

# Progress Report on *Charting a Course for Our Coast: Not All Smooth Sailing*

**David R. Godschalk**

This report discusses progress made during the past five years toward implementing the 1994 report of the North Carolina Coastal Futures Committee, as reviewed at the State of the Coast Summit held in Wilmington on October 8, 1999. It compares the recommendations from *Charting a Course for Our Coast* with accomplishments to date, pointing out some dangerous shoals.

## ***Year of the Coast Marks Two Decades of Coastal Management***

The 1994 National Conference on Innovations in Coastal Management, held in Wilmington, was an upbeat event. The conference was the culminating step in a well-publicized yearlong effort entitled *The Year of the Coast* that celebrated the 20<sup>th</sup> anniversary of the enactment of the 1974 North Carolina Coastal Area Management Act (CAMA). Those of us attending the conference believed the time had finally come to complete the actions necessary for an effective intergovernmental coastal management program, two decades after the adoption of the original cautious and limited implementation approach.

The printed conference program began with optimistic quotes from state leaders (NC Coastal Futures Committee 1994b). Governor James Hunt said: "We have a moral responsibility to do the right thing—for our people and for the land." The governor gave a rousing speech about the need

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*David R. Godschalk is the Stephen Baxter Professor of City and Regional Planning at the University of North Carolina at Chapel Hill.*

for wise land use planning, hearkening back to his father's work with the land as an agricultural agent.

Jonathan Howes, then Secretary of the NC Department of Environment, Health and Natural Resources, stated: "We must plan now to ensure a sound future for coastal North Carolina. We must learn from both our mistakes and our triumphs to plan for tomorrow." Richardson Preyer, former congressman, federal judge, and chair of the Coastal Futures Committee, stated: "Protecting our coast means protecting our rich and diverse cultural and environmental heritage. If we work together, we can sustain this wonderful resource for future generations."

A number of distinguished conference speakers addressed topics such as Putting Science to Work in Coastal Management, The U.S. Congress and Our Coasts, Innovative State Approaches to Coastal Zone Management, Sustainable Development Through Quality Growth Management, Coastal Water Quality Protection, Planning for the Big Storm: Staying Out of Harm's Way, and Program Implementation and Enforcement. It seemed that North Carolina coastal management was not only going to shoulder its full responsibilities, but also was poised to regain its position as a national leader in innovative coastal planning.

## ***Charting a Course for Our Coast***

The high point of the 1994 conference was the presentation to the governor of the Final Report of the N.C. Coastal Futures Committee--*Charting a Course for Our Coast* (NC Coastal Futures Committee 1994a). The 15-member committee was charged by the governor to review CAMA's accomplishments and shortcomings, and

chart a new course of action for the next 20 years and beyond. The committee's report acknowledges the achievements under the 1974 CAMA, including banning sea walls and other beach-destroying structures, protecting ecological systems, preserving public beach access, and adopting land use plans by all local governments in the 20 coastal counties.

However, the 1994 report points out that explosive population growth and unexpected environmental dangers continue to threaten the coast. It describes the closing of shellfish waters and the damage to wetlands, maritime forests and fish habitats. The report also notes that the quality of land use planning has been uneven, while local input can be lost because CAMA does not require that adopted plans be implemented. The report calls for a plan that will protect the region's natural resources, accommodate sustainable development, and preserve its character and natural beauty.

The report's new vision offers approximately 200 recommendations to strengthen land use planning, protect water quality and public trust rights, conserve natural areas, improve CAMA regulations, promote environmental education, and support economic development while addressing environmental protection.

Among the most important recommendations identified by the report drafters are:

- Strengthening land use planning, including providing adequate technical assistance and financial support and basing local eligibility for CAMA development permits and state funding for water and sewer projects, highway improvements, community development and tourism on the successful implementation of land use plans by local governments.
- Planning on a regional basis for water quality protection, economic development, transportation, and waste disposal, dealing with entire river basins and improving water quality standards to protect shellfish beds and fish nurseries from shoreline development.
- Analyzing cumulative and secondary impacts of growth on communities, water quality and water supply, in local land use plans.

