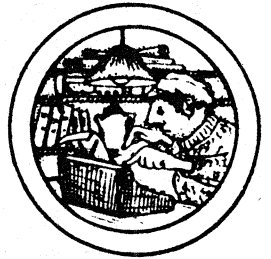




COASTAL REVIEW



Vol. V, No. 1, Winter 1987

NEWSLETTER OF THE N.C. COASTAL FEDERATION

PRICE - \$5.00 A YEAR



LENA RITTER

1986 NANCY SUSAN REYNOLDS
AWARD WINNER

NC Coastal Federation, Inc.
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I Have a Dream

Many of our dreams never come true.

Lena Ritter lives her dream. Her life is made wonderful by clean coastal waters, abundant fish and shellfish, and dinners on the lawn with good neighbors.

Lena has done everything in her power to protect her dream ever since she woke up to the realization that it might be shattered by condominiums and clorox bottle boats.

The battle that Lena Ritter, her husband Graham, and neighbors such as Bill and Bernice Rice have waged to protect Stump Sound and other coastal waters from irresponsible forms of coastal development was recognized by the Z. Smith Reynolds Foundation when it said Lena Ritter had earned one of its three Nancy Susan Reynolds Awards given to ordinary people who do extraordinary things.

The Coastal Federation is proud of Lena and her coalition of fishermen and neighbors. We are honored that Lena is on our board of directors. And we are particularly grateful that Lena donated \$15,000 of her award money to the Coastal Federation.

Support The Coastal Federation

The North Carolina Coastal Federation and the groups with which we work accomplished many things in 1986. We fought hard for the adoption of new regulations to protect our shellfishing waters from high density development and marinas. New stormwater runoff rules were finally adopted after numerous permit appeals and public hearings.

We also coordinated public involvement efforts which were successful in obtaining the adoption of new peat mining regulations which we hope will help slow the destruction of our fisheries in Pamlico and Albemarle Sounds.

The Coastal Federation has sought to increase public involvement in the new Albemarle-Pamlico Estuarine Study.

In 1986 we also petitioned the Environmental Management Commission asking that the Roosevelt Natural Area swamp be designated Outstanding Resource Waters.

And we have spent endless hours monitoring the activities of state and federal environmental review agencies, attempting to get adequate enforcement of laws designed to protect coastal land and water resources.

Everyday a new issue or threat to our coast seems to demand our attention. We devised a work plan for 1987 to help us allocate our time and resources to address as many coastal issues as possible.

This plan includes a combination of public involvement and educational activities as well as technical and legal work. It also addresses our need to expand our base of financial support so that citizens like yourself provide a larger percentage of our operating funds.

The Coastal Federation is still \$60,000 short of our fund raising goal for 1987. We have succeeded in raising \$115,000 so far this year.

With the new stormwater rules due to expire this December and intense efforts underway to substantially dilute our coastal water quality regulations, the Coastal Federation needs all the assistance you can afford to provide.

Memberships start at \$5.00. However, this fee does not begin to cover the costs of running our organization. We would greatly appreciate a larger donation of any size -- big or small -- that will help pay for our efforts to save fragile coastal resources for future generations.

Please consider making a sizeable donation to the Coastal Federation.

Help us help you protect our coast!

Permuda Island Saved

By Todd Miller

My first visit to Permuda Island was in 1983. Bill Rice was my guide.

Bill has cultivated oysters and clams along the shoreline of Permuda Island for 40 years.

"There's just no way that they can develop this island and not mess up the sound," I remember Bill saying.

Bill felt that the government should buy Permuda Island and keep it as a natural area for the people of North Carolina.

I remember thinking that Bill was naive. There would never be enough public money to buy it. The best I thought we could do is make the government do its job and protect the public trust shellfishing waters that surround the island.

It turned out that I was naive. Getting the government to buy the island was much easier than having it say no to inappropriate development along our estuarine shorelines.

In my view what happened was that Permuda Island became a symbol of the government's commitment to protect coastal resources. The proposed development of the island stirred up water quality and fisheries concerns that are generic to many coastal land development projects.

Public outrage would have been intense if the government permitted Permuda Island to be developed. The resulting publicity could have prompted improvements in the management of coastal resources. The legislature might have even strengthened water quality laws and provided sufficient money to hire inspectors to enforce them.

Thus, Permuda Island was a thorn in the side of both the government and developers. A decision to issue development permits would outraged the public. But a decision to deny development permits would provided the basis for projects elsewhere to be prohibited. It was the early debates over Permuda Island that had resulted in state studies on coastal development and shellfish waters.

The Coastal Federation is extremely pleased that \$1.7 million was found to buy Permuda Island. The purchase of the island saved us thousands of dollars in legal fees that we anticipated spending to save the shellfish resources around the island.

Public acquisition is the most effective way to protect coastal resources. But until the Department of Transportation gives up its highway construction budget there will never be enough money to buy all the environmentally sensitive coastal lands.

Just in the immediate vicinity of Permuda Island is Topsail Island where major development projects are pending. If those projects are now allowed then the natural resources that make Permuda Island valuable will still be lost.

Our government will have to learn quickly to say no to private development that threatens public trust resources. The money that we invested in Permuda Island will have been wasted if it does not.

Expert Wins Award Others Our Praise

Although his testimony largely ignored by the Coastal Resources Commission in its decision to issue the San Carlo Coastal Area Management Act, a major Development Permit, Carolina's most experienced groundwater hydrologist has been recognized and thanked by professionals in the field for his distinguished service.

Groundwater hydrologist C. Heath received the Award of Distinguished Service in Hydrogeology from the Hydrogeological Society of the Geological Society of America in November, 1986.

A native of Lenoir County, Heath served with the U.S. Geological Survey from 1948 to 1975, retiring as a consultant to the U.S. Geological Survey and as adjunct professor of civil engineering at N.C. State University and Duke University. An authority on the geology and hydrology of the Atlantic Coast States, Heath is author of numerous technical reports and scientific papers of national significance. He is a Fellow of the Geological Society of America and a National Water Well Association Distinguished Lecturer. Heath was cited for "his outstanding service both to the scientific profession of hydrogeology."

While the Coastal Federation has no award to give, it also wishes to express sincere thanks to Heath as well as other experts who have worked with us on the San Carlo permit appeal.

The expert testimony provided by Heath, as well as UNC Kenan Professor of Environmental Engineering Dan Okun, and UNC Institute of Marine Sciences coastal project expert Dr. John Wells, provided overwhelming technical evidence that the San Carlo project would pollute our coastal waters and fish beds.

The Coastal Federation greatly appreciates their willingness to share their time and knowledge for the protection of coastal resources.

COASTAL REVIEW

Newsletter of the North Carolina Coastal Federation
Route 5, Box 603 (Ocean), Newport, NC 28570
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STAFF: Todd Miller of Ocean, Executive Director; Jim Kennedy of Newport, Environmental Engineer; and Les Vorgetts, Artist. Legal Counsel: S. Henri Johnson, New Bern; Steve Levitas, Charles Meeker, and Derb Cartwright, Raleigh; and John Runkle, Chapel Hill. Additional assistance received this quarter from Ralph Heath, Raleigh; Dan Okun, Chapel Hill; John Wells, Morehead City; Roger Deese, Chapel Hill; City Beverage Company, Elizabeth City; Berkley Tackle Company, St. Louis; Lena and Graham Ritter, Thomas Landing; Harold Morris, Newport; Steve Warnock, Swansboro; Ann Carter, Raleigh; Bill and Bernice Rice, Thomas Landing; Stumpy Point Civic Club, Stumpy Point; and numerous other friends.

The NORTH CAROLINA COASTAL FEDERATION is a nonprofit, tax-exempt organization seeking to involve citizens in decisions about how coastal resources should be managed. Its aim is to share technical information and resources to better represent the present and long term economic, social and environmental interests of coastal North Carolina.

