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# **North Carolina Estuarine Shoreline Protection Stakeholders Report to the Environmental Review Commission**

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## **Priority Recommendations**

Stakeholder Workgroup Chairs

George Wood

Richard Bierly

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## Introduction

The North Carolina Estuarine Shoreline Protection Stakeholders (NCESPS) group was convened by the Coastal Resources Commission (CRC) in April 1999 to review issues related to water quality in the coastal area. This 28-person stakeholders group was comprised of a geographically diverse membership representing a variety of interests including farmers, fishermen, developers, state and local government employees and environmentalists. The three regional co-chairs were: Joan Altman, mayor of Oak Island, who represented local governments; Dick Bierly, president of Carteret Crossroads, who represented environmentalists; and George Wood a consultant from Dare County, who represented coastal citizens. The stakeholders produced a report entitled: *Protecting North Carolina's Coastal Resources: A Framework for Maintaining and Improving Water Quality*. The report's recommendations were grouped into five categories: institutional coordination, basinwide management, pollutant sources of concern, research, and pollution prevention through education. The CRC accepted the report in July 1999 and agreed to advance the team's recommendations.

Progress on the stakeholder's recommendations was delayed due to Hurricanes Dennis and Floyd in September 1999. Gene Tomlinson, Chairman of the CRC, presented the stakeholder's report to the Environmental Review Commission (ERC) in February 2000. Subsequently, Division of Coastal (DCM) staff began monitoring implementation of the recommendations. DCM also produced and distributed an implementation matrix of the recommendations.

The regional co-chairs met on September 18, 2000, with DCM and ERC staff to discuss implementation progress and prioritizing their recommendations. At this meeting, the regional co-chairs decided to present seven priority recommendations that would be most appropriately addressed by the ERC. This report contains an overview of those recommendations. In order to provide a more complete picture DCM staff researched three key issues for each recommendation, including: 1) what program or action(s) are already in place; 2) what action(s) are needed to ensure full implementation of each recommendation; and, 3) the amount of funding that will be required for full implementation of the recommendation(s).

## Recommendation

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. **Of the five existing regulatory programs that are mentioned under this recommendation, the Stakeholder Workgroup Chairs believe that the Erosion and Sedimentation Control Program (ESCP) will have a significant impact on improving coastal water quality if fully implemented.**

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## Background

At the present time, 25 erosion control inspectors are employed by the Division of Land Resources at seven (7) branch offices (two offices - Washington and Wilmington are located in coastal counties). In 1997, the Division of Land Resources (DLR) Land Quality Section requested funding for 113 erosion control inspector positions. Funding was provided for 14 positions. According to DLR, at a minimum, an additional 76 positions are needed. The DLR administers the NC Sedimentation Control Commission's Local Program Assistance Grant program. Seed money is available for local governments that choose to receive delegated authority to enact the ESCP. Currently, 41 local governments have delegated authority. Several additional local programs are pending. (Source: Bill Noyes DLR – Land Quality Section)

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## Constraints to Implementation

- **Lack of staff and funding**
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## Estimated Cost

**\$3.8 million** Estimated cost = 76 positions X \$50,000 per each position (Source: Mel Nevils – DLR)

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## Target Completion Date and Implementation Measure

**Target Completion Date: 2004**

**Measure: Dedication of funding by the General Assembly for 76 positions.**

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## Recommendation

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.**

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## Background

The Office of the State Auditor (OSA) has begun auditing the Department of Environment and Natural Resources' (DENR) water resource (quantity and quality) programs. The final report was originally scheduled to be completed by April 2002; however, due to the state budget shortfall, the study and final report have been postponed until further notice.

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## Constraints to Implementation

- Legislative support for additional funding will be needed to complete the study.
  - State Budget constraints (Source: Office of State Auditor)
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## Estimated Cost

\$650,000 over two years (as originally proposed)  
(Source: Office of State Auditor)

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## Target Completion Date and Implementation Measure

**Target Completion Date: Postponed (April 2002 original proposed date)**

**Measure: Completion of a comprehensive audit of the state's water resources programs by the State Auditor.**

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## Recommendation

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:

**(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 EMC. These committees should consist of a full array of stakeholder interests.**

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## Background

Soil and Water Conservation Districts (SWCDs) are a governmental subdivision of the State established under NCGS Chapter 139. SWCDs are managed by Boards of Supervisors, a majority of whom are elected by the people in the District, and are assisted by various federal and state agencies, and local staff. SWCDs are responsible for local implementation of the Agriculture Cost Share Program for Non-point Source Pollution Control, coordinating and carrying out local natural resource conservation programs, and educating the public. SWCDs are being expanded to include community-based conservation initiatives (e.g., stormwater, stream restoration). With additional resources, SWCDs could implement local programs to improve water quality in coastal areas. (Source: Division of Soil and Water Conservation)

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## Constraints to Implementation

- Seed money and a dedicated funding source is necessary to the success of this recommendation; and
  - Generally, there is opposition to establish new programs and expand existing programs without additional funding.  
(Source: George Wood – NCESP Stakeholder Tri-Chair)
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## Estimated Cost

- Not known at present - additional information required
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## Target Completion Date and Implementation Measure

**Target Completion Date: 2002 (date to provide funding for model program)**

**Measure: Dedication of funding to initiate model program(s)**

## Recommendation

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:

**(c) Determine what incentives and enforcement measures are needed to assure that the water quality management goals adopted by the EMC are met.**

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## Background

The Department of Environment and Natural Resource produced a report entitled Enforcement Assessment 2000. This strategic report identifies opportunities and makes recommendations for enforcement improvement. An implementation plan to promote stewardship of natural resources was recently completed. See attached matrix for an overview of State and Federal programs.

