Albemarle-Pamlico Estuarine Study
Roundtable Meeting
October 20, 1993
Kill Devil Hills, North Carolina

Minutes

Call to Order

Technical Committee Co-chair Steve Levitas called the meeting to order. He stated that this meeting would be a joint meeting of the Albemarle-Pamlico Estuarine Study (APES) Policy Committee, Technical Committee, and Citizens' Advisory Committees, and stated that he would like all items on the agenda accomplished in one session, as opposed to the two-day session that had been originally planned. Levitas stated that today's goals would be to provide the APES staff with final input on the APES Comprehensive Conservation and Management Plan (CCMP) before staff went forward with producing a final draft.

Following a self-introduction of those present, Levitas discussed the progress of the CCMP process. He noted that the recent public meetings had been marked by a low level of controversy and cited this feature as a sign of progress. In addition, the APES staff had produced three key documents: a 37-page summary document of the Comprehensive Conservation and Management Plan entitled A Guide to Environmental and Economic Stewardship in the Albemarle-Pamlico Region, an in-depth technical support document, and a brochure summarizing the management actions and objectives proposed in the CCMP. According to Levitas, A Guide to Environmental and Economic Stewardship had received "rave reviews" for its readability, accessibility, and clarity.

Program Report

Next, APES Program Director Randall Waite summarized the proceedings of the APES public meetings which had been held in mid-October. Waite stated that, while the meetings and the six-week comment period presented few negative comments, some key issues had been expressed, including the following:

> *notice of intent for logging: The Farm Bureau, in addition to the general public, had raised several concerns about this issue. There was a feeling that the prior notification to harvest for logging operators was unnecessary, since the logging industry already engaged in self-education efforts for the use of forestry Best Management Practices (BMPs). Also, this recommendation was feared to be a first step in a future permitting process. In addition, there was a feeling that APES was initiating a "selective endorsement program to go after 'bad actors'".*
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> *make-up of Implementation Council: Concerns had been raised about the structure of the post-CCMP Implementation Council. Local governments had expressed the desire for more local government representation on the Council, while other groups completely rejected the idea of having a Coordinating Council; those in opposition to the Council felt that the Council would create another layer of bureaucracy that would gradually grow in size.*
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> *reimbursement for private property: Comments had been made relative to the need for some reimbursement in lieu of taxes for private property purchased by government.*
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> *buffer strip requirement: There were positive and negative comments relative to the omission of the 20-foot buffer strip recommendation in the third public draft.*

format of the CCMP: There were comments that, while the CCMP was useful for planning purposes, the Management Plan lacked details and "specifics", and that the CCMP did not "take the next step" after planning .

Waite stated that, despite these concerns, many of the comments on the CCMP had begun with a statement of the APES staff's progress in making the Management Plan more easy to read and to understand.

Waite asked his technical staff for their remarks on the CCMP process and public meetings. Environmental analyst Nina Petovich stated that, at the public meetings, there had been significant opposition to inshore trawling. In addition, there had been discussion about how the fishing license structure could be a valuable resource to take care of the fishery management needs in the A-P region, but that licensing "should be very specifically structured" and equitable to members of the fishing community.

Next, environmental specialist Guy Stefanski expressed his thanks to Ann Coan of the N. C. Farm Bureau for having attended the public meetings with the APES staff, during which Coan had "read a prepared statement to the audience in support of the [CCMP]." Stefanski stated that Coan's involvement in the CCMP process was a very vital part of APES' efforts to secure the help of the agricultural community in developing the CCMP.

APES' writer, Tom Stroud, summarized some comments and resolutions that had been mailed to the APES Public Involvement Office. Stroud stated that, in some counties in the A-P region, resolutions had been adopted basically expressing concerns about the level of local government representation on the Implementation Council; these resolutions, the "product of a combined campaign or effort" had, as Waite mentioned earlier, "raised concerns about additional bureaucracy". In addition, a resolution had been submitted to N. C. Governor Hunt urging the Governor not to adopt the CCMP. Stroud added that Jonathan Howes, N. C. Dept. of Environment, Health, and Natural Resources Secretary and Co-chair of the APES Policy Committee, had written a letter to all of the county commission chairs in the A-P region "urging them not to adopt these resolutions." Stroud further stated that the resolutions seemed "highly premature", considering that a final draft of the CCMP had not been produced; yet he concluded that the resolution issue was very serious and needed to be discussed during the day's meeting.

