

Panel may suggest review of policies for growing coast

By Gareth McGrath
Staff Writer

The head of the N.C. Coastal Resources Commission thinks the time has come to review the way the state manages the coast.

With Hurricane Isabel still fresh in people's minds, Eugene Tomlinson said the fact that a relatively weak storm like Isabel could cause such extensive destruction should prompt a review of how the state is regulating and overseeing its coastal resources.

"This review would provide an excellent opportunity to celebrate our successes, learn from our mistakes, and devise new and more effective approaches to meeting the challenges of the next 30 years," Mr. Tomlinson said this week at the board's quarterly meeting in Wilmington.

The CRC is expected to consider a resolution in January recommending the state undertake a wide-ranging review of its coastal policies.

Right now 27 agencies have some type of jurisdiction over coastal areas, Mr. Tomlinson said that's too much fragmentation.

"As a result, we are losing in our mandate to protect the natural resources of the coast — resources that belong to the people of North Carolina," he said.

A review next year also would coincide with the 30th anniversary of the Coastal Area Management Act. But North Carolina's coast looked vastly different in 1974 than it does today.

The population of the state's 20 coastal counties jumped 62 percent between 1970 and 2000. Some oceanfront counties are growing even faster.

In Brunswick County, the population jumped more than 200 percent. Pender wasn't far behind, with 126 percent growth, while New Hanover saw a 93 percent increase in population.



Tomlinson

The housing stock in some counties has increased even faster than the population. In Brunswick, for example, there were 322 seasonal rental units in 1970. There were more than 15,000 in 2000 — a 4,700 percent increase.

But state agencies, starved for funding, haven't kept up with the increased workload.

This fiscal year, Coastal Management took an 11 percent cut in its budget as Gov. Mike Easley ordered state agencies to tighten their fiscal belts to cope with another budget deficit.

The agency was then asked to return another 2 percent of its budget in the first quarter.

Money is so tight that Coastal Management Director Donna Moffitt told the board a proposal for additional meetings because of the commission's expanded workload might have to be scaled back.

In other cases, the General Assembly has approved well-intentioned environmental legislation but not given the regulatory agencies the additional funding to do the work.

"Passing a resolution that's not well-thought out can sometimes do more harm than good," said Courtney Hackney, vice chairman of the CRC and a biologist at the University of North Carolina at Wilmington. "If you can't do the job right, then maybe you shouldn't do it."

Dr. Hackney this spring wrote a tongue-in-cheek newspaper letter recommending that CAMA be abolished because it "now regulates mostly the honest citizens."

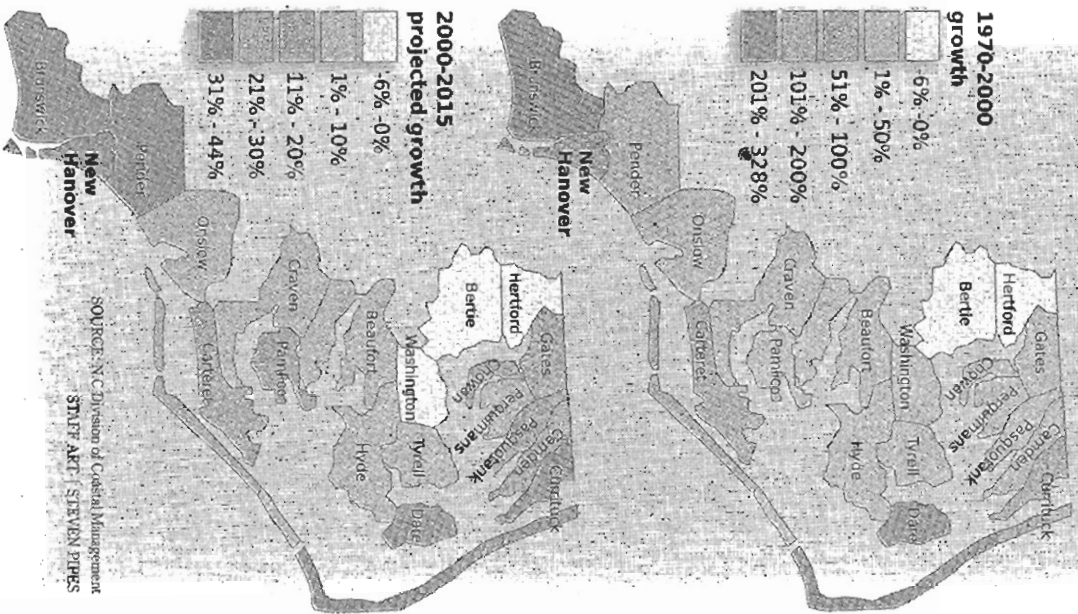
Mr. Tomlinson's push for a review of state policy follows similar recommendations by the N.C. Coastal Federation.

The coastal watchdog group said regulations on the books have helped slow down environmental degradation along the coast, but the rules have been crafted to appease everyone.

