

COASTAL HABITAT PROTECTION PLAN
PUBLIC MEETING DATA ANALYSIS

**A Report on the Input Received at Public Meetings
July – September 2003**

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Introduction

The North Carolina General Assembly enacted the Fisheries Reform Act in August 1997. One of its major provisions is a requirement that the North Carolina Department of Environment and Natural Resources (DENR) prepare Coastal Habitat Protection Plans (CHPPs). The stated CHPPs goal is to enhance the coastal fisheries associated with each habitat. The divisions of Marine Fisheries, Coastal Management, and Water Quality were given the major responsibilities for writing the plans. A unique feature of the law is that three state regulatory commissions (Coastal Resources, Environmental Management, and Marine Fisheries) must adopt the plans. Once adopted, the Commissions' actions are to be consistent with the plans. The Commissions are to adopt the initial plan by the end of December 2004.

In order to educate the public about the CHPP, DENR initiated a public outreach effort during the summer of 2003. This effort included a short video to introduce the public to the CHPP initiative, an informational brochure, a twelve-page newspaper tabloid, and a series of ten public meetings. The video was made available to Coastal Resources Advisory Council (CRAC) members and others for viewing at county commission meetings, town council meetings and other public gatherings. The video was also sent to local cable TV outlets, and given on request to interested groups. Over 200 copies of the video were distributed. A total of 250,000 copies of the newspaper tabloid, which described the six important fish habitats and threats to them, were distributed to coastal newspapers and to a limited statewide distribution through targeted mailings. DENR also held ten public meetings (see table below), gathering almost 1,000 written comments from over 500 participants.

Summary of Data for CHPP Public Meetings, July – September, 2003			
Location	Date	Attendance	Number of comments
Raleigh	July 23, 2003	38	70
Mooreville	July 24, 2003	30	61
Supply	July 29, 2003	38	82
Wilmington	July 30, 2003	78	173
Dixon	August 12, 2003	52	127
Beaufort	August 13, 2003	92	154
Manteo	August 19, 2003	64	87
Edenton	August 20, 2003	32	52
Washington	September 9, 2003	59	94
Bayboro	September 10, 2003	44	66
Totals		527	966

Summary of Perceived Threats to Coastal Habitat

Meeting participants were asked to comment on the threats to coastal fisheries identified in the handout given to them (Attachment 1), and to include additional threats of which they were aware. Additional threats to coastal fisheries habitats identified during the public meetings included unsustainable development, inadequate enforcement of existing environmental laws and rules, and boating and fishing practices.

About one-third of the comments (324) dealt with development issues. Polluted stormwater runoff (45 comments), sewage discharges (41), and filling wetlands (35) were the major development threats cited by the public during the meetings.

It should be noted that 137 comments cited inadequate enforcement of existing rules, with 27 stating that penalties for violating environmental standards were either too low or should be increased. Some participants (21) also felt that enforcement staff levels at the regulatory agencies were inadequate to enforce existing rules and statutes.

Fishing and boating were also identified as threats to habitat (128 comments). Fifty-six comments cited boat wakes and other boating practices as major threats, while 27 comments identified specific fishing gear as a threat.

Specific development-related threats included 19 comments referencing land-use planning, and four comments identifying golf courses. Other threats identified at the meetings included: silviculture (11), aquaculture (9), air pollution (5), overfishing (4), and phosphate mining (1).

Summary of Suggested Actions

In addition to identifying threats to coastal fisheries, the meeting participants were asked for solutions to address the specific threats. Educating the public about the importance of coastal habitats and the threats they face was the most commonly cited suggestion.

More emphasis on enforcement of existing laws and rules was the second most popular “fix” that participants recommended. Eighty-six comments noted that critical habitats must be preserved or restored.

Other solutions offered numerous times by citizens attending the meetings included: increased funding to state agencies responsible for protecting habitats (29 comments); better cooperation among state and federal agencies (26); and more funding for land acquisition (14).