Coastal Review is published quarterly. A \$5.00 membership fee provides funds to publish the newsletter and to make special mailings about important coastal issues and events. Larger contributions are needed. All donations are tax deductible.

SPECIAL THANKS to the Mary Reynolds Babcock Foundation; Z. Smith Reynolds Foundation, Public Welfare Foundation; and the hundreds of private citizens for their generous financial support.

Carolinas Must Act To Save Beaches

By Rich Oppel

(Reprinted from Sunday, January 11, 1987 edition of *The Charlotte Observer*.)

Start with a fact of law: In North Carolina, you're entitled to use of the Atlantic Ocean shoreline. State law gives you free and unobstructed use of the beach up to the vegetation line.

This sand seaward of the dunes does not belong to a hotel corporation, a condo association or to the vacation home owner.

Yet, because of the elements of nature and the stubbornness of humans, we are slipping into a trespass of the people's property of monumetal proportions.

Because of the sea's rise, the Carolinas' shoreline has crept landward to curl under houses, hotels and bulkheads. In the last dozen years the public's land has merged with private land along more and more of the coast.

In 1987, we face the future uglification of the Carolinas beach.

In a growing number of hot spots up and down the coast, the beach is littered with construction debris or faces the collapse of structures with future storms. The scene is similar in Kitty Hawk, South Nags Head, Topsail, Kure Beach and Long Beach. To walk the west end of Long Beach at high tide is to scale bent and splintered bulkheads, concrete slabs, sandbags, pilings and drooping decks and walkways.

COLLISION OF RIGHTS

The ocean's steady movement means growing problems over the collision of public and private property rights. North Carolina has a strong beach protection law in the Coastal Area Management Act of 1974, although it may need to be further strengthened.

The law sets a goal of "preserving and managing the natural ecological conditions of the estuarine system, the barrier dune system, and the beaches, so as to safeguard and perpetuate their natural productivity and their biological, economic and aesthetic values."

The Coastal Resources Commission has put into force two regulations that go far to protect the beach. They:

Provide for a rolling construction setback line 30 times the annual erosion rate from the vegetation line. In other words, if a beach is undergoing erosion at the rate of two feet a year, a house cannot be built within 60 feet of the vegetation line.

Prohibit the construction of seawalls and bulkheads, or the placement of rip-rap. Existing barriers can be repaired, but they cannot be replaced if destroyed.

North Carolina is tougher than South Carolina. Our neighboring state allows property owners to build anywhere behind a "critical area line" (the landward side of the first dune, or at an existing bulkhead), although local governments can adopt setback restrictions.

RULES TO CONSIDER

But the federal government and coastal states--including North Carolina--may need to go further to prevent a worse mess. In North Carolina, we should consider:

Revising the federal flood insurance program to limit payment for a structure that tumbles into the ocean, but compensate an owner for relocation of a threatened structure. Now, the insurance program provides no reimbursement for erosion damage--except when the entire house goes.

Change tax laws to deny or reduce the deductible loss for a house that falls into the ocean, and to allow deductibility of some costs for relocation. Again, we should reverse the existing incentive to the owner to wait until the last minute, trash the beach and run.

Hold property owners responsible for the removal of a house, barriers, decks and walkways that are irreparably damaged by erosion. Now, the burden falls upon the taxpayer, except in Nags Head where town officials charge property owners for removal of debris--and will seize the entire piece of property if they don't pay.

See 'Carolinas' Page 12

NCCF Helps Plan Conference

During the next five years, approximately \$5 million will be spent by federal and state agencies to find ways to better manage the Albemarle and Pamlico estuaries. This initiative will evaluate the current status of Albemarle and Pamlico sounds and result in the development of strategies to ensure their long-term productivity.

The Coastal Federation helped plan a day-long conference on February 14 to inform and involve citizens from throughout North Carolina in this new project. This meeting was designed as the public's first major opportunity to learn about this initiative, make

suggestions about its priorities, and recommend public-education and involvement programs that should be funded as part of the estuarine management efforts.

The idea for the conference grew out of a desire by Coastal Federation board members to increase the number of public forums we help organize. Coastal Federation board members met in November with representatives of the Pamlico-Tar River Foundation and the Regional Development Institute of East Carolina to brainstorm about ways the groups could work together to organize one such forum.

This planning session resulted in

a proposal written by the Coastal Federation that was submitted to the Estuarine Study management committees asking for \$5,000 to hold a conference. The proposal was approved in December. The Albemarle-Pamlico Estuarine Study becoming a major sponsor of the event.

Congressman Walter B. Jones; Jack Raven, Regional Administrator, Region IV, U.S. Environmental Protection Agency; and S. Thomas Rhodes, Secretary of the N.C. Department of Natural Resources and Community Development all agreed to be speakers at the conference. Over 500 people preregistered for the event.

WHY STAND ALONE?



NORTH CAROLINA COASTAL FEDERATION

★ ★ ★ ★
Made Strong By Thousands Representing the Coasts Interests
Fishing - Farming - Tourism - Small Business - Clean Industry
Serving Old Timers, Newcomers
Former Residents and Frequent Guests

Federation Members:

- ★ receive Coastal Review - news, features, research, studies, surveys and more
- ★ receive notice of critical public meetings, permit appeals, educational forums and workshops, as well as Federation's annual convention and surf-fishing tournament
- ★ support the Federation's computerized communications center-set up to supply its members with contacts and to stimulate the exchange of information and ideas
- ★ help watchdog the use and management of coastal resources
- ★ may request Federation assistance when issues come along in their own communities
- ★ elect the Federation's board of directors and serve as its officers

MEMBERSHIP APPLICATION		DUES (TAX DEDUCTIBLE)	
NAME _____		Minimum	_____ \$5
ADDRESS _____		Sustainer	_____ \$25
CITY _____ STATE _____ ZIP _____			_____ \$50
			_____ \$100
OCCUPATION/ AFFILIATION _____		Government Agency	_____ \$10
AREA OF SPECIAL INTEREST _____		Group Membership	_____ \$25
		Larger Donations are Requested	\$ _____

(Memberships Make Great Gifts)

Rt. 5, Box 603 (Ocean) Newport, NC 28570

Governor Martin Promises To Reappoint Dick Barber

Dr. Richard T. Barber was standing before 1,000 people during the Z. Smith Reynolds 50th anniversary awards dinner.

Lena Ritter, Nancy Susan Reynolds award winner, was making Dr. Barber stand up.

And while he was standing, she turned to Governor Jim Martin and asked the governor to reappoint to the North Carolina Environmental Management Commission "the one person in North Carolina that has done more than anyone to protect coastal water quality."

Governor Martin reached into his coat pocket, pulled out a note card, and wrote Dr. Barber's name down. He promised Lena Ritter that "if he had anything to do with it, Dr. Barber would be reappointed."

The governor is responsible for filling Barber's position on the Commission. Barber was appointed to the post in 1981 by then Governor Jim Hunt. His tenure on the board expires in July at which time he must either be reappointed or replaced.

Dr. Barber's qualifications are exceptional. He is a marine ecologist at the Duke University Marine Laboratory in Beaufort and has devoted his professional life to studying how marine life reacts to pollution and climatic change. He has achieved international recognition, including a \$330,000 Creativity Award from the National Academy of Science, the first such award ever given in biological oceanography. In addition to international research, Barber has done many research projects on pollution in coastal North Carolina.

Dr. Barber has also served on many scientific bodies, such as a National Academy of Science Committee on Water Quality, a Council on Environmental Quality panel on ocean dumping and a U.S. Army Corps of Engineers panel on New York Blight dumping problems. As a member of the Environmental Management Commission, he has been selected as hearing officer for many controversial scientific decisions, such as regulations for water quality standards, ocean outfalls, and peat mining.



Gov. Jim Martin pulls card from his pocket to write down Dr. Barber's name.

