

# DRAFT

**NC Coastal Resources Advisory Council  
Washington Civic Center  
Washington, NC  
May 21, 2008  
Meeting Summary**

## Attendance

Dara Royal, Chair	Y	Christine Mele	Y
Penny Tysinger, Vice Chair	Y	Gary Mercer	
Eugene Ballance		Wayne Mobley	Y
Bert Banks (Morgan Jethro)	Y	J. Michael Moore	
Joe Beck	Y	William Morrison	Y
Randy Cahoon	Y	Elwood Padrick (Charles Halsall)	Y
Carlton Davenport	Y	W. Burch Perry	
Eddy Davis	Y	Spencer Rogers	Y
Anne Deaton	Y	Frank Rush	Y
Christine Mele	Y	Robert Shupe	Y
Webb Fuller	Y	Harry Simmons	Y
William Gardner, Jr.		Lester Simpson	Y
Renee Gledhill-Earley	Y	Paul Spruill	Y
Gary Greene		Ray Sturza	Y
Phil Harris	Y	Tim Tabak	Y
Judy Hills	Y	Joy Wayman	Y
Al Hodge		Beans Weatherly	Y
Maximilian Merrill		David Weaver	Y
Joe Lassiter		William Wescott	Y
Travis Marshall	Y	Traci White	
Lyman Mayo		Rhett White	Y
Gary McGee		Don Yousey	

## Wednesday 21<sup>st</sup>

### Call to Order

Dara Royal called the meeting to order at 1 pm and the Council approved the March 2008 minutes. Royal announced that Doug Huggett would not be at this meeting and his presentation on wind energy permitting issues would have to be postponed until July. Royal requested and received consent to add a discussion of the Environmental Management Commission's proposed coastal stormwater rules to the agenda.

### Village of Bald Head Island Land Use Plan

Michael Christenbury, Wilmington District Planner gave a brief overview of the Village of Bald Head Island's Land Use Plan. Mr. Christenbury noted that this is the first Land Use Plan written and adopted for Bald Head Island. In the past, Bald Head Island has relied on Brunswick County's Land Use Plan for policy and permitting purposes.

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Christenbury said that the Village of Bald Head Island Village Council adopted the land use plan at a public hearing on April 11, 2008. The public had the opportunity to provide written comments to DCM up to fifteen (15) business days prior to the CRAC meeting and no comments were received.

Christenbury said that DCM Staff determined that the Village of Bald Head Island has met the substantive requirements outlined within the 2002 Land Use Plan Guidelines and that there are no conflicts evident with either state or federal law or the State's Coastal Management Program.

Christenbury recommended that the CRAC forward the Village of Bald Head Island Land Use Plan to the CRC for certification, and it did so unanimously.

### **Waterfront Access and Marine Industry Fund Resolution**

Mike Lopazanski noted that the NC General Assembly established the Waterfront Access and Marine Industry (WAMI) fund as one of the recommendations from the Waterfront Access Study Committee. The General Assembly appropriated \$20 million to the WAMI fund in 2008, and the fund received over 150 grant applications totaling almost \$90 million. 13 projects were selected for funding. Lopazanski said that there is no guarantee of future funding and that the draft resolution in support of continued funding would be sent to state legislative leaders. Lopazanski suggested that the CRC might sign on and make it a joint resolution. The Advisory Council unanimously approved the resolution and a recommendation that the CRC consider signing on.

### **Clean Marina Program Resolution**

Mike Lopazanski gave the Advisory Council an overview of the Clean Marina program, noting its use of interagency cooperation and a best management practices manual. Lopazanski said that the program is a partnership among several state and federal agency partners, and that participation from marina owners and operators is voluntary. Lopazanski said that the NC program started in 2000 with a small budget, and now receives funding from the coastal nonpoint program and the NC Estuarine Research Reserves. Lopazanski said that incentives for marina owners and operators to participate include publicity, the ability to attract "Clean Boaters," and improved regulatory compliance.

Lopazanski said that the certification process includes a self-evaluation and assessment, BMP implementation, an application for certification, and a site visit by a Clean Marina representative. Once certified, marinas receive a Clean Marina flag, electronic logos, a web link from the main Clean Marina site, technical assistance, discounts on merchandise, and other incentives. NC had a Clean Marina coordinator for about a year, and in that time held a series of workshops that were very well received. NC at this time has 16 certified marinas.

Lopazanski said that the coastal nonpoint program lost NOAA funding this year, and as a result DCM could not retain its Clean Marina coordinator. Lopazanski said that NC Rep. Alice Underhill is supportive of the program, and is willing to help seek state funding.

The Advisory Council reviewed a draft resolution to the state legislature in support of funding of the Clean Marina program. The Advisory Council asked for a clause to be inserted related to insurance, tax incentives, and interest from out of state boaters, and unanimously approved the resolution with those changes.