Hundreds of specific, individual actions were also suggested, ranging from establishing a citizens’ hotline, to better emissions standards for cars and boats, to restoring oyster reefs. An appendix to this report that includes the complete list of comments from the meetings is available at the Division of Marine Fisheries’ web site (<http://www.ncfisheries.net/habitat/chpp1.htm>) or on request (CHPPs@ncmail.net, or telephone 252-726-7021).

Response Summary Groupings

Comments were further grouped into the following nine categories in order to identify and portray trends in the nature of the comments submitted.

1. Common themes
2. Top responses ranked statewide (regardless of meeting location)
3. Top responses ranked by meeting location
4. Institutional: staffing, funding, interagency cooperation, senior-level support
5. Regulatory: rules, policies, compliance and enforcement
6. Implementation: public outreach, public-private partnerships, continuous improvement
7. Recommendations by the Commissions' (*Environmental Management Commission or EMC, Coastal Resources Commission or CRC, Marine Fisheries Commission or MFC*) areas of jurisdiction
8. Recommendations outside the Commissions' (*EMC, CRC, MFC*) areas of jurisdiction: agriculture, silviculture, planning and zoning, U.S. Army Corps of Engineers, local government, school/education programs, U.S. military
9. Recommendations by habitat type

1. Common themes

This category lists the most frequent themes within each of the major issue areas.

Development – wastewater management, land use planning, wetlands protection, impervious cover, beach nourishment

Education and Research – school programs, homeowner education, decision maker education, natural and social science research to inform rulemaking

Enforcement – consistent enforcement of rules and penalties (e.g., curtail the influence of politics on variances from CRC rules); focus on existing rules rather than on creating new ones; increase enforcement staff and agency funding levels

Boating and Fishing – Require coastal recreational fishing licenses; ban or further limit the use of certain commercial fishing gear (e.g., trawl nets and dredges); further limit commercial fishing grounds (e.g., ban in estuarine waters); expand no wake zones; ban or further limit the use of personal watercraft (e.g., jet skis) especially in shallow waters; improve access to and reliability of sewage pumpout stations

Agriculture and Silviculture – subject agriculture and silviculture to Coastal Area Management Act (CAMA) rules; gradually eliminate hog farms from the coastal zone or require more stringent waste management; expand the oyster restoration program; apply forestry best management practices (BMPs)

Agency Cooperation – continue and expand existing cooperation among relevant agencies; streamline customer service

2. Response rankings statewide (regardless of meeting location)

This category ranks the three most common issue areas of concern on a statewide basis, with the number of times each was mentioned (in parentheses). For further details about the comments submitted on each issue, see the full list of comments in the Appendix.

- #1: Development controls (324)
- #2: Enforcement and Compliance (130)
- #3: Education and Research (124)

The volume and pace of coastal development were cited in most meeting locations to be the biggest threats to coastal habitat, needing the most immediate and concerted attention. Actions to alleviate the effects of development were the most frequent recommendations. Within the development category, better handling of stormwater and wastewater was the most common concern, including sewage treatment, construction runoff, and discharge into public trust waters.

Enforcement of existing laws was the next most common area for desired action. The responses reflect a widespread opinion that existing laws are sufficient to improve habitat condition, but that they are not being enforced to their full extent.

Also notable for the frequency with which it was mentioned was boat operations, including a desire to establish more “No Wake Zones,” to limit use of 2-stroke boat engines and personal watercraft (e.g., jet skis), and to better manage the disposal of marine sewage.

The Education and research theme was the third most common category for recommended action. Respondents concluded that much more education is required, targeting local decision-makers as well

as the general public of all ages. Education topics would include the types of human activity that affect coastal habitat, the value in protecting habitat, and an explanation of how existing and proposed regulations work to protect the resource.

3. Top 3 responses by meeting location

This category lists the three most common issues of concern at each public meeting location. For further details about the comments submitted on each issue, see the full transcript of comments in the Appendix.