- Supporting environmentally sound development, including aquaculture, mariculture and ecotourism.
- Strengthening and enforcing laws to control nonpoint source pollution, such as runoff from cities and farms.
- Applying a special classification, Use Restoration Waters, to areas such as the South River where chronic pollution problems exist.
- Expanding the coastal reserve program to conserve environmental systems such as riverine and estuarine fish nurseries and maritime forests, and securing permanent funding for beach access, coastal reserve, and other acquisition programs.
- Restoring fish habitats through improved land use planning, stricter water quality controls, mapping of aquatic resources, and limiting damaging activities such as fishing, boating, and dredging.
- Enacting a freshwater wetlands protection statute, similar to the saltwater wetlands statute, that provides conservation incentives to private landowners.
- Simplifying the CAMA permit process to make it more user-friendly, and raising fees for major development to cover administrative costs.
- Developing a comprehensive environmental education and outreach program that begins in pre-school and goes through college and beyond.

To reach its vision, the report calls for strong commitment and leadership from citizens and public officials. While it does not attempt to cost out its recommendations, the report states that substantial new funding for state environmental programs will be required, and urges that new revenue sources be sought. The report leaves no doubt that its drafters believe that the time has come to move forward well beyond the activities of the CAMA program's first two decades.

Following up in 1995, Governor Hunt announced his Coastal Agenda, based on recommendations from the Coastal Futures Report, as well as the Albemarle-Pamlico Estuarine Study. The agenda set goals of protecting and improving water quality,

protecting and restoring natural areas and vital habitats, strengthening state and local partnership to improve coastal management, and protecting and restoring marine fisheries.

### **Responses to the Coastal Futures Report**

#### *County Commissioners Resolution*

The first response to the Coastal Futures report signaled that there would not be unanimous support for its recommendations. The North Carolina Association of County Commissioners passed a resolution objecting to the report's draft recommendations in August 1994, before the final report was presented in September. Calling them "serious intrusions on the traditional and constitutional rights of local governments to govern," the Association resolution objected to provisions that required reporting of participation by local elected officials in planning; inclusion of implementation, including zoning, in land use plans; performance audits to determine adequacy of implementation; and tying of eligibility for growth-related state and federal grants to plan implementation. It demanded the rejection of any recommendations that allow the state to "intrude" in local land use planning, give state employees the power to withhold state or federal funding based on implementation, and permit the state to impose mandatory zoning on select counties.

The County Commissioners' resolution showed that, despite 20 years of efforts by the state to collaborate with the coastal local governments, there remained a perception of "us versus them" that threatened to frustrate effective land use planning and implementation. The provisions that raised the ire of the County Commissioners are not radical. The idea that zoning should be tied to a comprehensive plan has been accepted across the country for fifty years.<sup>1</sup> The idea that plans should be implemented, rather than being paper exercises, is a requirement of state law in many states, as is the tying of state grants to adequacy of local plans. However, the exercise of local land use planning in the coastal area of North Carolina appears to be viewed as an onerous state mandate, rather than an opportunity to develop and carry forward a shared local vision about the future of the community.

#### *State of the Coast Summit*

Five years after the 1994 Coastal Futures Committee issued its report, the North Carolina Coastal Federation brought coastal interest groups together to assess progress made toward the report's goals. It should not be surprising that the assessment of progress by speakers at the October 1999 State of the Coast Summit in Wilmington was not all that encouraging—for either local land use planning or for state agency performance. One after another, the speakers pointed out the environmental and planning failures of recent years.

The North Carolina Coastal Federation presented their 1999 *State of the Coast* report, which assigned the Hunt Administration a grade of D+ and called on the governor to make good on his Coastal Agenda of 1995 and other long promised coastal reforms. It bemoaned the relaxation of environmental standards to permit the construction of the Nucor steel mill on the Chowan River, and the six month delay in enforcement of wetland protection rules (due to lack of state staff) that allowed the 1998-99 ditching of 10,000 acres of coastal wetlands. At the same time, the report also acknowledged positive progress in the Coastal Resource Commission's moratorium on approval of CAMA land use plans to give time to study ways to strengthen the planning process, and the proposed non-point source rules for the Tar-Pamlico River Basin.

The conference program listed a "reunion" of the Coastal Futures Committee, suggesting that there would be an active debate and discussion of progress made toward carrying out its recommendations. Unfortunately, no formal discussion took place. Instead, the committee members made short comments, there was a brief appearance by a staff member from the Department of Environment and Natural Resources (DENR), and a question and answer period was held where the Committee members responded to audience queries.