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## Constraints to Implementation

- Lack of staff and funding for enforcement
  - Lack of adequate incentives to private landowners
  - Enforcement issues are discussed in the Enforcement Assessment 2000 report
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## Estimated Cost

- Not known at present - additional information required
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## Target Completion Date and Implementation Measure

**Target Completion Date: 2001**

**Measure: Completion of the Enforcement Assessment Implementation Plan.**

## Recommendation

**(a)(1) The local government land use planning process should be extended throughout river basins draining to coastal North Carolina.**

## Background

Although there is no state mandate, 26 of the 42 non-CAMA counties located within the coastal river basins have land use plans. Land use plans are pending and/or under review in six (6) of the 16 counties that do not have land use plans at the present time. (Source: Division of Community Assistance). DENR has developed working principles consistent with the draft recommendations of the legislative commission to address Smart Growth, growth management and development issues (Source: DENR). The Smart Growth Commission is scheduled to produce a report in 2001. (Source: Smart Growth Commission)

## Constraints to Implementation

- Local governments may oppose this recommendation as an unfunded mandate.

## Five-Year Estimated Cost

	<b>Estimated Cost</b>
<b>CAMA Counties</b>	<b>\$4,913,120*</b>
<b>Non-CAMA Counties</b>	<b>\$4,386,000</b>
<b>Total Estimated Cost</b>	<b>\$9,299,120</b>

Source: The draft cost estimates for non-CAMA counties are based on information provided by the Division of Community Assistance. Cost estimate data for CAMA counties were provided by Division of Coastal Management planning staff.

\*Note: The five year cost estimate for CAMA counties includes the cost of developing land use plans (\$2,332,500); funding implementation projects (\$2,420,620); and, funding sustainable communities projects (\$160,000).

## Target Completion Date and Implementation Measure

**Target Completion Date: 2006**

**Measure: Establishment of local planning within all eight river basins draining to coastal waters.**

## Recommendation

**(a)(2) The land use plan development, review, update, and approval process should be uniform.**

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## Background

The Coastal Resources Commission (CRC) is currently in the process of revising its Chapter 7B land use planning rules. CRC adoption is anticipated in May 2001 with an implementation date of August 2002. (Source: Division of Coastal Management) The Smart Growth Commission's recommendations will be available in January 2001 (Source: Smart Growth Commission).

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## Constraints to Implementation

- Administrative Procedures Act – Revised and improved 7B Rules will not become effective until August 2002 at the earliest.
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## Estimated Cost

- CRC and DCM staff time and travel expenses. These costs are considered part of DCM staff's normal duties. Consultant fees of approximately \$16,000, were paid by the University of North Carolina at Chapel Hill (Source: DCM staff)
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## Target Completion Date and Implementation Measure

**Target Completion Date: 2001**

**Measure: Adoption of revised Chapter 7B land use planning rules by the Coastal Resources Commission.**

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## Recommendation

(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:

**(2) Provide financial and technical assistance to local governments preparing and updating land use plans.**

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## Background

The Division of Coastal Management (DCM) provides technical and financial assistance to local governments preparing and updating land use plans. Also, the Division of Community Assistance (DCA) provides land use planning assistance to local governments outside the 20 CAMA counties. At the present time, DCA does not provide financial assistance. The Smart Growth Commission is considering requesting funds.

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## Constraints to Implementation

- Additional funding will be required for full implementation
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## Estimated Cost

- CAMA counties: Beginning in FY 2002-2003, an estimated \$200,000 in additional funds will be needed each year for the CAMA planning grant program. Approximately \$30,000 will be needed to produce a land use planning “how-to” manual – this is a one-time cost (Source: DCM)
  - Non-CAMA counties: \$1,373,000 (Source: DCA)
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## Target Completion Date and Implementation Measure

**Target Completion Date: 2001 for requesting additional funding to begin in FY 2002-2003. (Land use planning technical assistance is provided by the DCM for CAMA counties. DCA provides technical assistance to non-CAMA counties.)**

**Measure: Dedication of funding by the General Assembly to expand land use planning**

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## Recommendation

(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:

**(3) Provide incentives for compliance including cost share programs (with particular emphasis on engineering services for watershed scale planning) and recognition.**

**Note:** This recommendation is associated with Recommendations B-1 (b) and B-1 (c)

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## Constraints to Implementation

- Seed money and a dedicated funding source is necessary to the success of this recommendation; and
  - Generally, there is opposition to establishing new programs and expanding existing programs without additional funding.  
(Source: George Wood – NCEPS Stakeholder Tri-Chair)
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## Estimated Cost

- Not known at present- additional information required (The cost is expected to be relatively low since SWCDs are already in place)
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## Target Completion Date and Implementation Measure

**Target Completion Date: 2002 (date to provide funding for model program)**

**Measure: Dedication of funding to initiate model program(s)**