That leaves too many holes, the group said. Case in point is a rule against secondary structures, such as swimming pools, between seaside homes and the ocean. The rule was meant to reduce the chance of debris damaging neighboring

GROWING PAINS

Rapid growth in the state's coastal region has complicated efforts to protect and enhance coastal resources. Southeastern North Carolina has been among the fastest growing areas, with Brunswick County's population increasing 202 percent between 1970 and 2000. The region's projected growth shows no signs of slowing down.



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properties. But the development community got the General Assembly to pass an exemption for swimming pools.

Mr. Tomlinson was in a group a decade ago that performed a similar review of the state's coastal policies.

The Coastal Futures Committee ended up making more than 200 observations and recommendations.

But many of those proposed improvements are still just that. Mr. Tomlinson, however, said it's not too late to revive and improve the state's regulatory framework.

It also makes sense.

"It is cheaper and easier to fix up front than to repair afterward," Mr. Tomlinson said.

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Time to get rid of coastal act

The time has come to abolish the state's Coastal Area Management Act (CAMA). It has lost the support of the legislature, the current administration, environmental and development groups alike, and worst of all, it now regulates mostly the honest citizens.

CAMA was established by the legislature more than 25 years ago to direct development in the 20 coastal counties. North Carolina's program has been a model for other states, with its independent, rule-making body (the Coastal Resources Commission) and technical advisory body (Coastal Resources Advisory Committee) teamed with the Division of Coastal Management.

Despite the fact that CAMA prohibited regulation of both forestry and agricultural activities, it was successful at dividing the rich coastal legacy of the state between developers, the tourist industry, conservation groups wishing to preserve clean water and fishermen who depend on nature's coastal communities for a living. Balancing the needs of growing coastal communities and the increasingly stressed coastal waters has been no small task. Few outside the regulatory community comprehend the myriad rules that intersect along the coast, where any change in development can affect insurance premiums, tax bases, federal cost share, etc.

Today, however, the situation has changed. No longer does the General Assembly accept the wisdom of the Coastal Resources Commission, its advisory board of the citizens who participate in the lengthy rulemaking process. Increasingly, bills are introduced in the legislature with nothing more than a title. At the very last minute and without debate, language is added that overturns rules passed by the CRC to protect the lives and properties of all the state's citizens.

While these bills await the addition of language in communities, they are used to force favorable action by both the Coastal Management Division on permit decisions and to pressure the CRC to pass rules favorable to

No longer does the General Assembly accept the wisdom of the Coastal Resources Commission. *FNI Milan*

"special" constituents.

There is no debate regarding the legislature's power to alter CAMA; it is the elected body of the state and that is the legislators' job. The real question is whether altering regulations based on the needs of a single constituent group serves all the citizens of the state. Whether this is wise or not, the General Assembly has increasingly taken on the rule-making role previously delegated to the CRC.

The Governor's Office seems to have recognized the direction the legislature has taken and has reduced its support of CAMA, with a proposed 8 percent budget cut despite continued and accelerated increases in development along the coast. The DCM staff is no longer able to carry out its required tasks or to fully evaluate permits. The Coastal Federation has hired another Coast Keeper to keep an eye on what it considers an overly developed and over-exploited coast, because they recognize that DCM no longer has the staff or funds to find and prosecute those who violate permits.

Without the fear of prosecution, only honest citizens follow rules designed to protect the coastal environment. Honest citizens do not need permits or rules, only education to protect the coast.

The role of the CRC has largely become handling disputes over the intent of rules or requests by citizens for exceptions to rules. This is not because all the rules needed to protect coastal resources are in place. Continual declines in shellfishing waters are evidence that development has exceeded appropriate rules. There is no longer suf-

ficient staff or even meeting time to carry out tasks assigned by CAMA.

The final reason to rescind CAMA is the most serious. The original enabling legislation essentially prescribed a way to divide coastal resources among those wishing to exploit them. Today, those resources have largely been allocated and the questions coming to the CRC relate to which user group should have priority use of resources. CAMA does not prescribe how this is to be done. Interest groups now go directly to legislators or those in the administrative branch whom they supported in the last election to gain priority use of coastal resources.

While there are clearly negative aspects to the elimination of CAMA, there are also some positive ones. Many coastal rules are designed to mesh with federal ones, and the lack of CAMA will force the federal government to use its staff. This also lessens the ability of individual contributors and elected officials to affect permit decisions. Local governments that have long chafed over the authority granted the CRC will now be forced to hire their own staffs, engage consultants, and "liaison" with federal agencies.

It will also be clear when natural disasters strike who is responsible. No longer will legislators be able to blame the CRC for stifling development one week and then blame it a few weeks later (after a hurricane) for permitting people to build in such dangerous areas.

Those familiar with the built-out coasts of states such as New Jersey and New York realize where a path without CAMA will lead, but the question is whether North Carolina's current path is doing anything more than making us feel good.

Courtney Hackney is a longtime member of the Coastal Resources Commission and currently serves as its vice-chairman. He is a UNCW professor of biological sciences who specializes in the study of estuaries.

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