine Study Roundtable Meeting November 30, 1993

List of Attendees

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WEBBFULLER	ACAC
Bill Queen	Policy Crinittee
Ton BRYAN	Policy Committee
John Costlow	
Pon Hoss	NOAD/NMFS Tak Committee
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SUZANUE HA	
T. Erie Hask	je Hert for 2 nc member CRC
Tach fe your	MD Concerned = whete Quelity in hi conter agis
Goe Hillow	all Afles
	well quest
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Mila Wilm	USFWS
ERICHINESCI	y Dept. of Hosticultural Science, NCSa
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