Science Comes Out Winner

The third annual World Championship Red Drum Tournament held by the Coastal Federation on Hatteras Island as a fund raiser in November ended with a grand total of no red drum caught by tournament contestants. That isn't to say no red drum were caught on Hatteras Island during the three-day tournament; other anglers caught some fairly large drum, they just weren't registered to fish in the tournament.

Still, much good may come to the lack of success of the 65 people who registered for the championship.

Because no red drum were taken by tournament anglers, \$1,500 in prize money has been pledged by the Coastal Federation to be used to conduct a study of red drum in coastal waters of North Carolina.

Bill Foster, a fisheries biologist and com-

mercial fisherman from Hatteras Island whose main field of study is the red drum, has been commissioned to write up his research.

And although no one landed a red drum in the tournament, there were winners in other divisions.

William Barefoot of Raleigh took first place in the bluefish category with a 19.2-pounder caught in the surf near ramp 30 north of Avon, and Henry Twardus, a visiting angler from Delaware, took the trophy for the largest flounder with a 2.2 pound fish. A second 2.2 pound flounder was weighed in 15 minutes before the end of the tournament by A.C. Norris of Raleigh. However, in the case of tie weights, the first fish to be weighed in was declared the winner.

PenderWatch Stalls Condos

PenderWatch and Conservancy proclaimed victory in November when it stalled plans for a 12 story condominium adjacent to estuarine waters in rural Pender County.

"We thought that there was a lot of cover activity going on," said Patricia Howe, spokesperson for PenderWatch and Conservancy. The group exposed problems with the proposed project which provided the county planning board with the basis to stall building of Makai Harbor, a townhouse and condominium complex, until specific questions involving technical aspects of the development are answered.

According to Howe, the county planning board remains extremely upset about what project of this magnitude would do to estuarine waters if built.

The county planning board was asked by the Makai Harbor to determine whether the project was consistent with the county Coastal Area Management Act land use plan. The developers argued that the conservation classification shown on the land use map was not applicable to the site. The board ruled that the site was classified as conservation.

One major reason for the board's concern was that the developers were not forthcoming with specific information about the plans. Howe said, "They stood there and told a whole room full of people that they hadn't developed their plans yet. We discovered that their plan had been filed with the state for a month."

In fact, the developers had rushed through approval of their Sedimentation and Erosion Control Plan to avoid having to comply with new stormwater runoff regulations that took effect on November 1. When alerted to the magnitude of the project by PenderWatch, the Division of Environmental Management notified the developers that they would still have to comply with the stormwater regulations. In an unexpected move, the Division then reversed its position in a phone call an hour before the planning board met.

"That phone call almost pulled the rug out from under the board," said Howe. As a result the planning board did not turn the project down, but said it could not make judgement on the sketchy plans that had been submitted. According to Howe, when the county had asked for plans of the proposed sewage treatment plant it had received a xerox copy of an advertisement from a magazine.

PenderWatch representatives traveled to Raleigh prior to the planning board meeting, seeking help from state agencies. They pointed out that the plans submitted by the developers for the project were an obvious attempt to circumvent the requirements of the Coastal Resources Commission and Environmental Management Commission.

The developer's consultant for the project is Ken Steward, former director of the NC Division of Coastal Management and Executive Secretary of the Alliance for Balanced Coastal Development, an organization of coastal land developers.

EPA Takes Control of Wetlands

In a decision soundly applauded by fishing and conservation interests, Regional Administrator Jack Ravan of the U.S. Environmental Protection Agency acted in November to reclaimed from the U.S. Army Corps of Engineers the authority to designate pocosin wetlands in 19 eastern North Carolina counties. The action follows over a decade of wetland destruction allowed by the U.S. Army Corps of Engineers on the Albemarle-Pamlico peninsula and in other North Carolina coastal counties.

One pending case involving 15,000 acres of pocosin wetlands owned by First Colony Farms in Washington, Hyde and Tyrrell counties was singled out for review in the decision by EPA. Last year, a U.S. District Court judge in Raleigh ruled in favor of a lawsuit filed by fisheries and conservation groups. The court found that the Corps

acted "arbitrarily and capriciously" in not protecting wetlands sought by First Colony Farms for peat mining. EPA will now review that case.

Fisheries and conservation organizations have complained and filed lawsuits since the early 1970s charging that the Corps was not guarding wetlands from development as required by the Clean Water Act of 1972. This dissatisfaction resulted in an April 1986 letter from Raleigh attorney Derb Carter to EPA requesting that it exercise its authority to designate ecologically sensitive pocosin areas. The Coastal Federation was one of seven groups for which the letter was written.

Carter asked EPA to take control of wetland jurisdiction calls because determinations by the Corps had been "at best inconsistent and in many cases arbitrary." He

stated that numerous studies have documented the significant effects of wetland drainage and conversion to agriculture on the water quality and productivity of Pamlico Sound.

A recent summary document prepared by the staff of the Merchant Marine and Fisheries Committee of the House of Representatives concludes that drainage of wetlands for agricultural cultivation is a primary environmental quality issue affecting Pamlico Sound. Because of wetland drainage that has been allowed by the Corps, the U.S. Fish and Wildlife Service identified the Pamlico Sound estuary as a "national problem area."

Counties selected by EPA include Beaufort, Bertie, Camden, Carteret, Chowan, Craven, Currituck, Dare, Hyde, Jones, Lenoir, Martin, Onslow, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell and Washington.

Pavement System Stirs Fear of Pollution

By Richard Rubin
(Reprinted from the Wilmington Morning Star, Feb. 9, 1987.)

A state agency has approved a pioneering porous pavement system for two Topsail Island developments despite a staff report that it could cause - not prevent - pollution.

The use of porous paving material will likely result in the pollution of neighboring shellfish beds because the pavement will become clogged with sand and grease, according to an internal report by the Division of Environmental Management.

DEM officials, however, have approved using the pavement at the San Marlo and Harbor Towers developments, saying proper maintenance should keep the parking lot and internal roadways planned there unclogged.

"We don't have any evidence to suggest that the level of pollutants coming off porous pavements will affect water quality," said George Everett, DEM water quality section chief.

In addition, he said, the state is requiring that the pavement be vacuumed regularly and that adjacent waters be monitored for pollution. If pollution occurs, the parking areas will be closed.

"We're allowing twice the amount of cars and runoff on the site, without a shred of evidence that porous pavement works," said Todd Miller, executive director of the N.C. Coastal Federation, which appealed the San Marlo permit to the Coastal Resources Commission.

Porous pavement, like standard pavement, is made by mixing crushed rock with asphalt. But the rocks are larger than in standard pavement, leaving spaces totaling about 40 percent of the surface.

Rainwater would flow through the pavement into a foot-thick reservoir of even-larger crushed rock and eventually into the soil below, where it would be filtered before entering the groundwater.

That would keep stormwater runoff from carrying pollutants into adjacent waters.

The CRC in January approved the 404-unit San Marlo development, basing its decision largely on the DEM's prior approval to use porous pavement there.

The DEM in August 1986 also approved porous pavement for the planned 102-unit Harbor Towers. A state permit for the development has not yet been issued by the Coastal Resources Commission or its staff.

The Environmental Management Commission may declare a moratorium on further use of the porous pavement until the technology is proven to work at the two developments, Everett said.

Both developments would drain into Stump Sound, one of the richest shellfish areas in the state. Permuda Island, which the state agreed last week to buy for a estuarine sanctuary, is opposite the Harbor Towers site.

But an internal DEM report in April warned that in a coastal setting porous pavement would likely be clogged by oil, grease and sand, sending runoff into adjacent waters.

Even if the pores of the pavement do remain open, the sand beneath would not be likely to absorb pollutants, according to the report.

"Heavy metals, pesticides and organics would be likely to pass through to the groundwater," the report said.

The study recommends against using such paving material "near a productive estuary where the consequences of water quality degradation are severe."

Page Fisher, the engineering consultant for the pavement plans at San Marlo and Harbor Towers, said the system has been proven to work at parking lots at inland sites in Delaware and Pennsylvania.