Site (# of attendees)	Issue (# of times mentioned)
Bayboro (44):	Development (23), Agriculture and Silviculture (11), Education and Research (8)
Beaufort (92):	Development (64), Enforcement (26), Boating and Fishing (25)
Edenton (32):	Education and Research (14), Enforcement (13), Development (9)
Dixon (52):	Development (44), Boating and Fishing (26), Enforcement (15)
Manteo (64):	Development (16), Education and Research (14), Enforcement (9)
Mooreville (30):	Boating and Fishing (19), Development (13), Enforcement (9)
Raleigh (38):	Development (28), Agriculture and Silviculture (11), Boating and Fishing (9)
Supply (38):	Development (35), Enforcement (15), Education and Research (11)
Washington (59):	Development (35), Education and Research (19), Agriculture and Silviculture/ Boating and Fishing (8)
Wilmington (78):	Development (57), Enforcement (27), Boating and Fishing (22)

4. Institutional: staffing, funding, interagency cooperation, and senior-level support

This category describes the main institutional needs that were identified.

Respondents that addressed the levels of enforcement staffing and resources were in agreement that the current levels are insufficient to ensure satisfactory compliance with existing laws, given the volume of activity on the coast. Respondents were supportive of increasing the staff and funding dedicated to enforcement and compliance.

Respondents acknowledged the cooperation taking place among the three Commissions and their staffs. Recommendations include extending the opportunity for early participation to other state agencies that will have some impact upon the success of the CHPP, and streamlining the customer response setup to deliver one-stop shopping for members of the public who want to get involved.

5. Regulatory: rules, policies, compliance and enforcement

This category describes the main suggestions concerning the Commissions' (EMC, CRC, MFC) legislative and regulatory programs.

There is the widespread belief that existing laws are not being fully enforced, and recognition among respondents that the lack of adequate staffing and resources is a major contributor to this shortcoming. Respondents were also concerned that certain laws were not being fairly and uniformly applied – the perception being that politically connected property owners received more favorable treatment on CRC variance requests and softer penalties for violating coastal rules. There was not a general feeling that existing laws are *inadequate* for coastal protection. Alternately, several respondents commented that there is not a good public understanding of what laws do exist and why.

6. Implementation: public outreach, public-private partnerships, continuous improvement

This category shows the main recommendations regarding CHPP implementation and quality control.

Education and research were repeatedly mentioned as central components for success of the CHPP. Recommendations included efforts to partner with primary and secondary schools to introduce environmental stewardship curricula, partnering with universities on research, and engaging in concerted educational outreach to private citizens and public sector employees.

7. Common recommendations by Commissions' (CRC, EMC, MFC) areas of jurisdiction

This category relates common recommendations that pertained specifically to any of the three Commissions' (CRC, EMC, MFC) jurisdictions, e.g., CAMA permitting, stormwater management, and fishing regulation.

CRC – Strengthen application of CRC rules, including tougher variance criteria for development in the buffer; phase out bulkheads – move towards living shorelines and riprap; strengthen disaster mitigation especially on the oceanfront by mandating greater setbacks and larger lots; reduce impervious cover by phasing in pervious materials; stop all beach nourishment; ensure more sewage pumpouts are available to boaters, and that they work; provide public education outreach; support more thorough and consistent enforcement of CRC rules; increase penalties for violations; ensure better interagency collaboration;

EMC – Complete Phase II Stormwater process; bring septic and sewer systems up to a higher standard; improve ability to handle/treat sewage overflows; end practices that send untreated stormwater to public waters (ocean, sound, rivers, etc.); provide public education outreach; fully enforce existing rules; increase penalties for violations; ensure better interagency collaboration;

MFC – Improve or restrict the use of non-selective commercial gear, particularly trawl nets and dredges; ban or further limit trawling and gill netting in estuarine waters; expand the oyster restoration program for water quality benefits; provide public education outreach; continue to develop more selective, less disturbing commercial gear; fully enforce existing rules; increase penalties for violations; ensure better interagency collaboration.

