

PASQUOTANK RIVER BASIN REGIONAL COUNCIL

USF&W Service Fish Hatchery
1104 West Queen Street
Edenton, North Carolina

November 3, 1999

AGENDA

4:00pm	Welcome & Call to Order	Chairman Erie Haste, Jr.
4:05	Introductions	All
4:10	Approval of Minutes (August 4th)	Chairman Haste, Jr.
4:15	Approval of Resolution entitled "A General Investigational Study of Currituck Sound by the Corps of Engineers"	Chairman Haste, Jr.
4:30	Appointment of new RC Secretary	All
4:45	Discussion: New Ideas for Demonstration Projects	All
5:45	New Business & Public Comment	All
5:50	Plans for Next Meeting	All
6:00	Adjourn	

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MINUTES

In the absence of the Chairman, Joan Giordano called the meeting to order at 4:05pm and determined that a quorum was present.

Guy Stefanski began by updating the group about the three demonstration projects that had been discussed at previous meetings and the subsequent reasoning that precluded their acceptance: 1.) DOT monitoring of highway BMP assessments; 2.) the fertilizer injection of soil project proposed by Harry Lee Winslow; and 3.) the mobile wastewater treatment project that Currituck Co. is beginning to implement. At this time, Chairman Haste arrived and assumed chairing the meeting.

It was suggested that the group get "back on the agenda" and Chairman Haste asked for self-introductions of those present. (See Attachment A). The next order of business was the approval of the minutes from the August 4th meeting. Through a motion by Carl Parrott, seconded by Yates Barber, the minutes were accepted as corrected (i.e. a typo stating the next meeting was to be held on Sept. 26, but which should have read Sept. 16. This error had already been corrected through a memo mailed on August 24th).

Chairman Haste asked that the resolution before the group, "A General Investigational Study of the Currituck Sound by the US Corps of Engineers," be read aloud. Mrs. Giordano explained that the draft resolution had been sent with the prior month's minutes and that she asked that those members with concerns to contact her. She reported that there were no comments forthcoming. Chairman Haste asked for a motion to accept the resolution as sent. Jack Simoneau moved that it be accepted, and Carl Parrott seconded. During discussion of the motion, Chairman Haste recommended that an additional "Whereas" be added to the resolution in order to reference its history, that is, the fact that there was prior acceptance by the US Congress (House of Representatives) in 1997, to endorse such a study. Guy Stefanski offered to amend the resolution by inserting additional language illustrating this. (See Attachment B). The discussion was tabled pending the penning of the additional language.

The next order of business was the appointment of a new RC Secretary. Mrs. Giordano explained that according to the by-laws, the RC was to elect a full complement of new officers in December, and that inclusion of this item on the agenda was a hold-over from the postponed September meeting. She added that there was not necessarily a need to act on this item at the present time, but that it could be attended to at the December meeting. Further discussion centered around the responsibility of this office (minute taking, transcription of the minutes, other correspondence and mailings) and that it had been attended to by staff, since the RC's inception. Chairman Haste asked that this procedure be continued if there was no one willing to accept the responsibility of the office. Mrs. Giordano agreed to continuing to organize, edit, copy, prepare envelopes, post and mail the minutes of future meetings, but stated that it was very difficult to contribute to meeting discussions, shoulder responsibility for all meeting logistics, agendas, memos, and guest speakers, as well as being responsible for actually taking the minutes. This discussion evolved into a discussion about the

attendance and participation of RC members in general. Additional discussion centered on explanation of the Executive Order (#75) which established the RCS and the procedure for appointing local government and interest-group representatives. Chairman Haste requested that a letter be sent to the counties whose representatives were not attending, or otherwise participating, in the program and that they appoint a replacement.

Annette Gibbs asked if a nominating committee would be established for soliciting/preparing a slate of nominees for the upcoming election of officers. Chairman Haste appointed Yates Barber as a "nominating committee of one" to fulfill that assignment.

The next item of business was a presentation by Jack Simoneau on the Whalehead Club in Corolla. It was hoped that the PRBRC could participate (as a demonstration project) in the restoration of this historical site through the installation of a breakwater to stabilize shoreline erosion. The County of Currituck was expected to lead this effort at restoration, but apparently withdrew from the \$5M project only recently. Mr. Simoneau was unsure of the reason and was asked to pursue it and report back at the next meeting. He also agreed to speaking with the Whalehead Preservation Trust about any possibility of participating with them, in the Whalehead Club restoration effort. (See Attachment C). Chairman Haste urged those present to be thinking about other ideas for the Pasquotank RC demonstration project and to communicate them to Guy and Joan. A suggestion to contact the Albemarle RC&D (Rodney Johnson's office) about possible opportunities for partnering on a demonstration project was made by Nelson Smith. The group concurred that this was a good suggestion. Guy Stefanski reported that he would be meeting with Rodney in the near future on a Chowan RC matter, and he would approach him Nelson's suggestion.

Chairman Haste then asked for the additional language which was recommended to be added to the resolution. Guy Stefanski read three scenarios from which the RCs could choose. The group supported combining the three scenarios (Attachment B contains this language) and through a motion by Jack Simoneau, which was seconded by Nelson Smith, the group voted to accept the resolution as was amended and read. Guy Stefanski agreed to produce a (amended) clean copy for Chairman Haste's signature and to list and forward copies to the intended recipients: Bill Holman, Bill Richardson, Marc Basnight, Walter Jones, Jr., Coleman Long and the District engineer at the US COE in Wilmington, John Carlock (HRPDC), Eva Clayton, Jesse Helms and John Edwards. Joan Giordano agreed to composing the cover letter to accompany the resolutions being sent out.

Under the new business and public comment portion of the agenda, Guy Stefanski reported that Robin Smith would succeed Bill Holman as the Assistant Secretary for Environmental Protection and, by that succession, would be the new Chair of the Coordinating Council.

Plans for the next meeting included the group's request to have the Coastal Resources Commission's stakeholders' report, on shoreline development, placed on the agenda for discussion. (See Attachment D).

There being no further business, **the next meeting was scheduled for December 9th, again at the Edenton Fish Hatchery, beginning at 4:00pm.** The meeting was adjourned.

Attendance
Pasquotank RC
Edenton
11/3/99

<u>NAME</u>	<u>Affiliation</u>
Joan Guerdano	APNEP Staff
Christine Gibbs	Hyde Co. Partnership for the Sound
Guy Stefanski	APNEP Staff
Morris E. Cursey	Gates Co. Comm.
Nelson W. Smith	Tyrrell County
Esra Thornton	Dare County Muni
John Semoreau	Currituck County
Yates M. Barber	Pasquotank County
Lee Pasteur	Perquimans County

**RESOLUTION SUPPORTING A GENERAL INVESTIGATIVE STUDY OF CURRITUCK SOUND
BY THE US ARMY CORPS OF ENGINEERS**

WHEREAS, the Currituck Sound is a vital natural resource for the people of North Carolina and in the past has supported a thriving freshwater fishery and provided nursery grounds for many recreational and commercial fish species; and

WHEREAS, the Currituck Sound is a major flyway for migrating water fowl; and

WHEREAS, fluctuating salinity levels have caused a marked decline in the fisheries that are most important to the local and state economy; and

WHEREAS, a number of potential causes of the salinity changes have been identified; and

WHEREAS, to restore the Currituck Sound to its former state of productivity the development of effective management strategies need to be implemented and the first step to accomplishing this is to better understand the hydrodynamic and ecological functions of the Sound through study; and

WHEREAS, the NC Department of Environment and Natural Resources (NCDENR) supports a House resolution authorizing the US Army Corps of Engineers (ACOE) to do a General Investigative Study of Currituck Sound, beginning in fiscal year 1999 (Attachment A with background paper);

WHEREAS, the County of Currituck adopted a resolution on October 20, 1997 supporting NCDENR's request for Congress to authorize the ACOE to begin a General Investigative Study of Currituck Sound (Attachment B);

WHEREAS, the Committee on Transportation and Infrastructure of the US House of Representatives adopted a resolution on March 11, 1998 requesting that the Secretary of Army begin this process (Attachment C).

NOW, THEREFORE BE IT RESOLVED, that the Pasquotank River Basin Regional Council, a basinwide board of local government officials and interested citizens, whose establishment is mandated through Executive Order of James B. Hunt, Jr., Governor of NC, and whose charge and responsibility is to advise the NC Department of Environment and Natural Resources and others on environmental protection, do hereby endorse the US Army Corps of Engineers and the State of North Carolina to engage in a comprehensive study of the Currituck Sound for the purpose of providing the most efficient assessment of Sound conditions.

IT IS FURTHER RESOLVED, that such information as is gained from this effort will result in production of a model designed specifically for the restoration and benefit of the Currituck Sound.