Sand blown into the pores of the pavement would not cause flooding, because water

would flow between the grains as it would on the beach, said Fisher, who heads a Durham engineering firm.

But a hydraulic engineer who helped develop porous pavement disagrees.

"Warm weather and the grinding of sand into the pavement, will cause the asphalt to become soft and to bond into the pores," said Dick Hollinger of the Franklin Research Center in Philadelphia. "If you clog deeper than three-eighths of an inch, the only thing you can do is remove the pavement and replace it."

The state's stormwater runoff regulations allow hard coverings - either buildings or pavement - over as much as 30 percent of the land area of a development near shellfish waters. But the same regulations allow

parking lots over as much as 60 percent of the property when an engineering solution such as porous pavement is used.

A groundwater hydrologist who testified before the CRC on the San Marlo proposal, Ralph Heath, warns that groundwater levels will rise close to the surface when plants are replaced with parking lots. Plants absorb water through their roots and pass it as gas through their leaves into the air, keeping groundwater levels low, he said.

The shading of much of the remainder of the site will also reduce groundwater evaporation, said Heath, former district chief of the U.S. Geological Survey.

"When it rains, you're going to have water standing on the land surface," he said.

Corps Turns Its Back On Wetland Clearing In New Hanover Co.

The developer of the Beau Rivage subdivision along River Road in New Hanover County is draining wetlands and using peat mined from the bog to grade a golf course.

The Army Corps of Engineers, which is responsible for enforcing regulations that protect wetlands from destruction, has allowed the wetlands to be destroyed in spite of strong objections from the U.S. Fish and Wildlife Service.

Wetlands provide a natural habitat for fish and other wildlife, serve as a buffer against coastal storms and provide a natural filter system for tidal waters. Congress requires that they be maintained in order to protect water quality and fisheries.

According to Courtney Hackney, coastal ecologist that was hired to write a report on changes in hydrology and wetland status at Beau Rivage by its developers, "the conversion of what was clearly classified as an evergreen-shrub bog (pocosin) into a site devoid of classic wetland characteristics occurred over a short length of time."

In his October 24, 1986 report to the developer, Hackney wrote that "while the use of root rakes and pumping probably sped up the process, it was the removal of the peat and the presence of the perimeter ditches that produced the drainage."

The Corps contends that it has no authority to address how the area can be drained. "Drainage can occur as long as the ditches that are constructed don't involve the fill material in the wetlands," Corps spokesman Charlie Hollis said. No public notice was ever issued for the project and therefore the public was never allowed to comment on the Corps regulatory interpretations.

The Corps did issue a public notice in November for a nearby 1839 acre residential project on the old Pembroke Jones Estate that involves 817 acres of wetlands. Goforth Development Company proposed to set aside 236 acres of wetlands as a conservation area. The Corps encouraged the federal review agencies and the public to accept the

proposal because the developers could always destroy all the wetlands using the methods employed by Beau Rivage.

The Coastal Federation submitted comments through Attorney Derb Carter objecting to the proposal. Carter stated that the project was inconsistent with Section 404 of the Clean Water Act.

"The proposed residential and associated development is not a water dependent activity," wrote Carter. Water dependency is a basic requirement for a project to receive permits to destroy wetlands. Carter listed four other direct violations of federal regulations that would result if the project was approved.

A major objection raised by the Coastal Federation was that the Corps interpretation that the wetlands could be drained without a permit is wrong.

The Corps public notice stated that Goforth has the ability to construct a permanent drainage system on the site so as to avoid federal permit requirements. Carter wrote, "it should be abundantly clear to the Wilmington District after the Supreme Court's unanimous decision in *United States v. Riverside Bayview Homes* that Section 404 is a wetlands protection statute."

"When the intent of the dredging is to reduce the reach of the waters of the United States, particularly when based on an arbitrary and unverified affirmation by the Corps that such will result, the dredging and soil disturbance is subject to regulation under Section 404," Carter wrote.

The U.S. Environmental Protection Agency and U.S. Fish and Wildlife Service agreed with the Coastal Federation's position. They both objected to the project. Goforth has withdrawn its application and requested that the Corps designate the wetland areas.

Given the Corps willingness to allow the wetlands at Beau Rivage to be drained without ever issuing a public notice or permit, it is premature to conclude that the wetlands at Pembroke Jones will be saved.

Stumpy Point Gives \$200 to Federation

(Stumpy Point, NC)--The Stumpy Point Civic Club, at its monthly meeting January 27, voted to do its part to help the North Carolina Coastal Federation pay for its operations.

Members of the club voted to contribute \$200 towards the expense of running the Coastal Federation.

"We think that communities have got to get involved all up and down our rivers in protecting coastal water quality," said club president Carroll Payne. "And, our community as a whole feels strongly that water quality must be protected. The majority of us make our money on the water."

The civic club has worked closely with the Coastal Federation since 1983 on coastal water quality issues. The Federation helps the club keep informed about proposed projects and agency regulations that could result in degraded water quality and fisheries.

In addition, the Coastal Federation provides

coordination between the civic club and other organizations on issues when they can work together. For instance, the Coastal Federation assisted the civic club when it joined nine other fisheries and conservation organizations in taking legal action against a proposal by White Tail Farms to mine 8,000 acres of peat bogs in Hyde County.

"We greatly appreciate this contribution by the Civic Club," said Federation president Don Ensley. "We need the financial as well as the moral support of our member groups for the Coastal Federation to maintain and expand our services."

Ensley reports that the Coastal Federation has raised over \$115,000 so far this year from foundations, organizations, and individuals. "However, we need an additional \$60,000 to fully implement our work program in 1987," explains Ensley.

For more information about the Coastal Federation write Route 5, Box 603 (Ocean), Newport, NC 28570 or call 919-393-8185.

'Ordinary' Fisherman Draws Statewide Attention to Plight of Coastal Waters

By Lisa Pullen
(Reprinted from January 12, 1987
edition of *The Charlotte Observer*.)

JACKSONVILLE--Dec. 30, 1982, is forever fixed in the mind of Lena Ritter.

That afternoon, as she sat in her sparsely furnished living room poring over the day's newspaper, her eyes fell on a headline: "Plans for new marina, condo project unveiled."

The story said a developer planned 383 condominiums, four tennis courts, two

swimming pools and a marina for Permuda Island, an undeveloped island lying in Stump Sound between Topsail Island and mainland Onslow County.

For Ritter, a shellfisherman who lives a mile or so from the sound, it was a story of monumental proportions.

For eight generations, her family has worked the waters off Permuda Island, harvesting oysters and clams. She believed development would pollute the bottoms around the island, harming the shellfish and destroying their fragile nurseries.

And that, she suspected, was likely to end her living as a fisherman, and the way of life of her and her neighbors.

"I walked that floor about three hours trying to decide what to do," she recalled last week. "I just couldn't stand by and see somebody come in for profit and ruin that."

She didn't.

In a scenario that environmentalists say is rare on the burgeoning N.C. coast, Ritter appears to have won her four-year bitter struggle.

Last month, the N.C. Nature Conservancy

quietly bought Permuda Island and hopes to sell it to the state, which plans to preserve it for teaching and laboratory work.

This is how she did it.

Ritter, 51, was an unlikely sort to become one of the N.C. coast's most outspoken advocates. She had a high school education and in 1982 couldn't have named the members of the board of county commissioners.

"I think they (the Shellfishermen) certainly had legitimate concerns," he says. "(But) it

Continued on next page

Lena Ritter Receives First Nancy Susan Reynolds Award

Lena Ritter, a member of the board of directors of the Coastal Federation, is one of three North Carolinians who are the first winners of the Nancy Susan Reynolds Awards for extraordinary leadership at the grassroots level.

The other two winners are the Rev. Ronald E. Rice of Winston-Salem for community change and Henrietta H. Williams of Mount Olive for personal service.

Each award is accompanied by a grant of \$25,000, \$5,000 of which is given to the recipient and \$20,000 of which is given to charitable organizations chosen by the recipient.

