Albemarle-Pamlico Estuarine Study
Policy Committee Meeting
August 30, 1994
Raleigh, North Carolina

Minutes

Call to Order

Bowman Crum, representing Mike McGhee of the US EPA and Co-chair of the Albemarle-Pamlico Estuarine Study (APES) Policy Committee, called the meeting to order at 2:10 PM. After calling for a self-introduction of those present (See Attachment A), Crum stated that the purpose of the meeting would be to discuss and try to reach consensus on the issue of the Coordinating Council, a controversial recommendation proposed in the APES Comprehensive Conservation and Management Plan (CCMP). Crum added that if, however, no consensus could be reached, two alternatives would be considered: (1) committee members could mail in ballots to the APES main office stating their positions on the Council; or (2) another Policy Committee meeting could be held in September.

Crum then updated committee members on the status of the CCMP. He stated that, in May, the final Management Plan had been submitted to N. C. Governor Hunt and EPA Administrator Carol Browner; this submittal marked the beginning of a 120-day review period, at the end of which the Governor and Administrator would approve or not approve the document. In addition, Crum stated that the APES Management Conference had been extended until October 31 to allow for a signing ceremony to occur. Steve Levitas, sitting in for Policy Committee Co-chair Jonathan Howes, suggested that discussion of the proposed ceremony be added to the agenda.

Discussion of Hand-Outs

APES Program Director Randall Waite discussed a packet of hand-outs that was distributed before the meeting. These hand-outs included the following:

(1) Two letters to Waite from Policy Committee member John Costlow regarding the proposed Coordinating Council (Attachments B and C);
(2) A proposal from Mike Gantt of the U. S. Fish and Wildlife Service for a second estuary program (Attachment D);
(3) A packet from the N. C. Association of County Commissioners (NCACC) (Attachment E);
(4) A memorandum from Steve Levitas to Waite and Preston Howard of the NC Division of Environmental Management (DEM) discussing APES staffing reassignments (Attachment F);
(5) Some "nonsubstantative changes" that EPA would like included in the CCMP as part of the appendices:
(a) a timeline for implementation (Attachment G); and

(b) a monitoring program plan pulling together information on monitoring programs that had been included in each action plan (Attachment H);

(6) A Public Participation Summary on the accomplishments of the APES Public Involvement Office (Attachment I);

(7) An Annual Workplan submitted to EPA for funding purposes (Attachment J);

(8) The Long Island Sound Agreement, submitted by Eric Slaughter of EPA Headquarters. Slaughter cited this early draft of a post-CCMP agreement as an example of an agreement that would keep the state and EPA "at the table" during the implementation phase. In addition, such a document would demonstrate that "there is life after the CCMP." (Attachment K).

APES Becomes Part of DEM

Steve Levitas discussed the staffing of APES during the post-CCMP phase. According to Levitas, two options had been considered in deciding how to best achieve "the goals of moving forward":

(1) Keeping APES under the direction of the Secretary of the N. C. Department of Environment, Health, and Natural Resources (DEHNR). A drawback to this choice would be that APES "would not receive enough attention needed to move forward;"

(2) Integrating APES with another division. Levitas stated that there were many benefits associated with "fully integrating [APES] within a pre-existing structure," and he noted that "in our view, it is not unusual for us to have a cross-divisional, cross-jurisdictional program."

The second option having been chosen, Levitas stated that DEM was selected as the "pre-existing structure" in which to incorporate APES; a major factor in this decision was that DEM " promotes a basinwide approach" to environmental management and has in fact "one of the best basinwide programs in the country." Levitas thanked Preston Howard and Steve Tedder (DEM) for taking on this new responsibility; Levitas expressed that he felt that DEM would "do a great job in implementation."