Adopted this 3rd day of November, 1999

T. Erie Haste, Jr., Chairman
Pasquotank River Basin Regional Council

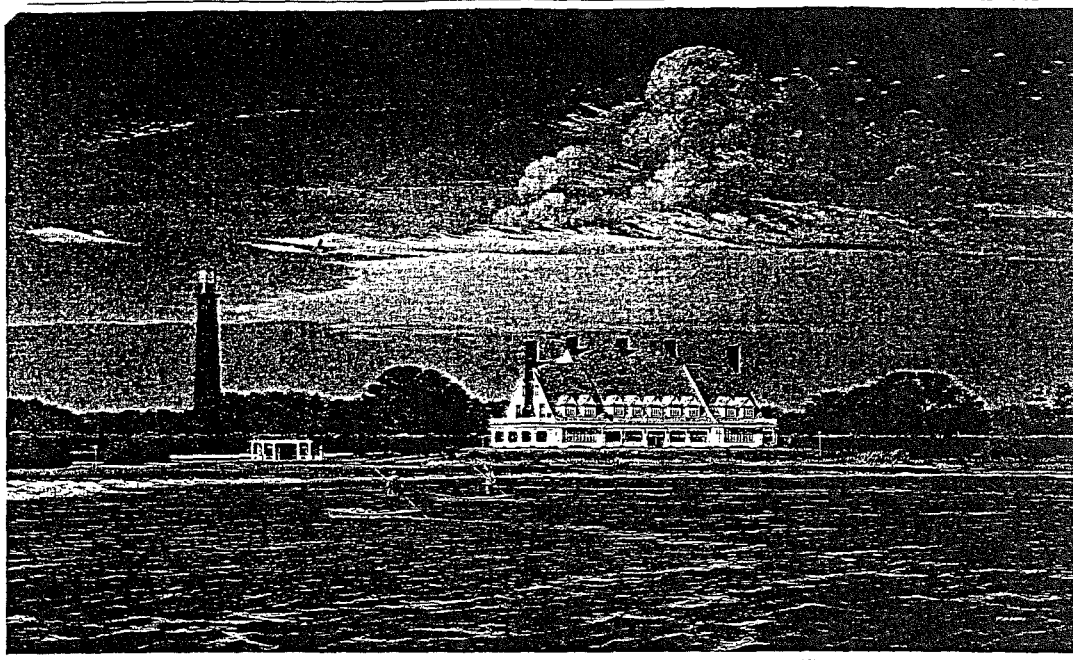


IMAGE SIZE: 17 1/4" x 28 1/2"

Return to Whalehead Corolla, North Carolina

Currituck, an Indian name for "Land of the Wild Goose", first became known as the duck hunting capitol of the East Coast in the late 1800's. Wealthy travelers who ventured to the isolated North Carolina Outer Banks discovered large numbers of ducks and geese that wintered on the lush marshes of the Currituck Sound. As news of Currituck's waterfowl population began to spread, sportsmen from all over the United States began converging on the Currituck Sound.

One of the wealthiest visitors to the Outer Banks was Edward Collings Knight, Jr., an executive with the Pennsylvania Railroad, American Sugar Refinery and Knight Publishing Company. Mr. Knight was a member of the prestigious Lighthouse Club. However, the club would not admit women and Knight's wife, Amanda LeBel, was an accomplished hunter. According to local legend, Mrs. Knight used "friendly persuasion" to convince her husband to purchase the Lighthouse Club and construct the most opulent hunt club ever built on the Currituck Sound.

The construction of the Whalehead Club began in 1922 and was completed in 1925 at a cost of \$383,000.00. The materials used to construct the club were shipped by barge from Norfolk, Virginia. The Whalehead Club was the first home in Currituck County to have a basement, elevator and swimming pool. The mansion has five chimneys, 20 bedrooms and 15 bathrooms. It features cork floors, corduroy walls, copper shingles on the roof and pink

tiles on the walls of the kitchen. The numbered and signed Tiffany lighting fixtures hung gracefully from the ceilings of the dining room and great room, where the Knight's entertained in lavish style.

The Whalehead Preservation Trust has been established to restore this historic residence to its original elegance through the solicitation of public and tax deductible private donations. Once restored, the Whalehead Club will become the home of the Currituck Wildlife Museum. This museum will showcase the wildlife heritage of the Currituck Sound, Northeastern North Carolina and the Back Bay of Southeastern Virginia. The history of waterfowl hunting and the artistry of the decoy makers will also be highlighted in the museum. The centerpiece of the museum will be a prestigious collection of duck decoys that has already been acquired by the Currituck Wildlife Guild. The collection is featured in the book "Waterfowl Heritage: North Carolina Decoys and Gunning Lore" by William Neal Connoley, the former owner of the collection.

"Return to Whalehead" was commissioned by the trust as an exclusive offering for benefactors to the trust. This premium quality offset lithograph reproduction has been produced on heavy 100% neutral pH art stock. Closely supervised by the artist, eight colors of fade-resistant ink were used to capture the detail of his original painting. Each reproduction is then inspected, signed and numbered by the artist before being enclosed in a custom-made protective portfolio.

The Artist

Bob Dance is well known in North Carolina for his coastal paintings, including many of North Carolina's lighthouses. His painting, "Cape Lookout Morning" has been reproduced in publications worldwide and his painting, "Hatteras Standing" was used on the first National Park Stamp in 1988. The Hatteras painting was also exhibited in the Great Hall of the Smithsonian and the artist was presented to George Bush in the White House.

An award winning graduate of the Philadelphia Museum College of Art, he is regarded as one of the world's premier nautical artists. Since 1986, he has exhibited in the major exhibitions of the Mystic Maritime Gallery in Mystic, Connecticut. In 1987 he won the top award at the Easton Waterfowl Festival in Easton, Maryland. He is a three time winner of the North Carolina Watercolor Society and in 1991 he was given a twenty year retrospective at The Southeastern Center for Contemporary Art. Since 1989 he has been listed in Who's Who in American Art.

Bob Dance has written technical articles on art for a number of art magazines and books, including American Artist magazine and the British magazine, The Artist. Most recently, his work has appeared in WoodenBoat magazine, Maine Boats & Harbors, 1994 National Fisherman Yearbook, Seafood Business and the cover of the 1995 National Fisherman Yearbook.

The Carver

During the hey-day of hunting in Currituck a specific type of decoy was made and used by local hunters. The decoy was made by attaching a carved wooden head and a wooden or wire backbone to a shaped, flat wooden bottom board. Ribs were fashioned from wire and twine was laced between the ribs. Canvas was then stretched over the frame and painted. The result was a very durable and light-weight working decoy. While it cannot be proven that this type of decoy originated in Currituck County, more were made here than anywhere else, hence the name "Currituck Gunning Decoy." Ned Burgess of Church's Island was probably the most prolific and best known maker of "Currituck Gunning Decoys."

Wallace O'Neal, IV is a native of Currituck County and a fourth generation decoy maker. Wallace continues the rich tradition of Currituck decoy makers by producing "Currituck Gunning Decoys" in various sizes and species. He is honored to have been selected to produce the first decoy for the members of the Currituck Wildlife Museum At The Whalehead Club. This first year's decoy is a 3/4-size replica of a Ned Burgess Canada Goose decoy and has been produced in a limited edition of only 250.



ORDER FORM

"Return to Whalehead" Museum Edition: Limited to only 250 signed-and-numbered reproductions with an embossed seal and a matching signed-and-numbered decoy. \$500.00

"Return to Whalehead": Limited to 1200 signed-and-numbered reproductions \$100.00
 North Carolina residents please add 6% sales tax
 Shipping, handling and insurance for museum edition \$25.00
 Shipping, handling and insurance for regular edition \$15.00

Check enclosed VISA MasterCard

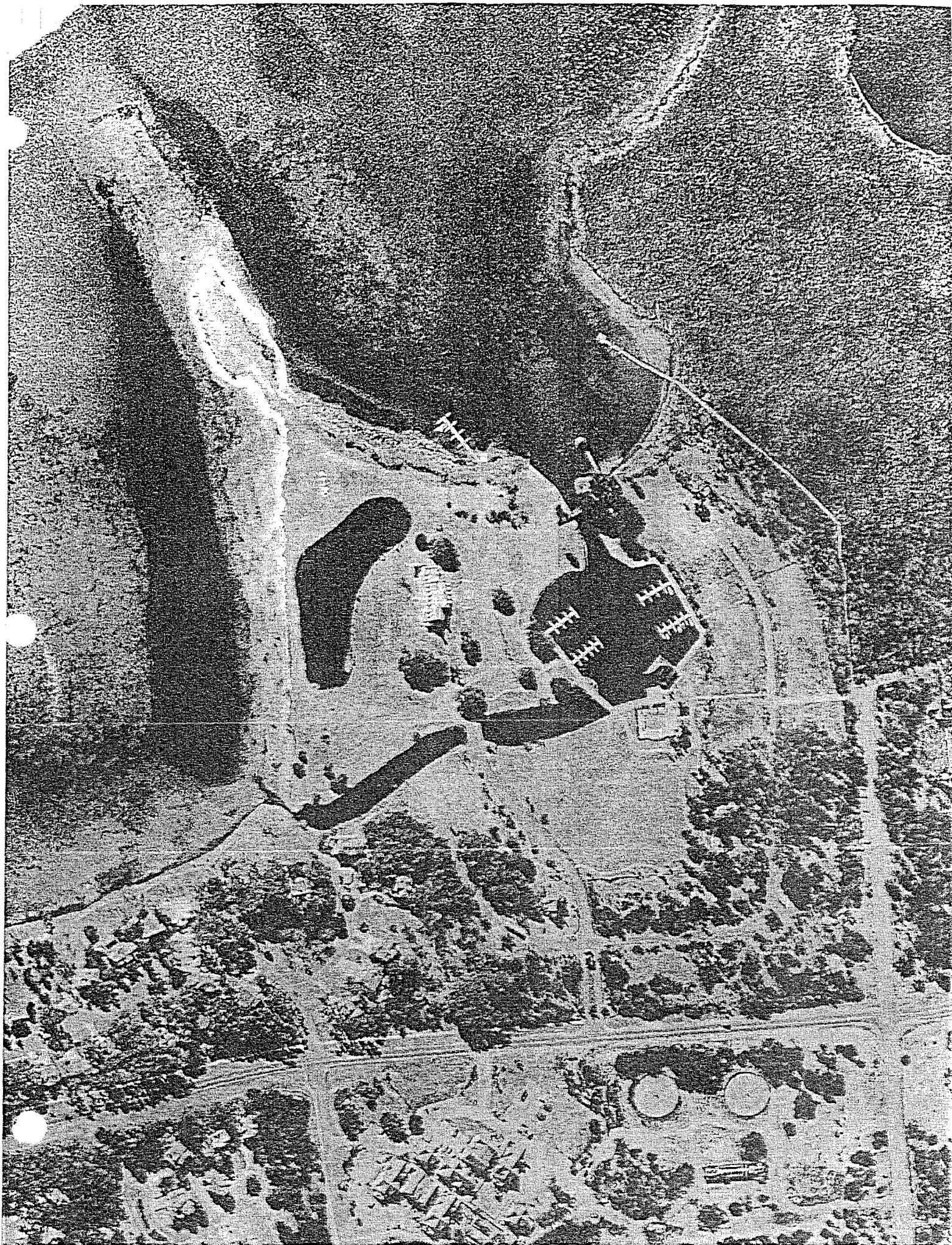
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Signature _____ Telephone _____