The Nancy Susan Reynolds Awards are a project of the Z. Smith Reynolds Foundation and will be given annually to up to three North Carolinians who have worked without recognition and in ways that may be outside the mainstream of existing organizations.

To the best of the foundation's knowledge there are no other awards like these in existence.

This year's winners were chosen from almost 400 nominations from more than three-quarters of North Carolina's 100 counties. Selection was made by the Z. Smith Reynolds Foundation's state advisory panel.

Governor James G. Martin and Smith Bagley of Washington, the president of the foundation and son of the late Nancy Susan Reynolds, presented the awards at a dinner November 15 attended by more than 700 people at the McKimmon Center in Raleigh.

The dinner also marked the 50th anniversary of the Z. Smith Reynolds Foundation, which was established in 1936 as a memorial to the youngest son of R. J. Reynolds, the founder of the tobacco company. In its first half century, the foundation has made grants totalling more than \$125 million to recipients in all of North Carolina's counties.

Tom Wicker, the editorial columnist for *The New York Times* and a native of Ham-



Governor Jim Martin and Smith Bagley, president of the Z. Smith Reynolds Foundation, present award to Lena Ritter. Mrs.

Ritter was honored for her effectiveness in bringing attention to the plight of Stump Sound and all coastal waters.

let, spoke at the dinner, as did Senator Terry Sanford, a friend of the late Nancy Susan Reynolds, one of the founders of the foundation.

family to fish the calm, shallow waters of Stump Sound, where what are considered by many to be the best oysters in North Carolina are taken.

When she learned from a newspaper article that a resort was planned for a narrow strip of land in the sound known as Permuda Island, she rallied her fellow fishers (including her husband, Graham, who also is a cabinetmaker) and neighbors in her isolated and sparsely settled Onslow County community. Mrs. Ritter, 51, organized the group into the Stump Sound Shellfish Coalition and testified at numerous local and state regulatory hearings on the project.

Against all odds, the anti-development group won.

In blocking that particular development, she also helped turn the tide on the issue of coastal development in general.

She said she had no choice in doing what she did. On the line were her heritage and her livelihood. The development would have polluted the sound and ruined the oyster and clam beds.

Looking back, Mrs. Ritter said, "Our heritage, our culture, our clean water, our environment, it's not for sale at no price. . . Don't sit down and let 'em take it away from you."

The awards these three North Carolinians received were established in memory of Nancy Susan Reynolds, who died last year. Mrs. Reynolds was born in Winston-Salem but lived most of her life in Greenwich,

Conn. Even so, she maintained a keen interest in her native state, visiting here frequently and giving generously to charitable causes. Particularly notable among her contributions was her role in the establishment of the North Carolina Fund, a unique approach to dealing with the root causes of poverty, during the administration of former Governor Sanford.

Mrs. Reynolds also has been called "the most remarkable woman of widely diversified philanthropy in Twentieth Century America."

Nominations for the 1987 Nancy Susan Reynolds Awards may be made at any time prior to the deadline next summer. They should be made on forms that will be available from the Z. Smith Reynolds Foundation, 101 Reynolda Village, Winston-Salem, North Carolina 27106.

Continued from previous page

wasn't our job to maintain the safeness of the water. As county commissioners, what we were doing was rezoning."

In 1985, after the state coastal management division refused to issue Thomas a construction permit, he sold the island to Lumberton lawyer Hal Kinlaw for \$750,000. It seemed a victory for the shellfishermen.

Then Kinlaw announced plans for a 142-unit housing development.

The state denied him construction permits in September because his sewage plans were not in order. He sold the island to the N.C. Nature Conservancy for \$1.7 million.

State coastal officials said they would buy it from the Conservancy early this year. Ritter learned of the sale by phone, after it took place--but was thrilled.

"I couldn't even talk," she says. "You fight for four years, frustrated, put out..."

She says she isn't discouraged by a possible snag last week, when the Council of State, the body of state officials that approves land transactions, postponed the purchase, worried that the cost of the island was too high. The Council, wondering why the price jumped from \$750,000 to \$1.7 million in about two years, will reconsider the purchase Feb. 2.

Meanwhile, Lena Ritter has taken on larger issues. Both she and her husband have been testifying at state hearings on coastal development at large and trying to spread the word that coastal development is an issue that affects residents all over North Carolina.

"It's their water too," says Graham Ritter. "Without nursery areas, you don't have any fish. We lose the nursery areas and we've lost the whole thing."

In November, the prestigious Z. Smith Reynolds Foundation awarded Lena Ritter one of its three Nancy Susan Reynolds Awards for ordinary people who do extraordinary things. Ritter got \$5,000 for herself, which she put in the bank, and \$20,000 in charitable contributions, which she gave to the N.C. Coastal Federation and two local volunteer fire departments.

And the battles, she promises, are not over.

"That was just the first one," she says. "I want that water preserved. The state nor the nature Conservancy can't buy up everything down the coast."

She and her husband, Graham, describe themselves as poor shellfishermen who oyster in the winter, clam year-round and run a cabinet-making shop on the side. Their car, a battered '73 Chevrolet with more than 100,000 miles on it was barely able to transport them to strings to public hearings in Raleigh and elsewhere.

"I'm just a plain old country girl that just grew up a fisherman," she says, pacing in her linoleum-floored living room, heated with a wood stove and furnished with a tattered sofa and chairs. "I'm poor, you can tell it. I'm not that important."

But Ritter had the qualities to win her battle--the fierce tenaciousness often found in coastal fishermen, outspokenness and a passionate love for Permuda Island. She gathered angry locals and started asking questions.

Thus was born the Stump Sound Shellfishermen Coalition. From then on, it was public hearing after hearing, speech after speech.



Senator Terry Sanford congratulates Lena Ritter on being given one of the first Nancy Susan Reynolds Awards. Senator Sanford was one of the speakers at the 50th anniversary dinner of the Z. Smith Reynolds Foundation, which presented Mrs. Ritter with the award.

sary dinner of the Z. Smith Reynolds Foundation, which presented Mrs. Ritter with the award.

State to Purchase Permuda Island

By Cynthia Anderson
(Reprinted from Jacksonville Daily News, Feb. 3, 1987)

RALEIGH--The Council of State approved North Carolina purchasing Permuda Island for a nature sanctuary February 3.

The state is to pay \$756,581 and federal funds would cover the remaining \$987,066 of the purchase price.

The proposed purchase had been brought before the council in January, but action was delayed. State Auditor Ed Renfrow and Attorney General Lacy H. Thornburg wanted more information on why the price was slightly more than \$1.7 million.

The purchase was approved 8-1. Renfrow cast the opposing vote. Thornburg relented his opposition. Lt. Gov. Bob Jordan was absent.

Contacted by telephone, Renfrow said he felt the "price was too exorbitant."

The N.C. Nature Conservancy had purchased half the property in December for \$1.02 million with the option to buy the other half for \$742,000 after reaching an informal agreement with state officials that the state could buy the island and preserve it

as part of the state estuarine sanctuary system.

Katherine D. Skinner, executive director of the conservancy group, said the property had recently been valued by two independent appraisers at \$2.7 and \$2.98 million.

But Renfrow said at the January meeting that he had discovered tax records showing the land had been bought in 1982 for \$750,000.

"The state is buying a piece of property that was appraised at its highest possible. It was authorized as commercial property and the appraisal was based on that and the assumption it was going to be developed and the property was going to make a profit," Renfrow said.

Ms. Skinner countered that the appraisals were fair because they took into consideration both the potential commercial value of the island and the difficulty one developer was having getting permits to build on the property.

Lumberton lawyer Hal Kinlaw had owned the property. He had planned a 142-unit subdivision on the island, but was delayed by requests by the state Division of Coastal Management for more information.