Levitas reiterated that the purpose of the day's meeting would be to identify key issues in the Management Plan and to provide any input to the APES staff needed for revisions and for preparation of a final draft. Next, he asked the members of the Policy, Technical, and Citizens' Advisory Committees for their reactions to the third public draft of the CCMP. Levitas stated that he would like to address primarily the key issues mentioned earlier in the meeting, namely prior notification to harvest for forestry operations and the makeup of the Implementation Council. He added that the buffer strip issue, the time frame for CCMP implementation, and the appropriate units of planning should also be discussed. He stated that items that were more editorial or technical in nature should be sent to the APES staff.

Implementation Council

Levitas stated that the first "overarching concern" to be discussed was the role of the implementation bodies in the post-CCMP Implementation Council. Levitas stated that there was a prevalent perception among the public that APES, in instituting the Council, was "creating more bureaucracy - layering another level of control and activity on an already complex and overlapping regulatory structure." According to Levitas, this problem called for APES to more clearly explain the concept of the Council, and, more basically, achieve consensus among the Management Conference about this concept. Levitas stated that all of APES' activities were "not bodies that are authorized to implement any regulatory or non-regulatory programs", but " a forum in which we have a lot of groups represented,

and in which we have an opportunity to coordinate our respective activities, develop a shared vision, and see that that vision gets acted upon"; furthermore, the concept of an Implementation Council suggested an effort of coordinating ways to utilize programs already in existence and to monitor the progress of CCMP implementation.

Levitas cited that the public's negative perception regarding the Council was a communications issue; for example, as one attendee pointed out, the expression "reconvene the Management Conference" had been used and could imply that APES would "extend its own life." In addition, the title "Implementation Council" could imply the concept of a regulatory body. In response, Bo Crum of the Environmental Protection Agency stated, "one of the major things that the Administrator [or EPA] is going to look for ... is whether this plan is implementable, and whether the [Management] Conference has plans for its implementation. And I think the establishment of the Council will help to satisfy that need."

Steve Levitas opened discussion on the composition of the Implementation Council. He stated that this issue, particularly the lack of local government representation, had fueled several concerns among local government. He suggested that a "simple " means of addressing these concerns would be to add six more members to the Council and specify that each one of those members would be a local government representative from each river basin.

Levitas stated that the concept of a basin council was new to the third public draft of the CCMP. According to Waite, this concept basically combined the formerly proposed Citizens' Advisory Committee and Local Government Advisory Committee. Levitas added that the concept of a basinwide council was intended to provide every county, and every part of local government, representation on the Council. These representatives would, in turn, be represented by what would be called the Coordinating Council (or Implementation Council). ***It was agreed during the meeting that basinwide planning should be consistent with the basinwide water quality management plans established by DEM, corresponding to the five major river basins in the APES region.***

A motion was made to ***direct that the Coordinating Council be increased by six members to include local government representation. The motion carried.***

Joe Hollowell, APES' liaison for local government, noted the importance of ensuring that all counties in each subbasin had a representative on the Coordinating Council. While committee members generally agreed with this suggestion, the question was raised as to who would appoint the local representatives to the Council. A suggestion was made that Steve Levitas appoint a subcommittee to examine alternatives for solving this issue. Levitas stated that he approved of this suggestion and would like the conclusions drawn by the proposed subcommittee to be discussed at the next November 30 meeting. After much discussion, ***a motion was made to state in the CCMP that each Regional Advisory Committee would include a minimum of ten members each; membership on the regional committees would include a resident from each county and would represent a variety of local interests, including a member from each of the following backgrounds : Soil and Water Conservation Districts, county government, municipal government, conservation organization, environmental science, silviculture, agriculture, commercial fishing, recreational fishing; the motion carried. Furthermore, a motion was made that the membership of the Regional Advisory Committees be selected from nominees submitted to the Secretary of the N. C. Department of Environment, Health, and Natural Resources, Johnathan Howes, for his selection. The motion carried.***

Pre-notification for forestry

The controversy relative to the CCMP's recommendation of filing "a notice of intent" for logging was discussed. Ann Coan of the North Carolina Farm Bureau mentioned that, at a meeting between Randall Waite and representatives from the agricultural and silvicultural communities, farmers and loggers seemed to prefer the second public draft's

emphasis on education and certification.