Name (Please print) _____

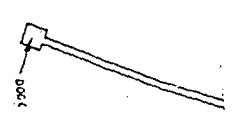
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City _____ State _____ Zip Code _____

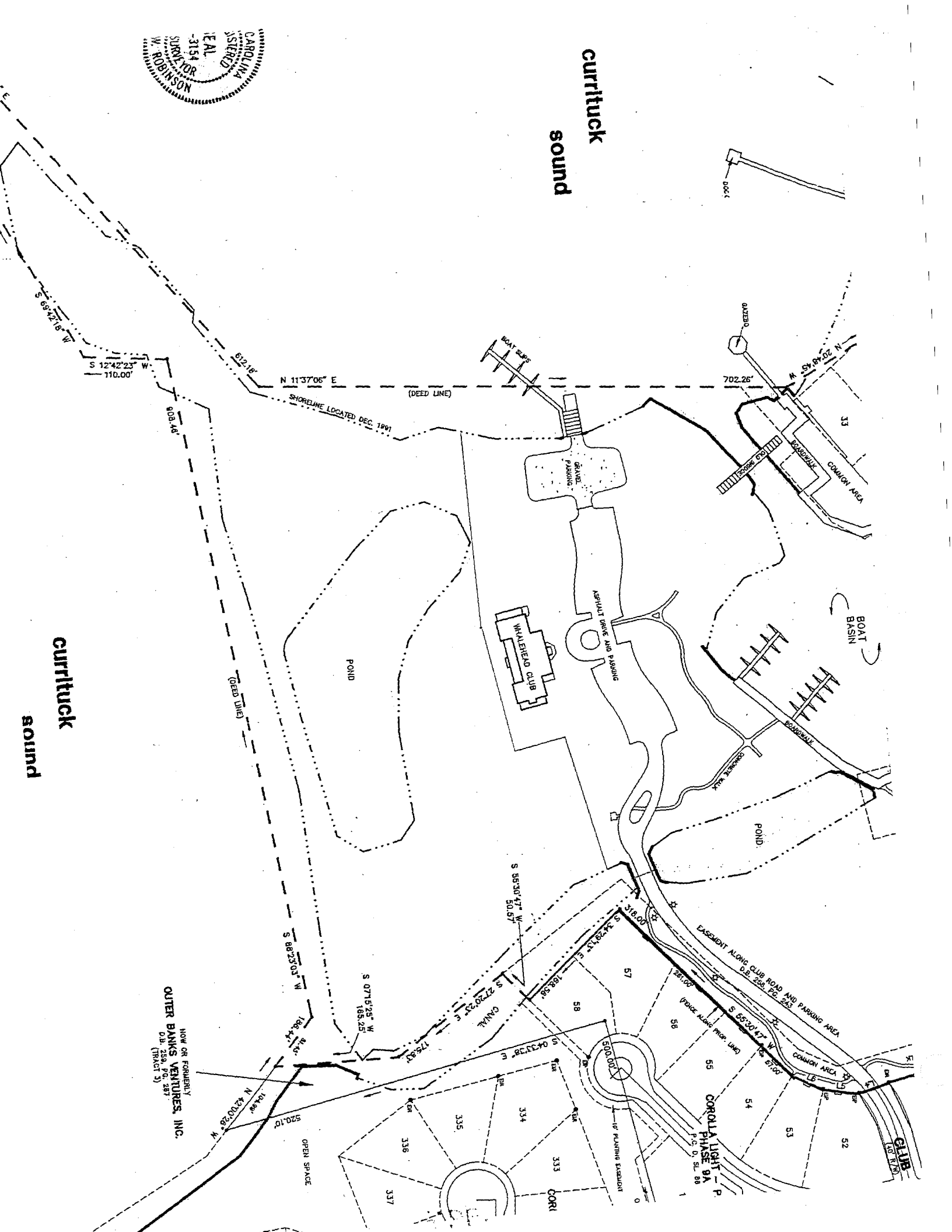




currtuck
sound



currtuck
sound



NOW OR FORMERLY
OUTER BANKS VENTURES, INC.
D.B. 259, P.G. 287
(TRACT 3)

COROLLA LIGHT - P.
PHASE 9A
P.C. 0, S.L. 88

AGENDA ITEM # 8

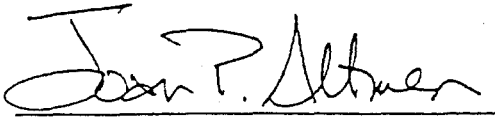
**Protecting North Carolina's Coastal
Resources**

**A Framework for Maintaining and
Improving Water Quality**

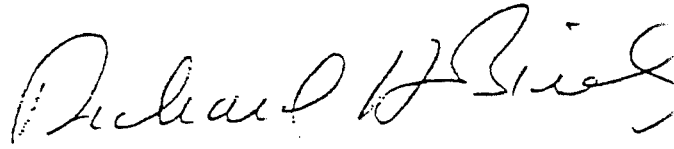
By and for North Carolina Estuarine Shoreline
Protection Stakeholders

August 1999

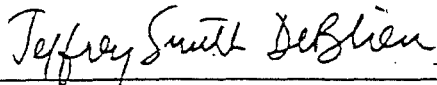
The Undersigned have jointly developed the attached "NC Estuarine Shoreline Protection Recommendations" and are committed to seeing that they are implemented.



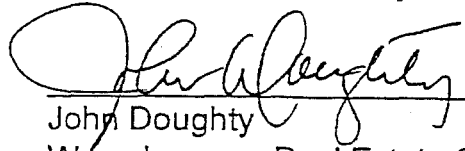
Joan P. Altman
Co-Mayor - Town of Oak Island



Richard H. Bierly
Citizen



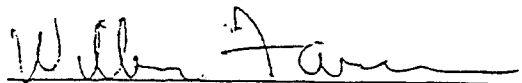
Jeffrey Smith DeBlieu
The Nature Conservancy, NC Chapter



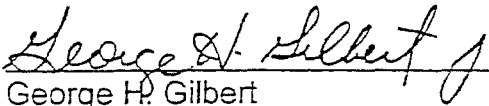
John Doughty
Weyerhaeuser Real Estate Co.



Curtis Estes
Estes Homebuilders
Association



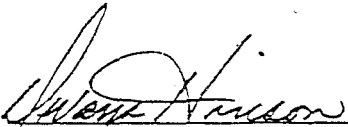
Wilbur Farmer
SE Waterman's



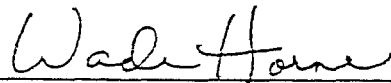
George H. Gilbert
Chief - Shellfish Sanitation Section
NC DENR/Division Of Env'l Health



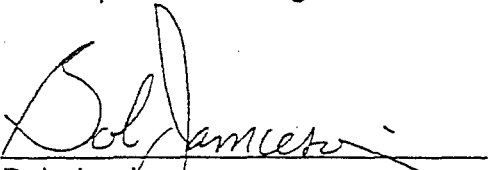
Edward Gore Sr.
Developer



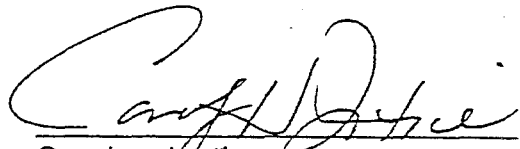
Dwane Hinson
US Department of Agriculture



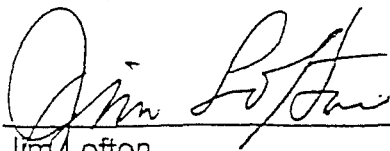
Wade Horne
Manager - Village of Bald Head Isl.