8. Recommendations outside Commissions' (CRC, EMC, MFC) areas of jurisdiction: agriculture, silviculture, planning and zoning, U.S. Army Corps of Engineers, local government, school/education programs, U.S. military

This category lists common recommendations that fall outside of the three Commissions' (EMC, CRC, MFC) direct control.

Bring agriculture and forestry under CAMA jurisdiction; phase out hog farms and waste lagoons from the coastal zone; finalize and adopt the coastal recreational fishing license (CRFL); divert funds from beach nourishment to purchasing threatened properties; control the use of fertilizers; ban landfills in [drained] wetlands; require basin-wide land use planning that meshes with local plans and strict CAMA standards; establish more no wake zones; phase out 2-stroke boat engines in favor of 4-stroke engines; require inlet dredging only on low (ebb) tides; increase enforcement personnel and budget; prevent General Assembly from making last-minute changes to rules.

9. Common recommendations by habitat type

This category lists specific recommendations that were offered regarding the six habitat classes: Water Column, Shell Bottom, Submerged Aquatic Vegetation, Wetlands, Soft Bottoms, and Ocean Hard Bottom.

Water Column – plant oysters to filter out nutrients; allow dredging only on a falling (ebb) tide so that sediments flush oceanward; lessen the amount of pollutants, nutrients and sediments that come from point and nonpoint sources

Shell Bottom – increase the amount of effort dedicated to rebuilding and expanding oyster reefs; lessen the amount of pollutants, nutrients and sediments that come from various sources

Submerged Aquatic Vegetation (SAV) – ban equipment and practices such as jet skiing and trawling that damage SAV; lessen the amount of pollutants, nutrients and sediments that come from various sources

Wetlands – enforce “no net loss” rule; increase investment in wetland restoration; purchase lands for preservation; phase out bulkheads; lessen the amount of pollutants, nutrients and sediments that come from upland sources

Soft Bottoms – limit disturbing activities such as clam kicking and dredging; lessen the amount of pollutants, nutrients and sediments that come from various sources

Ocean Hard Bottom – ban or severely limit beach nourishment, which would lessen the need for dredging; modify or curtail the use of disturbing commercial fishing gear that directly and indirectly impacts the habitat; lessen the amount of nutrients and sediments that come from ocean outfalls and other inland sources

Attachment 1

List of threats to coastal fish habitats distributed for discussion at North Carolina Coastal Habitat Protection Plan public meetings, summer 2003.

Coastal Habitat Protection Plans (CHPPs) – Public Meeting

Coastal Fisheries Habitats

Water column – The water in a river, sound or ocean and its physical, chemical and biological properties

Shell bottom – Intertidal and subtidal bottoms made up to shells or living oysters, clams or other shellfish

Submerged aquatic vegetation – Underwater beds of rooted plants, called sea grass, or macro algae

Wetlands – Areas that are inundated enough to support plants normally adapted to saturated soils

Soft bottoms – Sand and mud bottoms with no vegetation

Ocean hard bottoms – Exposed areas of rock or hard sediment in the ocean

THREATS TO COASTAL FISH HABITATS
AGRICULTURE/AQUACULTURE RELATED
Excessive Sedimentation and Turbidity
Excess Nutrients
Harmful Bacteria (animal operations)
Invasive Species
Filling and Draining Wetlands
Stormwater Runoff
WATER CONTROL
Alteration of the Natural Flow of Water (dams, water withdrawal, channelization)
DEVELOPMENT RELATED
Toxins
Excessive Sedimentation and Turbidity
Roads/Highways (including culverts, bridges)
Harmful Bacteria
Stormwater Runoff
Wastewater Discharges
Filling and Draining Wetlands
Beach Nourishment
Shoreline Stabilization (bulkheads, rip rap)
BOATING AND FISHING RELATED
Fishing Gear
Marinas and Docks
Ports
Boat Operations (Wakes, Prop Damage, Boat Anchors)
Dredging
MINING RELATED
Sand and Gravel
Oil and Gas Exploration