Yates Barber, of the Albemarle Citizens' Advisory Committee (ACAC), asked how much oversight and influence the Environmental Management Commission (EMC) would have in CCMP implementation. Levitas indicated that, unless the Secretary of DEHNR's office decided differently, the EMC would have no management role in implementation; however, the CCMP would call for the EMC to carry out certain functions in the implementation process.

Signing Ceremony Discussed

Levitas then briefly addressed a proposed signing ceremony, an event which would celebrate the signing of the final CCMP by the Governor of NC and Administrator of EPA and honor the contributions of the APES staff, committee members, etc. for their involvement in the Program. Levitas expressed concerns that Governor Hunt and Administrator Browner may not have been given ample time to arrange their

schedules in order for them to be present at the signing ceremony. Levitas added that, since the desired date of October 20 had "fallen through," he would like to work towards a new date of November 9 or 10. Levitas added that much work would have to be accomplished before the ceremony. Levitas requested Slaughter's assistance in securing a date with an EPA official, preferably Browner, but if not, then another high ranking EPA official. Slaughter also agreed to speed up the approval process by having OGC review the rest of the CCMP while the Coordinating Council issues is being resolved.

Coordinating Council Debated

Levitas lead a discussion on the proposed Coordinating Council. First, Levitas recounted the history of the controversy surrounding the Council. He stated that, in September, 1993 , the third draft of the CCMP had been submitted for public review, and a series of public meetings were held. At these meetings, APES had received "substantial comment" regarding the CCMP, especially the proposed Regional Councils and Coordinating Council; concerns were expressed that the Coordinating Council was yet "an additional layer of bureaucracy" and therefore should be omitted.

After the public meetings, a number of resolutions against the Coordinating Council were passed. On March 18, 1994, the N. C. Association of County Commissioners passed such a resolution, suggesting that the Coordinating Council be established with state and federal agencies as advisors. In an attempt to improve understanding of the purpose of the Coordinating Council, DEHNR Secretary Jonathan Howes met with both the Governor and the NCACC. Levitas pointed out that, when he and Howes emphasized that the Coordinating Council would "have no regulatory power," questions were raised as to whether or not the Coordinating Council was "really necessary." In response, Levitas explained that the intention of establishing a Coordinating Council was to provide a "non-threatening, consensus-building tool" for problem-solving. Levitas reported that Governor Hunt expressed concern about the NCACC's perception of the Council and wanted to make sure that the role of local governments in implementation was clearly included in the CCMP; furthermore, the Governor seemed to prefer completely omitting the concept of a Coordinating Council from the CCMP, and recommending instead an annual meeting in which individuals involved in implementation would discuss how best to "move forward."

Group Discussion of Coordinating Council

Levitas welcomed group discussion on the proposed Coordinating Council; he stated that the "theme" of the discussion would be whether the Policy Committee would decide to make changes to the CCMP, or not make changes, risking the undesirable outcome of no concurrence being reached on the CCMP.

Local Government Participation

APES' Pamlico CAC member Sybil Basnight presented her views of the involvement of local government officials in the APES process and her doubts that the negative comments about the Council were reflective of all local government groups in the A-P region. Basnight stated that, from the visits she had with some local government officials, she concluded that , among smaller local government groups, there seemed to be more support for the Coordinating Council as a consensus-building tool. Yet among groups that were larger and further from the community, there seemed to be more opposition to the

Council . Basnight placed the blame for the opposition towards the Council on a letter written and distributed by Craven County Economic Development Commission Director Tom Thompson, whose opposition, Basnight felt, was fueled mainly by "economic interests". In addition, Basnight stated that she doubted that the "politicians" opposing the proposed Council had "even read the CCMP and summary - only Thompson's letter."