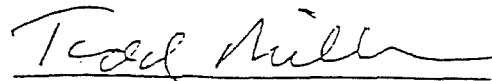
Bob Jamieson
Wilmington Regional Association of Realtors



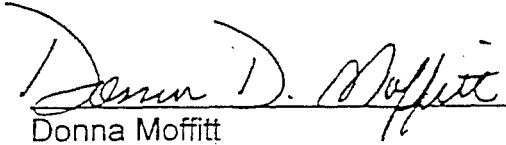
Carolyn Justice
Commissioner - Pender County



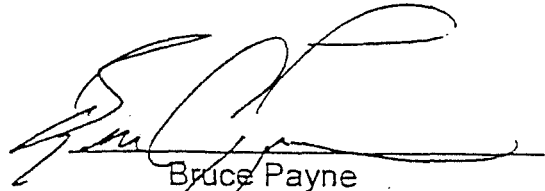
Jim Lofton
NC Assn. of Financial Institutions



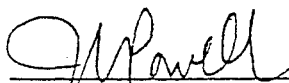
Todd Miller
NC Coastal Federation



Donna Moffitt
Director - Division of Coastal Mgmt
NC DENR



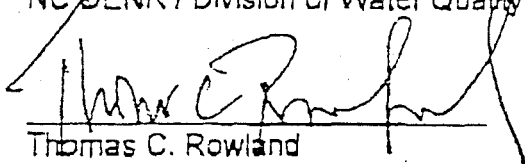
Bruce Payne
Planning Dir. - Jacksonville, NC



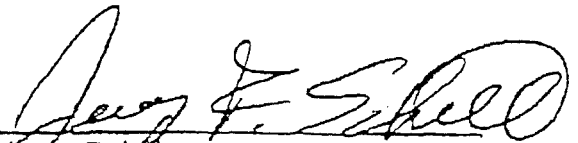
Jeanette Powell
Stormwater and General Permits Unit
NC DENR / Division of Water Quality



Doug Rader
Environmental Defense Fund



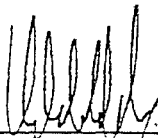
Thomas C. Rowland
NC Forestry Association



Jerry Schill
NC Fisheries Association



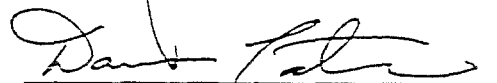
Jack Simoneau
Planning Director - Currituck County



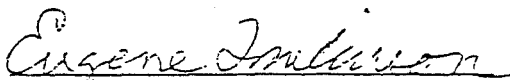
Ross Steckley
Washington County EDC
Northeast Need



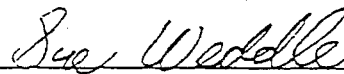
Michael W. Street
Chief - Habitat Protection Section
NC DENR / Division of Marine



Damon Tatem
NC Clean Water Management
Trust Fund



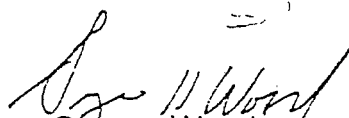
Eugene Tomlinson
NC Coastal Resource Commission



Sue Weddle, Environment
Sunset Beach Taxpayers Assn.

*Please see dissenting opinion
in Chapter III*

Haywood Weeks
Beaufort Docks



George Wood
Citizen

An Open Letter to the Citizens of North Carolina

As the lead facilitator for the North Carolina Estuarine Shoreline Protection Stakeholder Process, I am pleased to present and endorse this report. "Facilitators" are the guardians of a fair and open process. We are neutral. We don't provide the answers but rather create and maintain the environment for others to find their own answers. In this role, I have seen firsthand the immense commitment and the high quality of work done by all of the participants. They have put their lives and careers on hold as they embraced their charge with a surprising passion. A passion that I have never seen before in a stakeholder team. A passion that I don't ever expect to see again.

This "stakeholder" effort or "collaborative process" represents a new way of doing business on coastal issues in the state of North Carolina. It is based on the principle that government gets its best results when it sets firm goals while also encouraging flexibility and innovation in how those goals are met. This pioneer effort translates that principle into effective environmental policy.

The recommendations contained in this report will contribute to improvements in water quality and habitat protection within the North Carolina estuaries for generations to come. These recommendations are based on sound science, common sense and an appreciation for the cause and effect relationships that exist at the nexus of economics, environment and politics.

I applaud the stakeholders for their efforts and encourage all the citizens of the Tar Heel State to do the same.

Adam R. Saslow
Atlanta, GA

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Acknowledgements

A large team representing many, many interested parties affecting coastal water quality compiled the recommendations in this white paper.

Appendix A lists the North Carolina Estuarine Shoreline Protection (NC ESP) stakeholder team in its entirety. As in any multi-stakeholder endeavor, several served as valuable leaders for particular elements of this effort. In particular, each of the "Workgroup Captains" should be singled out for their leadership and fortitude: George Wood, Richard Bierly and Joan Altman. This certainly should not minimize the contributions and effort put forward by the rest of the stakeholder team.

The NCESP stakeholder team was comprised of a great many people of varying experiences and backgrounds. An enormous amount of time was spent in educating these individuals on matters of water quality. The stakeholder team gratefully acknowledges the many academics and experts who came to all of the meetings to present their knowledge, work and expertise. These individuals are recognized in the Bibliography presented as Appendix B.

Additionally, several staff members from North Carolina's Department of Environment and Natural Resources (DENR) committed their time and energy to ensuring that the public record accurately reflected the proceedings. Among them were: Cathy Brittingham; Kim Crawford; Bill Crowell; Jane Daughtridge; Anne Deaton; Pat Hughes; Mike Lopazanski; Portia Peaden; Rich Shaw; Robert Stroud; John Thayer; Ted Tyndall; Kathy Vinson; Kelly Williams; and Caron Whitaker.

Finally, additional facilitation support was provided on a periodic basis. The stakeholder team gratefully thanks Suzanne Hoover and Christy Perrin of North Carolina State University, as well as Michael Shore of NC DENR and Brenda Shumbarger.

Executive Summary

Protecting and improving coastal resources has become one of North Carolina's highest environmental priorities in recent years. Several landmark scientific, legislative and citizen participation efforts have been undertaken to assist the state in developing the information and support needed to craft good public policy.

However, good science is not the only component of responsible public policy. The best policies are grounded in science bounded by rationality and informed by common sense. It is with these concepts in mind that the North Carolina Department of Environment and Natural Resources (DENR) convened the North Carolina Estuarine Shoreline Protection (NC ESP) Stakeholder Team on April 26, 1999 involving virtually every "constituency" that impacts or benefits coastal resources. This report, the product of that effort, is addressed to the Governor, the Coastal Resources Commission (CRC), the General Assembly and local government officials. It is easy to see why all of these parties are addressees. Each and every one is asked to implement elements of this effort.

Twenty-eight stakeholders worked for almost four months in a very intensive process. The process contained five stages:

- Stage I: Agreement on mission and goals
- Stage II: Development of the basic tenets and approach
- Stage III: Research, problem identification and analysis
- Stage IV: Generation of remedial alternatives
- Stage V: Selection of recommendations and the negotiation of language

In the early stages and throughout the process, the stakeholder team received an enormous volume of input from the scientific and academic communities. In the middle of the process, the stakeholder team identified issues of critical import to the regions in which they live, work and play. These issues became the focal point of the first negotiations held in "working groups" within the north, central and southern regions of the coast. In the final stages, the team worked in a plenary to develop the final language for each of the policy recommendations.

Public policy need not be regulatory to be effective. In fact, there are a great many public policy tools that can be brought to bear on any given issue. The stakeholder team identified six such tools: statutory change; regulatory/rulemaking alternatives; voluntary programs; conservation; best management practices; and research (please reference Appendix C for definitions of each). Each recommendation contained in this report utilizes one or more of these tools.

The stakeholder team's recommendations spanned a wide range of pollutants and sources and fell into five categories. Each category follows below with a brief summary of the recommended activities.

A. Institutional Coordination

The stakeholder team went through a rigorous effort to identify the various governmental programs that in some way affect water quality. Approximately 100 such programs spanning local, state and federal levels of government were highlighted. The stakeholder team noted that coordination among these various programs must be improved. Inter- and intra-governmental communication systems must be established, utilized and maintained. The stakeholder team

recommended that the NC General Assembly's Environmental Review Commission (ERC) form a special study group to review the efficiency and effectiveness of existing water quality programs. Programs supported by the study group and designed for permitting, inspections, technical support, compliance assistance and enforcement must be adequately funded and staffed.

B. Basinwide Management

Early on, it was noted that no constituency group would accept a policy framework that failed to recognize upstream and inland activities that contribute to water quality problems on the coast. The stakeholder team agreed that all citizens of North Carolina should bear an equal responsibility for maintaining and improving water quality. Basinwide management, land use planning throughout the eight river basins draining to the coastal area, local participation and implementation were all identified as critical elements of any coastal program. All of these activities must be tied to adequate funding and support for various local programs. Finally, incentive systems must be developed by the state to encourage the use of effective best management practices (BMP's) across industry sectors, the maintenance of waters with high water quality and the prioritization of impaired water bodies for restoration.

C. Pollutant Sources of Concern

Pollutants reach coastal waters through point sources, non-point sources and aerial deposition. The stakeholder team crafted recommendations that specifically design strategies for minimizing contributions from each source. Point source recommendations target wastewater collection and treatment facilities. Non-point source recommendations involve agriculture, forestry and strengthening of the Erosion and Sedimentation Control Program and the Sedimentation Pollution Control Act, as well as mitigation efforts by the North Carolina Department of Transportation (DOT). Recommendations targeting aerial deposition of nutrients focus on large animal operations.

D. Research

The stakeholder team reviewed dozens of scientific reports. Many of these reports were unique to North Carolina's waters. Other reports focused on estuarine issues nationwide and internationally. In this comprehensive review, several gaps were noted in existing knowledge. The stakeholder team urges that research be undertaken concerning toxic substances, contaminated sediments, the effects of dredging operations, non-agricultural buffers and aerial deposition of nutrients.

E. Pollution Prevention Through Education

The stakeholder team agreed that "an ounce of prevention is worth a pound of cure." In that spirit, recommendations concerning education may be among the most powerful as the state water quality programs move into the next century. The stakeholder team recommended support for education programs targeting local government officials, public education on wastewater treatment systems and education geared for landowners on BMP's for their properties.

These recommendations were thoroughly debated throughout the process. In order to be carried forward in the report, 75% or more of the stakeholders had to agree. In most cases, these recommendations were accepted with 100% consensus. In others, a very small minority was opposed.

The process concluded on July 12, 1999.