Randall Waite suggested that the APES staff meet with the Division of Forest Resources and attempt to reach consensus on the issue of pre-notification. Levitas added that the Forest Association, if possible, should also be approached. In addition, Levitas added that a management action specifically relating to forestry should be added to the CCMP, and that this management action should address more than merely education. He also suggested deleting the word "all" in the statement "all forest operators." Finally, Levitas stated that he would like to pursue Waite's "proposal of a prompt meeting with representatives from forestry to talk about a meaningful management action."

For the most part, committee members seemed to be in agreement that the responsibility for damage done to private property during forestry operations lay with the operators, not the landowners. However, no motion was made on this issue; committee members expressed that they would be comfortable with reaching closure on this topic during the upcoming November 30 meeting.

Buffer strips

Randall Waite stated that comments received on the CCMP's omission of the 20-foot buffer strip recommendation were general in nature - commentors merely stated that they were either for or against the deletion. Despite the low level of controversy expressed by the public relative to the buffer strip omission, committee members agreed that the buffer strip issue was "not dead by any means." According to Levitas, if CCMP implementation is to be successful, "people are going to come together in these basins; they're going to talk about how much pollution reduction is needed to protect the resources in the regions and their river basins, and they're going to figure out how best to achieve those reductions in a reasonable, cost-effective way. And it's unthinkable to me that the buffer strip will not be looked at ... in achieving those goals." Bo Crum added that the CCMP should continue to support the concept of the buffer strip as an effective means of reducing nonpoint source pollution, controlling water temperature, etc., and that this support of buffer strips could lead to even wider buffer strips in certain areas.

Committee members expressed the desire that the staff address the effectiveness of buffer strips in the next draft of the CCMP, either in the Executive Summary, or elsewhere. However, no motion was made on this issue.

Time frame for CCMP implementation

The time frame for the CCMP implementation process was discussed. Levitas opened discussion by stating that "we as a Management Conference have to be concerned about public reaction; we're spending a lot of their money and a lot of time on the [CCMP] which, to a large extent, calls for more planning over a further time period." Levitas stated that APES' commitment to a subbasin-by-subbasin approach for solving the problems in the A-P region was a significant contribution to the CCMP process; the next step would be to demonstrate to the public that APES was committed to getting those problems solved (i. e. implementing the CCMP) .

Waite stated that a comment consistently heard at the public hearings was the perception that APES would not begin implementation before 1999, when, in essence, many of the CCMP's recommendations would already be in the beginning stages of implementation.

The point was consistently made during the day's meeting that APES needed to make clear in the CCMP that much had already been done in the implementation arena (e. g., the imminent completion of the National Wetlands Inventory) and that the CCMP would essentially build on activities already being implemented; the language of the CCMP should reflect the concept that APES was expanding on or continuing these ongoing activities. It was noted that APES was

producing a Program Description document which would describe the activities involved in CCMP implementation.

Ann Brooks of Virginia cautioned the APES staff to avoid "putting out dates that are too short." According to Brooks, while APES was already receiving negative comments relative to stretching out implementation dates too much, APES could receive even more opposition by not meeting its "self-imposed deadlines".

Waite suggested that the 1999 date be deleted from the CCMP, and that the document state that APES would carry out implementation in at least one subbasin per year. Dave McNaught of the Pamlico-Tar River Foundation agreed with Waite, suggesting that "you simply delete the 1999 and use the language that [Waite] offered as the basis for explaining the current process of implementing the basin plans as they're developed, one per year over the next years." ***A motion was made to state in the CCMP that basinwide plans would be developed and implemented according to the Division of Environmental Management's schedule. The motion carried.***

Adjournment

There being no further business, the meeting was adjourned.