Basnight and some other committee members expressed that there were several advantages to the proposed Council. Basnight stated that the Council could serve as a vital "consensus-building tool," and could continue APES' legacy of providing a forum for citizens in the A-P area. Alfred Howard of the Albemarle CAC seemed to support Basnight's observations. Like Basnight, Howard suspected that many groups in opposition to the proposed Council had not read the entire CCMP. The CAC member stated, "We [APES] can't give into one or two political groups; we should stick to our seven years of work and research." Also supporting the proposed Council was John Costlow, who stated that APES was one of the few agencies that had convened and sought to communicate in the efforts to coordinate." Next, Mike Gantt of the U. S. Fish and Wildlife Service emphasized that the importance that APES, which has "always worked by consensus," fully addresses the concerns of citizens and commissions. Also in support of the Coordinating Council, Don Hoss, representing Bud Cross of NOAA, reminded the committee members that the intent of the proposed Council was to be advisory, not regulatory, and he stated that he had believed that local government officials would be satisfied with this intention. Yates Barber stated that he felt that certain groups had not coordinated as they should; he added his feelings that the Coordinating Council would "nudge groups together" to ensure that the groups carried out their agencies' responsibilities.

Gantt asked for elaboration on Levitas' earlier allusion to the Governor's desire to see the county commissions as 'full partners' in the implementation process. Levitas responded that both he and the Governor felt that the county commissions' input was crucial to implementation. According to Levitas, "no-one wants another layer of bureaucracy - not even us." He added that the goal that lay ahead was to structure the Coordinating Council in such a way that the concept appeared "clearly non-threatening."

Next, Bowman Crum asked Ed Regan of the N. C. Association of County Commissioners to explain the Association's opposition to the proposed Council and to suggest options for appeasing the Association. Regan began by observing that there was only one local government official present at the meeting. He went on to state, "any time you discuss protecting the environment, you must include local government." He added that, when reviewing the issue of the Coordinating Council, the NCACC's "first concern" was - not omitting the Council - but "restructuring it." In addition, Regan expressed a preference for maintaining the Regional Councils, and holding annual meetings to discuss new challenges and goals for implementation.

NCACC Requests More Local Government Representation on Council

Regan continued to comment upon the proposed Coordinating Council. He stated that the NCACC was very supportive of APES and had only become concerned during a meeting with the Albemarle Commission, where commissioners had presented their concerns about the proposed Council. Later, a letter had been distributed that "stirred - or rekindled - our concerns over the structure of the Council." In

Regan's opinion, this letter reflected that the CCMP "had failed to target local officials - to bring them in as part of the implementation team." Regan continued, "in general, our central concern is having enough local government inclusion [on the Council], whether through local government officials, or people chosen by local government officials." He stated that he would present the conclusions derived during the day's meeting to the NCACC, either during their October 14 and 15 meetings, or through electronic mail.

Crum responded to Regan's concerns. Crum stated that the EPA's National Estuary Program was unique in its collaborative effort, and that APES, for one, had made a "valiant effort" to involve "everyone, including local government," in making its recommendations.

Additional comments on the Coordinating Council were introduced. Steve Levitas stated that the Coordinating Council would have three major functions: (1) Assessing to what extent implementation has occurred under each specific action plan; (2) Overseeing the staffing of the Regional Councils, and ; (3) Assessing what will be the next phase of implementation. Despite suggestions that the Regional Council meet more than once per year, Levitas stated that he felt that such a situation would be both unnecessary and inconvenient . (Later, Crum stated that there was a need for more flexibility in deciding how many times the Councils met.) Steve Tedder, from DEM, felt that an Executive Order would better serve to implement the CCMP than a Coordinating Council. He discussed the Basinwide Planning process and how it would include Advisory Committees. He envisioned the committees as short-term and not long standing like the Regional Councils.