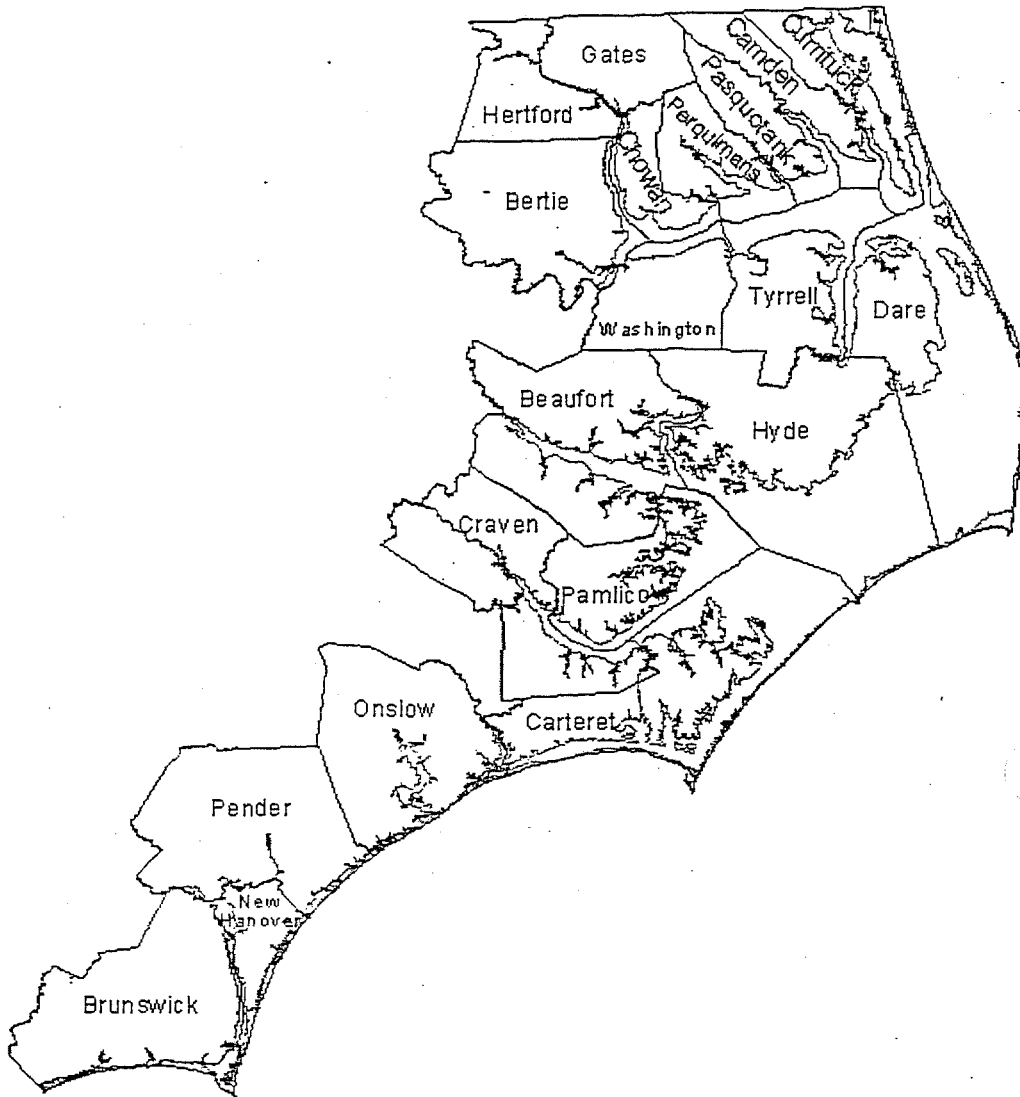
In the end, 27 of 28 stakeholders signed this report in support of the recommendations contained within. The 28th participant filed a dissenting opinion (see Chapter III) NOT because he opposed the letter and spirit of the final product and NOT because he opposed the process. His opposition concerned what he considered to be a failure of the recommendations to explicitly recognize an element of existing law.

By all accounts this was deemed to be an extraordinarily successful collaborative process. The stakeholder team developed meaningful recommendations firmly supported by existing science. The recommendations, though clearly controversial, were embraced by nearly the entire stakeholder team. And above all else, bridges were built across large chasms that existed between interested parties. These bridges will be used to resolve water quality concerns for years to come.

CHAPTER I
PROJECT OBJECTIVES AND BACKGROUND

A. Background

Figure 1. Coastal North Carolina.



The approximately 4,000 miles of estuarine shoreline is one of North Carolina's most precious natural resources. It is also a cornerstone of the fine quality of life led by area residents. It is a vacation paradise for Americans nationwide. It is an economic driver that provides for access to fertile markets, transport of goods and materials and an attractive business environment for corporate entities.

In recent years, coastal resources have exhibited serious signs of stress. Algal blooms, sediment plumes, increasing shellfish area closures and outbreaks of *Pfiesteria* have all made the headlines. Each sign is evidence of the increasing pressures that economic growth places on coastal resources.

In response to these and other pressures, The Coastal Futures Committee (CFC), a group of 15 members appointed by the Governor in 1994, examined many of the issues surrounding the degradation of coastal resources. Their charge was to study current management efforts and draft recommendations for future action. In 1994, the CFC noted that the existing regulatory framework was not adequate for protecting water quality.

The Coastal Resources Commission (CRC) has since spent enormous time and energy examining the environmental stressors and looking for solutions. In late 1998, the CRC released draft proposals for protecting coastal resources in the form of the "Coastal Shoreline Protection Initiative." These proposals were controversial and began several months of heated debate between and among affected parties up and down the coast.

In early 1999, the Division of Coastal Management (DCM), as the staff support to the CRC, recognized the difficulty in gaining acceptance of the Coastal Shoreline Protection Initiative. The CRC directed DCM to begin a stakeholder process to develop mutually agreeable public policy for the protection of coastal resources. Specifically, the CRC asked DCM to utilize a "facilitator" and charge a stakeholder group with:

"the mandate not just to come back with rules that the CRC could adopt (though that may very well be some of the things that he does with the stakeholders), but that he engage the stakeholders in as broad a based attempt as possible to bring to the CRC a full set of actions that the CRC could take, the General Assembly could take and the Environmental Management Commission (EMC) or any other commission could take to not just hold the line as best we can but to improve water quality. The CRC said when the facilitator brought those to the CRC through the stakeholder process which had been fairly well outlined, the CRC would take those and pass them along to the General Assembly and to any other commission that could work on those things. The CRC stated that it would basically be the facilitator's goal to bring the CRC workable solutions to water quality no matter who had to basically pass the rule."

CRC-825
March 26, 1999

The stakeholder team was asked to present its recommendations at the July meeting of the CRC - less than four months later.

B. The North Carolina Estuarine Shoreline Protection (NC ESP) Stakeholder Team

With that charge, the process began for forming the stakeholder team. Per the instructions of the CRC, the "selection committee" was comprised of the Chairman of the CRC, the Chairman of the Coastal Resources Advisory Council (CRAC), the DCM Director and the facilitator.

The stakeholder team would be established with two elements of "balance" in mind: geographic and constituency-specific. First, recognizing that the geography of North Carolina lends itself to

different causes, effects and, potentially, policy solutions, the selection committee sought balance (in residence) between the northern, central and southern coastal regions. Second, recognizing that balance is an important element among interested constituencies, the selection committee sought equity in numbers among representatives of development interests, the environmental community, local government and state government.

Further, all "nominees" were put through a screen of four criteria before appointment:

- Rationality - the ability to explain perspectives and listen to those of others;
- Familiarity with estuarine issues;
- Representation of a broader interest group; and,
- Accountability to those larger interests.

This resulted in the following distribution of stakeholders:

	Raleigh (4)	North (6)	Central (9)	South (9)
Agriculture		X		
Banking	X			
Citizen		X	X	
Commercial Fishing			X	
CRC				X
Development		X	X	X
Environmental	X	X	X	X
Forestry				X
Homebuilding			X	
Local Gov't - Town				2X
Local Gov't - County		X		X
Local Gov't - Urban			X	
Marine Trades			X	
Real Estate				X
Sport Fishing		X		X
State Govt. - Coastal Mgmnt	X			
State Govt. - Fisheries			X	
State Govt. - Shellfish & San'n			X	
State Govt. - Water Quality	X			

Additionally, other government entities were invited to participate including:

- The U.S. Army Corps of Engineers;
- The U.S. Environmental Protection Agency;
- The U.S. Department of Commerce;
- The NC Department of Transportation; and,
- The NC Department of Commerce

Each declined the invitations to be a part of the stakeholder team, although the NC Department of Transportation provided a representative who attended several meetings. The U.S. Army Corps of Engineers also dedicated someone to attend meetings.

Finally, the stakeholder team was formed without the nomination of scientific experts. The intent was to hold the scientific community out above the policy debate. Scientific perspectives were brought in from outside the process to inform those inside the process.

C. Adopted Mission and Principles

One of the many concerns heard up and down the coast related to the fear of this being another "regulatory overlay" to existing governmental control. The Team was very conscious of the many ways to maintain and improve the environment without excessive reliance on the government. For that reason, the Team formally adopted the CRC charge and refined its own mission as follows:

"Make recommendations to improve water quality within the 20 coastal counties subject to CAMA including recommendations which may address activities and policy affecting coastal water quality beyond the CAMA jurisdictional lines. We are permitted to recommend any one or several of the tools available including but not limited to:¹

*Statutory Change
Regulatory/Rulemaking Alternatives
Voluntary Programs
Best Management Practices
Research."*

It was further accepted that, wherever possible, if government intervention was required, then the intervention would take place at the lowest possible level – the government body with the necessary "capacity" that exists closest to the people.

The stakeholder team further worked from the perspective that whatever came out of the process would have to be built on the foundation of good scientific evidence.

D. The Roadmap to Public Policy

Developing public policy is hard. Developing good public policy is even harder. It begins with establishing a transparent and consistent process. It continues with balanced and equitable participation among participants and is informed by experts and affected individuals. It ends with dialogue... and sometimes compromise.

The stakeholder team identified and unanimously adopted its own evaluative process. It involved asking six questions:

1. Where are we today?
 - a. What is water quality/degradation?
 - b. Where does degradation come from?
 - c. What's being done today?