The shellfishermen held yard sales and bake sales to raise money for the eventual \$5,000 in lawyer's fees. The men built a skiff with donated lumber, named it the Permuda I and raffled it off. Folks would walk by Lena and stick \$20 bills in her pocket to offset her expenses, including \$80 phone bills that she considered monstrous.

To help finance the effort, she took an \$11,000-a-year job as a box maker at a nearby factory and traded days off with co-workers so she could attend meetings. Ritter quickly learned the intricacies of obscure issues like storm-water runoff and Coastal Area Management Act permits. She dragged to hearings a plastic bucket of Indian artifacts--pieces of smoking pipe and clay pottery--gathered on Permuda, which state and federal officials have since designated an archaeologically important area.

"From the very beginning, it was Lena and the Shellfishermen that brought the issue to everybody's attention," says Todd Miller, executive director of the nonprofit N.C. Coastal Federation. "If they had not said this is a bad idea, there would have been a marina and condos on there in 1982."

The fight often seemed futile.

County commissioners, attracted to potential tax revenues and jobs, approved rezoning of the island and seemingly paved the way for developer Marshall Thomas' plans.

Says commissioner Cecil Morton, a Jacksonville builder who voted for the rezoning:

First Colony Farms Suspends Operations

(First Colony Farms has suspended its efforts to obtain peat mining permits as a result of financial difficulties. The November 11, 1986 edition of *The Wall Street Journal* detailed the cash flow woes of Malcom McLean, the owner of First Colony Farms.)

By Daniel Machalaba

New York--McLean Industries Inc. filed for protection from creditors under Chapter 11 of the federal Bankruptcy Code and said it suspended some service immediately.

The shipping company late last week had warned that such a filing might be necessary if talks with lenders failed. The company said it faced a cash flow problem, mostly because of problems at its US Lines Inc. unit, one of the world's largest container shipping companies.

McLean said US Lines' round-the-world and trans-Atlantic services, which have caused substantial cash losses, were being suspended. A McLean official said the company immediately laid off 1,200 employees, about half US Lines' work force.

But the company said its trans-Pacific and South American services, which are profitable, will continue on the same schedules. US Lines also will continue to operate a double-stack train service from the West Coast to East Coast and inland destinations. Under Chapter 11, a company continues to operate while it works out a plan to pay its debt.

In the filing in bankruptcy court in Manhattan, US Lines listed assets of \$1.25 billion and liabilities of \$1.27 billion as of September 27.

McLean's list of major creditors showed the largest unsecured debt was \$243.5 million owed to J. Henry Schroder Bank & Trust Co., trustee for McLean's 12% and 14.5% subordinated debentures. Officials of J. Henry Schroder couldn't be reached for comment.

Separately, McLean named Charles I. Hiltzheimer, 59 years old, president and chief executive officer, succeeding Malcom P.

McLean, 73, who remains chairman. Mr. Hiltzheimer was a shipping industry consultant and former chairman of Sea-Land Corporation, an ocean shipping company. Messrs. McLean and Hiltzheimer have been personal friends for years.

US Lines' fortunes have deteriorated rapidly in recent months. The unit's problems stem from depressed shipping rates, stiff competition from US and foreign shipping companies, and the enormous debt it incurred by building 12 of the largest container ships afloat and by scheduling weekly sailings around the world.

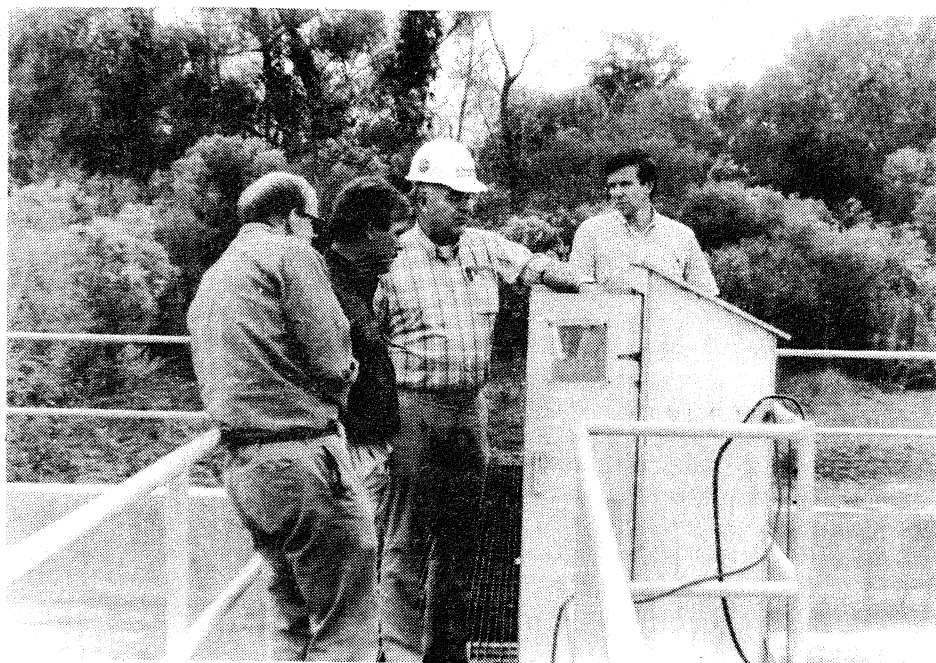
Last summer, McLean announced that it was deferring payments to lenders on about \$1 billion in debt while it developed a restructuring plan. Since then, growing fears about the company's future has caused major customers, including some Japanese and West German shippers, to abandon the carrier.

In the nine months, McLean had a net loss of \$236.9 million, compared with a net loss of \$1.8 million a year earlier. Revenue declined 3.75 to \$854.3 million from \$887 million.

A bank official involved in efforts to restructure McLean's debt late last week said the parties were far apart. "It's a very complicated situation," he said. "There are a lot of parties, a lot of different kinds of debt."

To complete the building of its 12 jumbo container ships, US Lines had negotiated a 1983 standby letter of credit of \$303 million provided by a bank group co-managed by Bank of America and Citibank. The other lenders are Chemical Bank, Bankers Trust Co., Continental Illinois National Bank and Security Pacific National Bank. General Electric Credit Corp. and Prudential Insurance Co. of America each provided one half of the down payment.

A US Lines spokesman said the 12 super-freighters would deliver their cargo and sail to US ports. Then "the banks will come after them, and they'll do what they want with them," he said.



Doug Mercer and Ron Carpenter show off water quality monitoring gauges during a tour of the Texasgulf plant. The accuracy of Texasgulf's environmental monitoring has been called into question by the recent fine.

Texasgulf Chemical Fined Record Amount

The North Carolina Department of Natural Resources and Community Development's Division of Environmental Management (DEM) has assessed a civil penalty of more than \$5.6 million against Texasgulf Chemicals Co., the highest environmental civil penalty ever levied in North Carolina.

The division cited the company for 1,724 violations of air quality protection laws and regulations from 1983 to 1986. The total fine was \$5,698,907.00.

The civil penalties are the result of an ongoing investigation by DEM personnel in the department's Washington Regional Office. Regional personnel have received numerous complaints from residents who live near the massive Texasgulf facility in Beaufort County.

The division had fined Texasgulf \$37,000 in 1982 for violations of ambient air quality

standards for sulfur oxides between 1979 and 1981. The company was also fined \$9,000 in 1984 for violations of air quality visible emission standards.

Texasgulf Chemicals Company, a division of Texasgulf Inc., operates a huge phosphorus mining and fertilizer manufacturing facility at Aurora in Beaufort County. The company has 30 days to exercise one of three options: 1--Pay the penalty; 2--Request reduction or remission of the penalty; or 3--Request an administrative hearing.

The penalties include the following:
--\$4.6 million for removing packing material from a venturi scrubber and continuing to operate for 1,164 days without notifying the Division of Environmental Management.

--\$711,000 for operating its Diammonium Phosphate Plant No. 2 for 237 days at a rate higher than its production rate limit of 1,800 tons per day without authorization from the division.