Regan added that the NCACC would like to see five additional members from the Regional Councils , appointed by local government officials, added to the Coordinating Council, thus expanding the size of the Council from 24 to 29. Regan pointed out that the NCACC understood that "the Council is not regulatory", and added "that even when a body is advisory, there is still the need for someone who understands local government". ***A motion was made that Bowman Crum and Secretary Howes appoint a small group to meet with NCACC officials, and that another Policy Committee be held at a later date in which the proceedings of the suggested meeting were discussed. (Note: the motion could not be voted upon, since a quorum was not present.)***

Next, ***John Costlow presented a recommendation to the committee, which is outlined in Attachment L.***

> *In brief, this recommendation suggests extending the APES program to include the three river basins to the south (White Oak, Cape Fear, & Lumber) while retaining the Policy and Technical Committees and creating a Cape Fear CAC; drop the Coordinating Council (as currently proposed in the CCMP) and form a task group to work out an implementation structure over the next 2 to 3 years.*

Randall Waite stated that he saw advantages to including more local government representations on the proposed Councils. He asked Steve Tedder if there would be any way to expand the Coordinating Council without interfering with basinwide management. Tedder replied that the Council would be useful in "checking up on" the progress of DEM's basinwide approach.

Crum reiterated the alternatives that were proposed during the day's meeting: (1) APES staff would

eliminate the proposed Coordinating Council from the CCMP and recommend instead that an Annual Summit would be held to review progress and assess goals; (2) Negotiate an acceptable Coordinating Council structure with the Association of County Commissioners who earlier stated their desire to add five additional members (appointed by local government officials) from the Regional Councils to the Coordinating Council, thereby changing the composition of the Coordinating Council from 24 to 29 members; and (3) Extending the APES Program to include the three river basins to the south, while retaining a Policy Committee, dropping the Coordinating Council, making more of an effort to include local government, and forming a group to work out an implementation structure over the next 2 to 3 years. The group would consist of three state, three federal, and three local government officials and would meet annually during this time to resolve the Coordinating Council issue.

In addition to these alternatives, Waite suggested that an interagency agreement be drafted between all the agencies that would be involved in implementation. This agreement would ensure that these parties commit reasonable efforts to implement the CCMP.

Farewell and Adjournment

John Costlow reminded committee members that Randall Waite's EPA grant would be expiring in late September, thus ending Waite's tenure with the APES program. John Costlow pointed out Waite's outstanding leadership in the APES program and his success in bringing the program to its implementation phase.

There being no further business, the meeting was adjourned at approximately 4:45 PM.

DRAFT POLICY COMMITTEE AGENDA

August 30, 1994
GROUND FLOOR HEARING ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

2:00	WELCOME/AGENDA REVISIONS	Bowman Crum
2:05	EXPLANATION OF HANDOUTS	Randall Waite
2:10	INTRODUCTION TO COORDINATING COUNCIL ISSUE	Steve Levitas
2:20	OPEN DISCUSSION	Bowman Crum

Albemarle-Pamlico Estuarine Study
Policy Committee Meeting
August 30, 1994
List of Attendees

Name	Address/Affiliation
[illegible]	DEM/ WQ
Tom Ellis	NC Dept of Agriculture
Dan Murdoch	APES Staff
Felicia B. Coburn	EPA - Atlanta
Eric Slaughter	EPA - HQ
Jim Turner	USGS, Raleigh, NC
DOUG DUNCAN	NC FORESTRY ASSOCIATION
[illegible]	ACAC
Yates M. Barber	ACAC
PRESTON HOWARD	DEM
Ed Regan	N.C. Assoc. of County Commissioners.
Andy Coburn	APES
Guy Stefanski	APES
Mary-Walter Rumbo	APES
Tom Stroud	APES
Greg Thorpe	DEM
LARRY SAUNDERS	Wilmington District, Corps of Engineers
Don Hoss	NOAA/NMFS Beaufort, N.C.
Mike Gantt	FWS
DAN BRYAN	APES-PC
Bill Queen	ECU APES PC
[illegible]	201 Ann Beaufort, N.C. Pol. Comm.
[illegible]	NR DCM
RANDALL G WAITE	APES
Bowman Crum	USEPA, Region IV

Steven Levitas	DENR
Sybil Ross	PCAC
Marybruce Dowd	—