Audience members asked why many recommendations had not been implemented. Were local land use plans now addressing carrying capacity and cumulative and secondary impacts of growth? Were local land use



ordinances now required to be consistent with approved CAMA plans? Were state and federal grants now tied to adoption of land use plans and implementation programs that comply with minimum Coastal Resource Commission (CRC) standards? Few answers were forthcoming.

#### *DCM's Progress Report*

Rather than debating progress at the Coastal Summit, the NC Division of Coastal Management (DCM) distributed a printed report: *A Progress Report on the Coastal Futures Committee's Recommendations for Coastal Management* (NC DCM 1999). The report states that many recommendations have been enacted successfully or are currently being reviewed by the Coastal Resources Commission. Using a Recommendation/Result format, the DCM report reviews systematically by topic the actions taken by the state since 1994, and appends a list of 39 recommendations that have not yet been accomplished. Its tone is positive and its review shows that many recommendations have been followed.

Since 1995, another planning position and additional state funding for local planning were secured and GIS database packages of planning information including watershed boundaries were issued. Also, the land use planning guidelines were revised to require analysis of community services and inclusion of implementation strategies and time lines in land use plans. DENR now offers bonus points toward wastewater treatment plant funding for acceptable land use plans and those that list implementation strategies. The CRC initiated a one-year land use plan moratorium, and appointed a Land Use Planning Review Team in 1998 to suggest improvements in the planning guidelines. The Team will consider the Coastal Futures recommendations and report to the CRC in mid-2000.

#### **Setting a Collaborative Course for Coastal Planning**

My own estimate of progress toward achieving the primary goal of the Coastal Futures report—a sustainable coastal region—is not as


sanguine as that of the Division of Coastal Management's progress report. Especially in terms of land use planning, serious progress is still hard to discern.

On the plus side, as the DCM progress report points out, are a number of useful actions. These include the increase in technical and financial assistance for local planning, the provision of GIS database packages, the requirement that implementation strategies and time lines be included in plans, the bonus points for acceptable land use plans and implementation strategies, and the funding for regional planning projects.

On the minus side, it does not appear that clear guidelines have been given for conducting carrying capacity analyses or cumulative impact assessments. The DCM report states that the ball has been passed to the Land Use Plan Review Team to consider the level of analysis that should be conducted by local governments. The progress report also acknowledges that no progress has been made toward making eligibility for funding contingent upon involvement of elected officials, or toward requiring that all local ordinances be consistent with the local land use plan.

However, the largest obstacle to planning for a sustainable coastal region—a crisis of confidence in the core concept of *collaboration* between the state and the coastal local governments—appears to remain. Coastal planners tell me that the state land use planning guidelines are a patchwork of hard to understand “shalls” and “shoulds.” It is not clear that the bonus points approach will generate better plans, as both local and state planners are frustrated by the system. The two year moratorium on land use plans signals that the old approach had not worked, but the outlines of a new workable approach have yet to emerge from the Land Use Plan Review Team. Meanwhile, the state's own actions appear to be at odds with a sustainable future, leaving us to wonder what happened to the 1994 state commitment to “do the right thing.”<sup>2</sup>

What is needed at this point to turn land use planning from an unpopular state mandate to a positive collaborative activity. Planning needs to be seen as a way for the local communities to define and realize their own visions, while contributing to the overall goal of a sustainable

coastal region and being supported by the actions of state agencies.<sup>3</sup> That will not be an easy task, given the history of intergovernmental relationships to date. But if we don't figure out how to do it, the course for our coast may well be heading for the rocks. 

## Notes

1. However, the North Carolina courts have not held that zoning needs to conform to a master plan, and the original CAMA legislation did not include this requirement.
2. Some attribute the decrease in state efforts to reform CAMA to a change in the political winds, when one of the potential reform leaders, Representative Karen Gottovi of Wilmington, was defeated for re-election, and the Republicans took control of the state House after the Coastal Futures Committee report had been issued.
3. For some of my own thoughts on how to accomplish this turnaround, see my essay, "Coastal North Carolina: Planning for a Sustainable Future," in *Eye of the Storm: Essays in the Aftermath* (Coastal Carolina Press, forthcoming).

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