### **CRAC Guidebook Revisions**

Dara Royal reviewed the recommended revisions to the CRAC Guidebook. The Advisory Council made additional revisions and approved the updated version. The Guidebook will be posted on the DCM website.

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## **Estuarine Public Access through CAMA Permitting**

DCM staff reopened the discussion on ways that public access could be preserved or enhanced through CAMA permit conditions, specifically along estuarine shorelines. Members asked whether additional permit conditions will discourage entrepreneurship, and whether staff had talked to private marina owners about possible implications. Staff had not yet because ideas were too new and early in discussions. Staff said that the trend towards “dockominiums” was providing much of the impetus to begin these discussions since those facilities often converted public access to private access. Staff suggested that the permitting process could include incentives such as additional slips and setback relaxation.

Judy Hills said that the state is shooting itself in the foot by attracting boaters to the area without providing adequate transient slips and access facilities. Hills said that service costs are increasing beyond what many boaters can afford, and the problem is compounded by the loss of fueling and pumpout facilities. Lopazanski said that Boating Infrastructure Grant Program (BIG-P) money is still available, and NC is guaranteed to receive about \$100K per year to subsidize the construction of new facilities. Spencer Rogers asked what other states have done on this issue.

Frank Rush suggested that the state could collect leasing fees from all pier owners and put it into an access fund (e.g. the WAMI fund). Rush said that Emerald Isle has a private marina that provides some public access thanks to an incentive program with the town. Rush said that the community is considering a new drystack facility with forklift service. Dara Royal suggested that local governments could look into providing incentives in their subdivision and zoning ordinances. Rush responded that Emerald Isle is offering incentives through its land use and zoning ordinances—the town allows more density if public access is provided. Rush said that DCM can help by facilitating discussions among communities about how to craft incentives through ordinances. Mike Christenbury said that New Hanover County and the City of Wilmington are working with developers to ensure public access and transient slips.

Eddy Davis suggested that developers could be given the option to provide offsite access.

Staff asked who Council members thought should be responsible for maintenance and liability insurance for the public access portion of private marina or dockominium. Frank Rush suggested the local government should be responsible. Dara Royal recommended looking into the legal aspects before going further.

Council and staff agreed to resume discussions at a later meeting, after staff has had time to research other states’ practices and to develop some more concrete recommendations.

## **Stormwater Rules**

Dara Royal recalled that the Advisory Council had asked the CRC to adopt a resolution in support of the EMC strengthening the state’s coastal stormwater regulations, which the CRC did in November 2006. Royal said that some coastal counties and towns do not support the EMC’s proposed rules.

Wayland Sermons said that the proposed rules have been very controversial in Beaufort County, and he wanted the CRAC and CRC to hear the reasons why. Sermons asked CRAC member and Beaufort County Manager Paul Spruill to explain the county’s objections.

Spruill said that 19 counties have expressed reservations about the proposed rules, and 18 have expressed strong opposition. The objection is based on the published rationale for the rules, “to offset further degradation to shellfish waters.” Spruill said that 12 of the 20 coastal counties have little to no shellfish waters, therefore it is inappropriate to use the published rationale to justify the

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rules in these counties. Spruill said that the lack of grandfathering provisions creates a problem, but noted that DWQ said it is willing to be flexible.

Spruill said that the General Assembly took great effort to find a compromise on implementation of the Phase 2 stormwater regulations, and that the EMC expanded the rules' coverage before evaluating whether they worked in the three legislated counties.

Sermons asked Spruill if he and others wished to see the General Assembly void the proposed rules and direct the EMC to start over. Spruill replied that it is difficult for rural and urbanizing counties to conceptualize and argue about the volumetric requirements, but that the land disturbance threshold change is the most severe and objectionable part of the proposed rules.

Webb Fuller asked if the objecting counties believe that upstream pollution has no effect on coastal shellfish waters. Spruill replied that economics need to be taken into account. The state needs to look at all pollutants, sources, and BMPs; do the solutions to these problems in the southeast part of the state translate into regulations for the entire coast? Spruill said that the objectors are motivated by the higher cost of compliance that the rules would bring, and also feel a sense of property rights infringement.

Anne Deaton noted that there is a lot of misinformation about the proposed rules on the internet, and that people need to review DWQ's factsheets.

Joy Wayman said that in here opinion the proposed rules are anti-development.

Rhett White said that the Town of Columbia has not been able to get answers on how the proposed rules would impact infill and redevelopment.

Dara Royal advised members to express their concerns to Commission members in advance of their Friday agenda item.

### **New Business/Old Business**

The Council adjourned at 2:50 pm in order to join the CRC meeting at 3 pm.

### **Thursday 22<sup>nd</sup> & Friday 23<sup>rd</sup>**

Advisory Council met in session with CRC.

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