¹ Another "tool" was later added: Conservation. For definitions of these terms, please see Appendix C.

2. Where do we want to be?
 - a. What are ideal water quality conditions?
 - b. What are the alternatives for getting there?
 - c. What is the preferred alternative?

The stakeholder team was further instructed to keep in mind particular elements of public policy including (but not limited to): economics; funding; science; regulatory controls; infrastructure; and grandfathering. The six questions above, coupled with the elements of public policy to keep in mind, constituted the analytical model adopted by the stakeholder team for evaluating issues.

Once the analytical model was adopted, the stakeholder team identified dozens of issues relevant to each of the three geographic regions. They soon realized that it would be impossible for each member of the stakeholder team to learn all that was necessary to responsibly develop good public policy.

Consequently, the plenary group of 28 stakeholders "split" into three geographically assigned regional workgroups: North, Central, and South. The charge to the regional workgroups was to apply the analytical model to:

- a "pollutant of concern" adopted by each region; and,
- the basinwide water quality management plans associated with each region².

This approach resulted in the following minimum regional workgroup assignments:

	Pollutant of Concern	Applicable Basinwide Water Quality Management Plans (See Figure on next page)
North	Sediments and Toxics	Chowan River, Pasquotank River and Roanoke River
Central	Nutrients	Neuse River and Tar-Pamlico River
South	Fecal Coliform	Cape Fear River, White Oak River and Lumber River

The regional workgroups met independently of the plenary stakeholder team to make progress on each of these issues.

The regional workgroups solicited the input of leading scientists and public policy researchers. They gathered the input of local residents. They researched and read the latest data (please reference the Bibliography presented as Appendix B).

Every three weeks, the regional workgroups reported back to the plenary stakeholder team noting critical issues, policy alternatives generated and problems faced. In that way, the plenary stakeholder team was kept constantly informed of new developments. The team members were also able to bring all of their experience to bear on all emerging issues.

² Basinwide water quality management plans are prepared by the NC Division of Water Quality (DWQ) for each of the 17 major river basins in the state according to a defined schedule. Basinwide planning is a non-regulatory watershed-based approach to restoring and protecting the quality of North Carolina's surface waters. While these plans are prepared by DWQ, their implementation and the protection of water quality entails the coordinated efforts of many agencies, groups and local governments across the state.

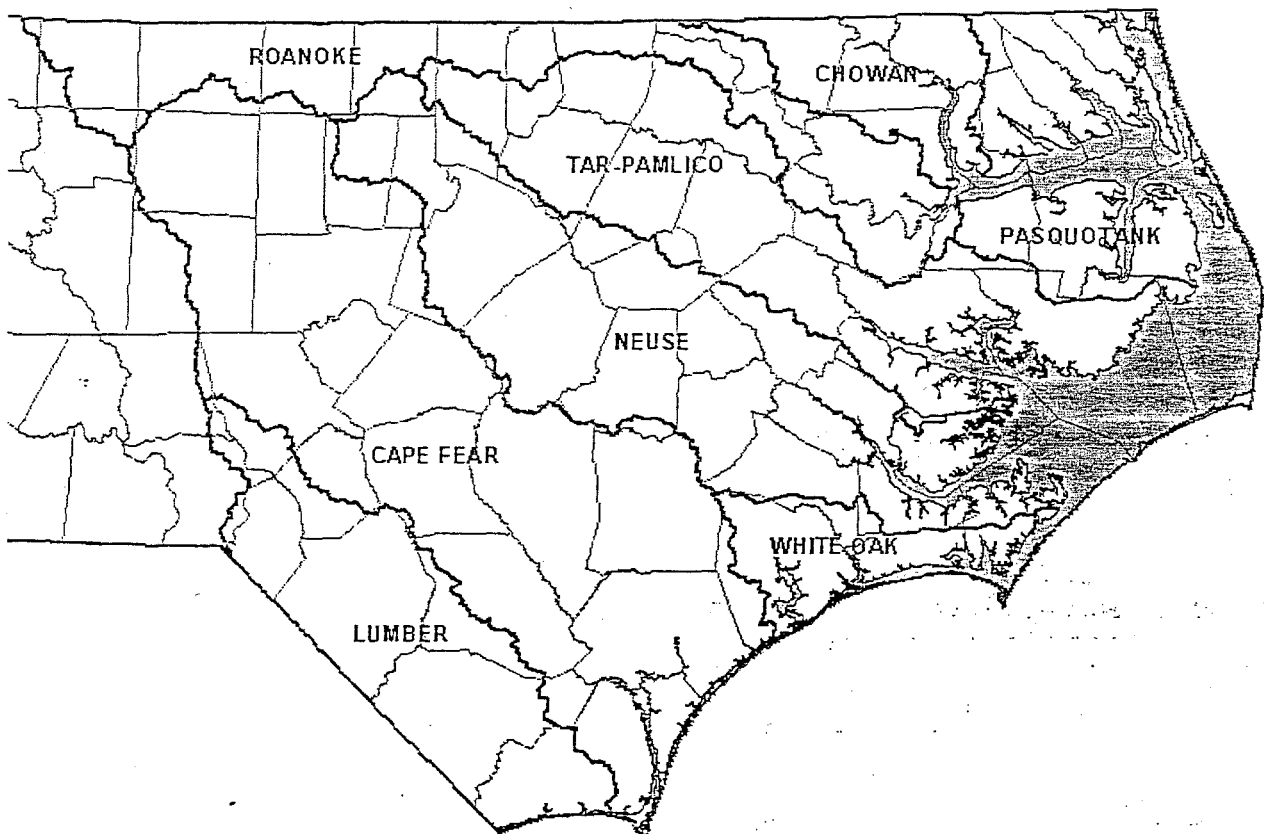
It is important to note that these regional workgroups did NOT have the same balance among constituency groups as did the larger plenary stakeholder team. For that reason, recommendations could only be "sent up" to the plenary stakeholder team for inclusion in this white paper. No policy recommendations could be brought forward into the white paper without an approved decision from the plenary stakeholder team.

Plenary stakeholder team sessions were dedicated to:

- Educating all stakeholders on a wide range of concepts;
- Conveying information across regional workgroups;
- Developing products used by all regional workgroups (e.g., the Matrix of State and Federal Agency Programs Which May Affect Water Quality - Appendix G);
- Strategic planning; and,
- Decision-making

Chapter II is comprised of the recommendations that evolved in this process. All of the individual recommendations contained herein were adopted with at least a 75% approval of the stakeholder team (the decision rule adopted by the stakeholders). In many cases, the recommendations were accepted with 100% consensus.

Figure 2. Eight River Basins Draining to the North Carolina Coastal Area.



CHAPTER II
RECOMMENDATIONS OF THE NORTH CAROLINA ESTUARINE SHORELINE
PROTECTION STAKEHOLDER TEAM

The NCESP stakeholder team's recommendations fell into five categories:

A. Institutional Coordination

1. *Agency Communications*
2. *Funding of Existing Programs*
3. *Recommendations for the Environmental Review Commission (ERC)*
4. *Annual Progress Review by the NCESP Stakeholder Team*

B. Basinwide Management

1. *Institutional Structure*
2. *Land Use Planning*
3. *Protection of High Water Quality*
4. *Restoration of Impaired Waters*
5. *Specific Implementation Actions*
6. *Small Watershed Implementation Plans*

C. Pollutant Sources of Concern

1. *Point Source Pollution*
2. *Non-Point Source Pollution*
3. *Aerial Deposition*

D. Research

E. Pollution Prevention through Education

1. *Funding and Incentives*
2. *Local Government Education Programs*
3. *Public Education Programs*
4. *Education on Best Management Practices (BMP's)*

A. Institutional Coordination

The NCESP stakeholder team developed a matrix of existing water quality programs (see Appendix G) with assistance from staff of the NC Department of Environment and Natural Resources (DENR). Through the evaluation of this matrix and the programs that address coastal water quality issues, it was determined that there is a significant need for improved institutional coordination, communication and efficiency at all levels of government. The NCESP stakeholder team recommends the following to improve institutional coordination and efficiency:

1. *Agency Communications*

a. Within North Carolina state government (boards and agencies):

- The DENR Secretary should reprioritize resources to accelerate coastal habitat protection plan design and implementation.
- The DENR Secretary should work with the chairs of the Environmental Management Commission (EMC), Coastal Resources Commission (CRC), Marine Fisheries Commission (MFC), Wildlife Resources Commission (WRC), and the Sedimentation Control Commission (SCC) to establish a formal and effective liaison mechanism.
- DENR should ensure communication and coordination with the Department of Transportation (DOT) to provide efficient use of existing resources and adequate progress on water quality issues.

b. Among levels of government working in North Carolina:

- The DENR Secretary should establish monthly technical review meetings of federal and state regulatory agencies to coordinate permit reviews and discuss projects.
- The DENR Secretary should review options to improve interstate coordination in coastal river basins.
- The DENR Secretary, in partnership with local governments, should develop a program among municipalities, counties and state government to do the following: enhance local government participation in the development of water quality rules and policies; provide direction; enhance communications; and evaluate the effectiveness of water quality programs.