--\$319,000 for operating its Phosphate Rock Plant No. 2 and its No. 6 Calcining Unit a total of 319 days without pressure drop gauges, which indicate whether the venturi scrubbers are working.

--\$5,000 for violating the three-hour air quality standard for sulfur dioxide on July 7, 1986.

--\$4,000 for violating the emission control standard for fluoride on November 19, 1986.

--\$2,000 for violations in late October and late November 1986 for installing demister pads on the scrubber serving Diammonium Phosphate Plant No. 2 and on the scrubber serving Diammonium Phosphate Plant No. 2's dryer without state authorization.

--\$1,907 for costs incurred by DEM personnel during the investigation.

The previous highest civil penalty levied by the division was \$729,000 against Federal Paper Board Company, Inc. of Riegelwood on April 25, 1984, for 243 violations of the company's wastewater discharge permit limitations for biochemical demand.

NCCF Receives Grants and Gift

Two foundation grants totaling \$95,000 and a gift of \$15,000 by Lena Ritter of Onslow County have propelled the North Carolina Coastal Federation to within \$65,000 of its fund raising goal for 1987 even before the year has begun.

The Coastal Federation is a nonprofit corporation that provides educational programs and expert technical services to citizen groups, government agencies and individuals on ways to better manage North Carolina's valuable coastal resources. It will use the funds to carry out its programs during 1987.

The foundation grants included a one-year \$50,000 award by the Z. Smith Reynolds Foundation and a three-year \$100,000 grant from the Mary Reynolds Babcock Foundation. The Mary Reynolds Babcock Foundation grant provides \$45,000 for operating the federation during 1987, \$35,000 in 1988 and \$20,000 during 1989.

Lena Ritter, who has oyster and clam

leases in Stump Sound in Onslow County, gave the Coastal Federation \$15,000 from her recent \$25,000 Susan Nancy Reynolds award.

She was selected as the recipient of this award by the Z. Smith Reynolds Foundation for her work in saving Permuda Island in Onslow County from high density resort development.

The Z. Smith Reynolds Foundation was established in 1936 as a memorial to the youngest son of the founder of the R. J. Reynolds Tobacco Company. The foundation has now made grants totaling more than \$130 million to recipients in all of North Carolina's 100 counties.

Major attention is given to education and health care, with increased interest in recent years in improving the criminal justice system in North Carolina, in strengthening grassroots advocacy groups and in family planning, cultural activities, rural life, the

handicapped, minority and women's issues and some 20 other fields of concern.

The Mary Reynolds Babcock Foundation provides funds to programs in education, social services, the environment, the arts and citizen participation in the development of public policy. In 1985, the foundation made 74 grants totaling \$3.1 million.

The foundation prefers to fund programs of two kinds: those particularly sensitive to the changing and emerging needs of society, and those that address society's oldest needs in new and imaginative ways.

The federation must still raise an additional \$65,000 to fully fund its programs for 1987. It is seeking additional foundation support as well as contributions from individuals and corporations. In addition it needs volunteers to participate in a number of its projects. For more information contact the Coastal Federation at Route 5, Box 603 (Ocean), Newport, N.C. 28570, (919) 339-8185.

State Sells Out Public on Road

Plans by developers to relocate four miles of the state highway on North Topsail Island in order to allow ocean-front condominiums will save the state from paying for needed road improvements. But future storm damage at these high-density developments will ultimately cost the state many millions in tax dollars, eliminate public beaches and degrade coastal water quality.

North Topsail Island, also known as North Topsail Shores and West Onslow Beach, is described in advertisements for proposed condominium projects as an "ocean front location on an unspoiled barrier island off the coast of North Carolina."

What the advertisements do not say is that the island is "unspoiled" because the public road, presently located adjacent to ocean-front sand dunes, prevents ocean-front development. Also, the island is a high risk area for development due to low elevation and frequent overwashes.

The state highway along the ocean must be moved farther inland before the proposed ocean-front condominiums can be built. Developers Marlow Bostic and Roger Page have proposed to pay for the relocation of the road because profits from the developments that will then be possible are expected to more than offset the cost of moving the road. They also want to move the road themselves so that they can select the most favorable location.

The State initially said that the developers would have to rebuild the entire road, not just the sections that were most profitable for them. The developers were required to obtain right-of-way agreements for all the land for the new highway and to have the entire road approved by state and federal environmental review agencies before any construction could begin.

Without public notice, the state is modifying the road's Coastal Area Management Act permit to allow Bostic and Page to build it in two sections. The State has said they can build the most profitable section of the road first, and with no binding agreement is expecting the developers to live up to their commitment to complete a much more expensive second segment of the road where the bulk of the erosion damage to the existing highway has occurred. The developers have been unable to obtain right-of-way agreements with about a dozen property owners along this second segment of the proposed road.

Sections of the existing road are frequently overwashed in storms. Storms and high tides in early December last year and early January this year washed out several hundred feet of the road. The N.C. Department of Transportation has taken the position that the Bostic-Page proposal will save the state from paying for the relocation.

However, new condominiums will be subject to the same overwash and erosion problems that have damaged the road. The fact that the road and sewer lines have washed out twice in the last two months is striking evidence that large permanent structures should not be built close to the beach on this island.

An example of what might be the ultimate outcome of development on this fragile strip can be found in the case of the Sea Vista Motel. The Sea Vista is one of

the first large buildings in North Carolina to be seriously damaged because of inevitable beach erosion.

Located in the Town of Topsail on the south end of Topsail Island, the three-story motel was about 200 feet away from the ocean when it was built in 1971. The building was being flooded annually by 1979 and was closed by the county in 1985. The owners have since abandoned the first floor of the building, but utilize the upper two stories.

The building now sits on the beach, surrounded by deteriorating sand bags. The original first floor is open, exposing decaying walls, plumbing fixtures and foundation. The owners have declined to pay the large sums of money needed to move or remove the building.

It is likely that if the proposed ocean-front development on North Topsail Island is permitted, a similar situation will develop. The condominiums and swimming pools that are planned near where the road is presently located will probably be affected first, becoming eyesores and health and safety hazards. Ultimately, they will end up as trash on the beach, just as the road and sewer lines were a few weeks ago. The beach won't be usable, and millions of dollars will be spent trying to salvage and protect the buildings.

The recent wave of condominium development can be expected to result in a long line of similarly decaying structures encroaching on the public beaches.

The cost of relocating the road on North Topsail Island is estimated to be \$2 to \$5

million, which does not seem so high when compared to the \$3.4 and \$6.5 million in damage that resulted from the storms in December and January, respectively. However, those damages were incurred by cottages on only a few miles of shoreline on Topsail and nearby islands. Future losses would be substantially higher if storms damage the high density condominiums planned for the northern end of the island.

There are also potential water quality threats to Stump Sound resulting from the proposed development. Stump Sound, adjacent to North Topsail Island, is a productive and widely used shellfish area. Stormwater runoff pollution from the high density development is a widely recognized

See 'State Sells' Page 12

State Regulators "Experiment" With Fate of Shellfish Resources

The North Carolina Coastal Resources Commission approved the San Marlo condominium project on West Onslow Beach as an "experiment" in stormwater control, even though the decision will likely lead to widespread use of the experimental technology before the effectiveness of the San Marlo project can be evaluated.

The decision was handed down on January 22, in response to the Coastal Federation's appeal of the CAMA permit. Hugh Smith owner of Virginia based Resort Equities Inc. was originally issued a CAMA permit in May, 1986 to build 404 condominium units with 700 parking spaces and four tennis courts on a tract on North Topsail Shores running from ocean to sound. The site is adjacent to the productive shellfish waters of Alligator Bay in Stump Sound so control of stormwater pollution was required.

At the initial hearing in August, environmental engineer Dan Okun and hydrologist Ralph Heath, the foremost authorities in their fields in North Carolina, testified that the proposed stormwater system would fail. The initial plan would dispose of stormwater in buried porous pipes, somewhat similar to septic tank systems. However, upon questioning by the Federation's attorney, S. Henri Johnson of New Bern, even the developer's engineers admitted that their own data indicated parts of the system would fail. Some of the pipes would be below the water table.