2. *Funding of Existing Programs*

The NCESP stakeholder team recommends that the General Assembly fund full implementation of existing regulatory programs designed to maintain and improve water quality and deemed effective by the Environmental Review Commission (ERC). Full implementation includes adequate funding and resources to do the following: issue permits in a timely manner; perform compliance inspections; provide technical support; perform monitoring and analysis; conduct stakeholder processes; and take enforcement actions. Existing regulatory programs that could have a significant impact in improving water quality if fully implemented include:

- Erosion and Sedimentation Control Program (ESC)
- NC Division of Water Quality (DWQ) State Stormwater Management Program
- National Pollutant Discharge Elimination System (NPDES) Stormwater Program

- Division of Environmental Health (DEH) Onsite Wastewater Program
- Coastal Habitat Protection Planning

3. *Recommendations for the Environmental Review Commission (ERC)*

The NCESP stakeholder team recommends that recommendations forwarded to the Coastal Resources Commission (CRC) from the NCESP stakeholder team concerning coastal water quality be presented to the Environmental Review Commission (ERC) with a suggestion that it form a special study group to do the following:

- a. Work with the DENR Secretary, the DENR Science Advisory Committee and outside resources as needed to review the effectiveness and efficiency of water quality programs in North Carolina.
- b. Consider possible legislation based on the recommendations of the NCESP stakeholder team as endorsed by the Coastal Resources Commission (CRC).

4. *Annual Progress Review by the NCESP Stakeholder Team*

The NCESP stakeholder team recommends that it reconvene annually to review the progress made on its final recommendations. The existing members of the NCESP stakeholder team shall serve in this review capacity to the extent possible. Current members that are not able to participate should be replaced by the selection committee earlier referenced (CRC Chairman, CRAC Chairman, DCM Director and a facilitator) in order to maintain the balance and integrity of the stakeholder process. The annual review shall provide an in-depth analysis of all elements of the recommendations to determine if designated milestones have been met and what progress has been made in achieving the recommendations of the NCESP stakeholder team. Follow-up recommendations shall be submitted to the CRC, the General Assembly, EMC, other relevant DENR Commissions and local government officials for additional action on implementation of the NCESP stakeholder recommendations.

B. Basinwide Management

The federal Clean Water Act requires that the state develop water quality goals and implement programs to achieve those goals. The North Carolina Environmental Management Commission (EMC) is responsible for establishing goals, developing programs, and mandating rules to accomplish the state's goals. The North Carolina Division of Water Quality (DWQ) is responsible for evaluation, research and monitoring, enforcement, and assistance for local governments through its basinwide planning process. Local government implementation and citizen participation are crucial to achieving these goals. The Coastal Resources Commission (CRC), concerned with strong evidence that coastal water quality continues to decline, has mandated that procedures be developed to improve degraded waters and prevent further decline of coastal water quality. The NCESP stakeholder team believes that enhanced basinwide planning, land use planning, and local participation are key elements to achieving the overall goal of enhanced coastal water quality. In order to accomplish these goals, the NCESP stakeholder team recommends the following:

1. *Institutional Structure*

The Coastal Resources Commission (CRC) should immediately assign the Division of Coastal Management (DCM) to prepare a rule-making petition, where appropriate, to the Environmental Management Commission (EMC) requesting that it:

- a. Adopt water quality management goals for the primary pollutants of concern in each of the eight river basins draining to the coastal area. These eight river basins are the Cape Fear, Chowan, Lumber, Neuse, Pasquotank, Roanoke, Tar-Pamlico and White Oak.
- b. Develop a program to assist local governments in establishing local water quality planning and implementation committees to develop strategies to meet the water quality management goals adopted by the Environmental Management Commission (EMC). These committees should consist of a full array of stakeholder interests.
- c. Determine what incentives and enforcement measures are needed to assure that the water quality management goals adopted by the Environmental Management Commission (EMC) are met.

2. *Land Use Planning*

- a. The local government land use planning process should be extended throughout river basins draining to coastal North Carolina. The land use plan development, review, update, and approval process should be uniform.
- b. The General Assembly should identify and fund the appropriate state agencies to provide the mechanisms for extension of the land use planning process. In addition, the NCESP stakeholder team recommends that the aforementioned state agencies:
 - Require that land use plans address strategies and requirements necessary to protect water quality.
 - Provide financial and technical assistance to local governments preparing and updating land use plans.
 - Link state funding for infrastructure improvements to the preparation and implementation of land use plans.

3. *Protection of High Water Quality*

- a. State and local governments should be encouraged to protect "waters with quality higher than the standards" by developing appropriate incentives and other management strategies.
- b. The Coastal Resources Commission (CRC) should work with its Land Use Planning Review Team to amend its Coastal Area Management Act (CAMA) Planning guidelines in the next 12 months. The Coastal Resources Commission (CRC) should provide for the development of land use plans that promote policies that maintain and improve water quality in areas of the coast that are classified as approved or conditionally approved for the harvest of shellfish.

4. *Restoration of Impaired Waters*

The Division of Water Quality (DWQ), in conjunction with the Division of Coastal Management (DCM), should accelerate the water quality restoration program for impaired waters and conditionally approved shellfish waters, incorporating scientific analysis, local involvement and public participation in a process similar to that used for the Neuse River Management Plan. Priority decisions must be made to properly allocate resources for this effort.

5. *Specific Implementation Actions*

- a. Best Management Practices (BMP's). State agencies are to encourage the use of BMP's for principal land uses (e.g., agriculture, forestry, development, urban, suburban) to improve water quality in a watershed. In particular, the NCESP stakeholder team recommends the following:
 - DENR should provide BMP criteria to give guidance in achieving water quality goals.
 - Appropriate state agencies should create incentives to promote BMP compliance.
 - The General Assembly should provide adequate resources to the NC Division of Land Resources (DLR) to conduct annual evaluations of compliance with forestry BMP's.
 - The General Assembly should provide adequate resources to DENR to evaluate the success of implementation of BMP's in the eight river basins draining to the coastal area.

- b. Mandatory Nutrient Reduction Goals. Beginning in the year 2000, the General Assembly should provide resources to develop and implement mandatory, scientifically determined nutrient reduction goals for agriculture, as appropriate for each of the eight river basins draining into the coastal waters. This process must include analysis, public participation and leadership by local government entities. In addition, the NCESP stakeholder team recommends that the General Assembly do the following:
 - Support efforts of local committees to educate farmers on the proper use of forested buffers, fertilizer, pesticides, and animal wastes.
 - Provide adequate resources, including staffing, to monitor compliance with BMP's and penalties for non-compliance.
 - Provide incentives for compliance including cost share programs (with particular emphasis on engineering services for watershed scale planning) and recognition.

- c. Addition to DOT's BMP "Toolbox". The NC Department of Transportation (DOT) is developing a BMP "Toolbox" as part of its National Pollutant Discharge Elimination System (NPDES) stormwater permit requirements. The NCESP stakeholder team recommends that the NC Department of Transportation (DOT) incorporate BMP design criteria in their National Pollutant Discharge Elimination System (NPDES) toolbox to enhance management of fecal coliform bacteria.

- d. Local Government Initiatives to protect Sensitive Areas. Local governments should amend land development ordinances to encourage development strategies that protect sensitive waters and meet water quality and land use plan goals. To meet this goal, the NCESP stakeholder team recommends that:
- Local governments identify sensitive areas that warrant special protection.
 - Development strategies can be mandatory or optional. Where development strategies are optional, local governments should consider providing incentives to promote their use (i.e. density bonuses, streamlined review process, lower fees, etc.). Examples of development strategies that preserve sensitive lands include cluster regulations provided in the following documents: Open Space Design Guidebook Albemarle-Pamlico Estuarine Region; and Blueprints to Protect Coastal Water Quality.
- e. Buffers. Local governments, in partnership with the Environmental Management Commission (EMC), should expeditiously establish stormwater management strategies including riparian buffers, in order to address pollutants of concern in the eight coastal river basins as scientifically determined to be appropriate. The NCESP stakeholder team recommends that the Coastal Resources Commission (CRC) assign the Division of Coastal Management (DCM) to:
- Prepare a rule-making petition to the EMC requesting that stormwater management strategies and riparian buffer strategies be applied equitably using scientifically based principles appropriate to each of the eight coastal river basins.
 - Invite the Marine Fisheries Commission (MFC) and Wildlife Resources Commission (WRC) to become parties to the rule-making petition to the EMC. The CRC should vote as soon as possible thereafter to formally submit this rule-making petition to the EMC.
- f. Stormwater. The Coastal Resources Commission (CRC) should immediately assign the Division of Coastal Management (DCM) to:
- Prepare a rule-making petition to the Environmental Management Commission (EMC) to extend stormwater control strategies for controlling pollutants of concern within all eight coastal river basins.
 - Invite the Marine Fisheries Commission (MFC) and Wildlife Resources Commission (WRC) to become parties to the rule-making petition to the Environmental Management Commission (EMC). The Coastal Resources Commission (CRC) should vote as soon as possible thereafter to formally submit this rule-making petition to the Environmental Management Commission (EMC).

6. *Small Watershed Implementation Plans*

The state should provide incentives to local committees or governments to work with appropriate agencies to develop integrated restoration/protection plans for important small watersheds (e.g., nursery areas), including financial resources to implement such plans.

C. Pollutant Sources of Concern

Pollutants reach our coastal waters through three main sources: point source; non-point source; and aerial deposition. Discharges from public and private wastewater treatment facilities are point source discharges. These discharges have tremendous potential to adversely impact receiving waters if proper treatment does not occur. For example, excess nitrogen has been clearly shown to cause algae blooms, fish kills, and depletion of dissolved oxygen in North Carolina's coastal waters.

Unlike point source pollution, non-point source (NPS) pollution is diffuse in nature and occurs at random intervals from various sources during and after rainfall events. Non-point sources are those that DO NOT discharge pollutants into receiving waters through pipes and other discrete conveyances. Rather, they are the vehicle for a variety of pollutants to enter receiving waters in stormwater runoff. Controlling non-point source pollution requires management strategies that target specific areas of concern.

To address these sources of pollution, the NCEP stakeholder team recommends the following:

1. *Point Source Pollution*

- a. DENR should monitor recently implemented enforcement actions related to wastewater collection and treatment for effectiveness; and, as necessary, strengthen those actions to encourage prompt, effective remedy of violations.
- b. In addition to existing remedies for violations (e.g. fines, etc.), DENR should work with wastewater dischargers to develop incentives and other mechanisms to improve compliance with point source regulations. Particular attention should be directed to maintenance and operation of collection and treatment systems to detect and eliminate leaks.

2. *Non-Point Source Pollution*

- a. The General Assembly should strengthen the Erosion and Sedimentation Control Program (ESC) according to the Plan of Action developed by the Sediment Control Commission (SCC) in November 1997.
- b. The General Assembly should allow an agricultural exemption from the Sedimentation and Pollution Control Act (SPCA) and the Coastal Area Management Act (CAMA) permitting requirements only if the site being farmed has a current conservation plan approved by the Soil and Water Conservation District.
- c. NC Department of Transportation (DOT) mitigation efforts should be directed to seek opportunities to restore degraded waters in the same watershed as the project requiring mitigation.

3. *Aerial Deposition*

In addition to point and non-point sources of pollution, aerial emissions from large animal operations are a major source of aerial deposition of excess nitrogen in eastern North Carolina. The NCEP stakeholder team recommends the following:

- a. The General Assembly should extend the moratorium on new/expanded hog operations.

- b. A public/private partnership should be established to address large hog operations which could include using cost effective technology to:
- Capture and treat waste gases emitted from production houses and hog barns.
 - Capture and treat waste gases from within hog waste lagoons.
 - Collect, manage and treat hog waste without using lagoons or spray fields.

D. Research

Adequate knowledge and understanding are essential to improving water quality. The NCESP stakeholder team benefited tremendously from information provided by professionals from state agencies and universities. With their assistance, the NCESP stakeholders' understanding of water quality related issues has grown deeper and broader. However, it is apparent that knowledge gaps remain in the current understanding of North Carolina's water quality issues. The NCESP stakeholder team endorses efforts to bridge those gaps and recommends that adequate funding be provided for the research and monitoring needed to enhance and improve decision making to improve water quality. The NCESP stakeholder team specifically recognizes the need for research regarding:

- Toxic substances;
- Contaminated sediments;
- Effects of dredging operations;
- Non-agricultural buffers; and,
- Sources of nutrients entering the watershed via aerial deposition.

E. Pollution Prevention Through Education

The NCESP stakeholder team identified a significant need to educate citizens and elected officials on the impacts of human activities on water quality, and actions they can take to minimize those impacts. Providing coordinated water quality education programs for both the public and government officials are key to integrating regulatory requirements and incentives for improving coastal water quality. The NCESP stakeholder team recommends the following:

1. *Funding and Incentives*

The General Assembly should enhance funding and provide incentives for water quality education.

2. *Local Government Education Programs*

The University of North Carolina (UNC) Institute of Government, in conjunction with DENR, should develop appropriate water quality education programs for local governments. The programs should provide officials with a solid understanding of the causes and effects of pollution; tools to manage such pollution; model ordinances; and techniques to invite public input and commitment.

3. *Public Education Programs*

DENR should coordinate statewide water quality education programs to inform the public about its impacts on water quality, and how impacts can be minimized and mitigated. To be effective, the NCESP stakeholder team recommends that:

- a. The National Pollutant Discharge Elimination System (NPDES) stormwater program be a major vehicle for this effort.
- b. The Division of Environmental Health (DEH) provide increased public education on the maintenance of onsite wastewater treatment systems (septic tanks, etc.), and the availability of solutions for failing and poorly performing systems. This activity should be developed in coordination with local health departments and other interested agencies.

4. *Education on Best Management Practices (BMP's)*

Soil and Water Conservation Districts and the NC Cooperative Extension Service should work with landowners to provide education on the proper use of Best Management Practices (BMP's) to address water quality problems.

Chapter III Dissenting Opinion

I was reluctant to sign this report.

It was NOT that I disagreed with the letter or spirit of this effort. Rather, I feel that I can not sign the report without the explicit inclusion of recommendations dealing with property rights and specific reference to the "Existing Use" provisions of CAMA.

In the midst of the process, I put forward the following motion:

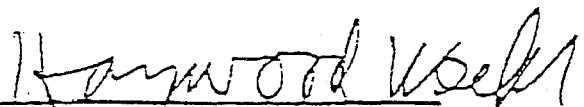
"Regarding any setback or buffer suggested by these recommendations, structures will be allowed to be re-built if destroyed, but only to the same footprint. New structures may be permitted within the buffer area only if run-off is directed into an equivalent or greater buffer and no water quality impairment or adverse impacts result. Any engineered stormwater management systems (e.g., sloping drains) used to achieve this will become a permanent condition of the 'CAMA Permit.'"

The stakeholders discussed this motion.

After discussion, the facilitator asked for a "second" consistent with the process defined. I believe that because my motion was vague and not properly presented, it did not receive a second. A substitute was proffered by another stakeholder. This motion stated that any future recommendations regarding buffers should incorporate the ideas and concerns that were the basis of the original motion. This substitute motion was passed with a 27-1 vote. I voted against the substitution.

Buffers were again discussed at the stakeholders' final meeting and a recommendation was approved by the stakeholder group. The language of the substitute motion was omitted (*facilitator's editorial note: this because the group felt that the recommendation did not have any proper context*), though the spirit of the motion exists throughout the document.

I must underscore my belief that a person be able to use his/her land however he/she so chooses provided there is no adverse impact on the environment. Though the spirit of this document most certainly reflects that belief (in fact it was a basic tenet), this document does not specifically provide for or recommend such a policy. Without such a specific reference, this dissenting opinion was, necessarily, filed.


Haywood Weeks – Beaufort Docks

Addendum: Since the report's completion, the Chairman of the CRAC has agreed to lead a discussion within the CRAC on the "Existing Use" provisions of CAMA.

Chapter IV Conclusions

The stakeholder team believes that each of the aforementioned recommendations will independently and collectively go a long way toward protecting and restoring coastal resources well into the 21st century. We urge the respective authorities to implement the recommendations in their entirety and not simply by picking and choosing among them.

In retrospect, the stakeholder team has noted a weakness in the product. The participants see now that only in a very few sections of this document are there specific references to the importance of and the protection of wetlands. This should not minimize their ecological or economic value. All recognize that North Carolina wetlands are an integral part of the health of coastal resources. The fact that they have not been addressed directly was a function of the short timeframe that this Team was operating under.

The strength of this report is in its reflection of the basic philosophies of the people that gathered to create it. The document is in plain English. The recommendations are geared toward giving responsibility to the government level (with the requisite capacity) closest to the people. The recommendations were developed with an eye toward protecting the quality of life – both economic and environmental – of the people who have already established lives and livelihoods.

Finally, all of the individuals who participated have acknowledged that one of the most important benefits of this process has been the working relationships that have been created. The participants have learned new languages and have gained an appreciation for different perspectives. Because of this process, coastal issues will be more easily resolved in the years ahead.

Appendix A
Members of the North Carolina Estuarine Shoreline Protection Stakeholder Team

NAME	ORGANIZATION	ADDRESS
Adam R. Saslow Facilitator	Consensus Solutions, Inc.	400 Perimeter Center Terrace NE Suite 900 Atlanta, GA 30346-1260
Joan P. Altman	Co-Mayor, Town of Oak Island	Oak Island, NC 28465
Richard H. Bierly	Private Citizen	Morehead City, NC 28557
Jeffrey Smith DeBlieu	The Nature Conservancy - Nags Head Woods Preserve	Kill Devil Hills, NC 27948
John Doughty	Weyerhaeuser Real Estate Company	New Bern, NC 28560
Curtis Estes	Estes Homebuilders Association	Emerald Isle, NC 28594
Wilbur Farmer	Southeastern Waterman's Association	Wilmington, NC 28411
George H. Gilbert	Chief, Shellfish Sanitation Section, NC Division of Environmental Health	Morehead City, NC 28557
Edward Gore, Sr.	Private Developer	Sunset Beach, NC 28468
Dwane Hinson	US Department of Agriculture	Edenton, NC 27932
Wade Horne	Manager, Village of Bald Head Island	Supply, NC 28462
Bob Jamieson	Wilmington Regional Assoc. of Realtors	Wilmington, NC 28409
Carolyn Justice	Commissioner, Pender County	Hampstead, NC 28443
Jim Lofton	NC Association of Financial Institutions	Raleigh, NC 27601
Todd Miller	NC Coastal Federation	Newport, NC 28570
Donna Moffitt	Director, NC Division of Coastal Management	Raleigh, NC 27699-1638
Bruce C. Payne	Planning Director, City of Jacksonville	Jacksonville, NC 28541
Jeanette Powell	Stormwater and General Permits Unit, NC Division of Water Quality	Raleigh, NC 27699-1617
Doug Rader	Environmental Defense Fund	Raleigh, NC 27607
Thomas C. Rowland	NC Forestry Association	Whiteville, NC 28472
Jerry Schill	NC Fisheries Association	New Bern, NC 27561
Jack Simoneau	Planning Director, Currituck County	Currituck, NC 27929
Ross Steckley	Washington County EDC Northeast NEED	Plymouth, NC 27962
Michael W. Street	Chief, Habitat Protection Section, NC Division of Marine Fisheries	Morehead City, NC 28557-0769
Damon Tatem	NC Clean Water Management Trust Fund	Kill Devil Hills, NC 27948
Eugene Tomlinson	Chairman, NC Coastal Resources Commission	Southport, NC 28461
Sue Weddle	Sunset Beach Taxpayers Association	Sunset Beach, NC 28468
Haywood Weeks	Beaufort Docks	Beaufort, NC 28516
George Wood	Private Citizen	Kill Devil Hills, NC 27948