Hearing officer Art Cooper allowed Resort Equities to redesign the stormwater system rather than face a decision by the Commission. Cooper also ordered an abbreviated review period for the new plan and restricted the Federation to three hours of testimony, including cross examination, at the hearing in December. The developer and State were each given three hours to argue in favor of the plan. As a result of these restrictions, the bulk of the time at the hearing was devoted to arguments supporting the plan.

The new stormwater plan was based on porous pavement, a pavement with many small openings that allow water to infiltrate through into the ground. The surface must

be cleaned frequently to keep from clogging with sediment and traffic grit. The developer's experts admitted that they had no experience with porous pavement on barrier islands. However, they believed the homeowners association could provide the needed maintenance.

The witnesses for the Federation testified that porous pavement is widely known to become clogged when used in unstable areas such as near sand dunes. Also, other states with more advanced stormwater control programs have uniformly found that home

owners associations do not provide adequate maintenance of these controls.

The Federation also stated that the stormwater controls will fail because the water table will be higher than planned by the design engineers. For example, the developer used water table levels measured on one day as the long term average for the site. Ralph Heath pointed out that measurements taken for the original plan indicated the average water table was one to three feet

See 'Experiment' Page 12

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Who Owns N.C.?

By Bob Hall

Who controls North Carolina's land and its uses promises to become a hotter political controversy for the remainder of this century.

The politics of "controlled growth" has already changed the face of several Piedmont city councils and county commissions. In the mountains, where the federal government owns 42 percent of nine counties, local residents are fighting the U.S. Forest Service's plan to increase road building by 6,500 miles and timber cutting by 25 percent.

Fishermen and environmentalists keep pressing state policy makers to protect coastal waters from the ruinous development plans of large landowners. And throughout the state, citizens challenge the right of any property owner to put a toxic or radioactive waste facility in their backyards.

Controversies over land use and ownership are nothing new for North Carolina. They stretch back to King Charles II's original grant of Carolina to eight Lords Proprietor and were central to the reform movements of the Regulators in the mid-1700s, the anti-planter Buffaloes during the Civil War, and the Populists of the 1880s and '90s.

More than eight individuals now hold title to North Carolina, but the tiny number and inordinate influence of big landowners is still cause for alarm. The Institute for Southern Studies' new report, *Who Owns*

North Carolina, reveals that a mere 50 corporations, government agencies, and individuals own one out of every five acres in the state.

The 3,000 largest landowners--representing one half of one percent of the state's population--control over 30 percent of the land from Manteo to Murphy.

Their influence can be felt in every aspect of our lives. In view of the recent drought, for example, it's worth noting that two of the biggest landowners--Texasgulf and Weyerhaeuser--consume more water each day for their mining and paper-making operations than Charlotte, Raleigh and Durham combined. We bemoan the loss of the family farm, but who's paying attention to the impact of 15 agribusiness operations that now cover 450,000 acres of North Carolina?

From Cone Mills to Duke Power to Nash Johnson Farms to Federal Paper Board, the largest landowners in most counties are also among their biggest employers, worst polluters, and wealthiest institutions or individuals.

Most significantly, large landowners exercise enormous political clout in this state. They count among their ranks Lt. Gov. Bob Jordan (whose Jordan Lumber and Supply Company owns 23,000 acres in five counties) and dozens of county commissioners, mayors, state legislators, and planning board members.

Research by the Institute for Southern Studies and the Charlotte Observer also

shows that land developers, real estate brokers and contractors give more money to North Carolina politicians than all the doctors or utilities or banks.

It's natural that people owning and dealing with large blocks of land would take a keen interest in politics, since the value of their property can be drastically altered by zoning, property tax and other land-use politics. But the rest of us may seriously underestimate the impact of their activism on our lives.

Land-use decisions are increasingly becoming the most critical choices elected officials make. Each one affects, in successive waves, other decisions on road building, water and sewer lines, school construction and quality, cost and delivery of public services, environmental standards, and alternative economic opportunities.

If huge corporate farms are allowed to drain thousands of acres of marshland, or if large landowners can keep out other job-producing enterprises, then they can determine the economic destiny of a multi-county region. If a developer can escape regulations or a major mining company can operate without proper permits, then the water resources for tens of thousands of people can be ruined. If large landowners don't pay their fair share of local taxes, or if they depress county revenues through political control of its taxing authority, then they can adversely affect the county's entire population.

The report *Who Owns North Carolina* describes how all these things are happening now. The problems are especially exaggerated in counties where 40 percent or more of the land is controlled by big landowners: these are most often the counties with the worst housing, the lowest educational levels, the least medical services, and the grossest forms of environmental deterioration.

Tragically, these counties are also among the majority in the state which lack comprehensive land-use and zoning ordinances and which fail to appraise their property at its true market value.

In these counties and throughout North Carolina, citizens must continue to scrutinize the operations, influence, and plans of major landowners. Most important, they must insist that elected and appointed officials stop making policies based on the two old notions that (a) people can do whatever they want with their land and (b) any development which increases the tax base is good for the community. It's time to stop treating big landowners like agents of the King who deserve special favors. We need stronger laws, and tougher enforcement of these laws, to make them pay their fair share in taxes and follow land-use practices that benefit the public.

Bob Hall is the principal author of *Who Owns North Carolina*, a 500-page report on the biggest landowners in each of the state's counties. The report is available for \$65 (\$25 for nonprofit community groups) from the Institute for Southern Studies, P.O. Box 531, Durham, N.C. 27702.

Hatteras Island Group Is Winner

Friends of Hatteras Island, a newly formed organization self-described as "dedicated to working for responsible and far-sighted choices in use of our natural resources," has succeeded in spurring government action to protect one of the largest surviving stands of maritime forest on the coast of North Carolina.

In the process of working to protect Buxton Woods from over-development, this new citizens group has helped to assure that Hatteras Island will have safe drinking water supplies for years to come.

The accomplishments of the new organization have not been easy. Construction of a golf course on 266 acres of land within Buxton Woods on Hatteras Island appeared certain when the group first organized in last summer.

But public forums, cooperation with the Sierra Club on its nomination of Buxton Woods as an Area of Environmental Concern, hundreds of letters asking the Army Corps of Engineers to protect the wetlands in the forest, and a discovery that the state had been mistaken when it told the golf course developers that they needed no state permits, have reduced chances that the golf course will ever be built.

A major victory for the group occurred at the January meeting of the Coastal Resources Commission. The board voted to reaffirm that a portion of the golf course property was in a water supply well field protective zone it had adopted in 1977.

As an added bonus, the Commission also voted to proceed with its consideration of a 2,000 acre Area of Environmental Concern nomination that could result in most of Buxton Woods being protected from dense development that would destroy the integrity of the forest.

Friends of Hatteras Island has worked closely with more established groups in Dare County. Since it first helped to raise public concerns about the future of Buxton Woods by holding public forums at which representatives of the state and local agencies were asked to speak, many reputable Dare County officials have begun to voice their concerns about the likely impact of development on Buxton Woods.

Dare County's health director, the Dare County Planning Board, and the Hatteras Island Water Association have now all voiced concerns about the golf course and its impact on the island's water supply.

Attorney Needed

SOUTHERN ENVIRONMENTAL LAW CENTER is seeking an attorney to establish a second office in North Carolina. SELC is a non-profit environmental law firm with headquarters in Charlottesville, VA. SELC specializes in federal environmental law, including representation of clients in court and before federal agencies. Minimum 4 years litigation experience and knowledge of environmental law. Salary: \$35-42,000. Send resume ASAP to: Southern Environmental Law Center, 201 West Main Street Suite 14, Charlottesville, VA. 22901. Applications taken until March 1, 1987, or until position is filled.

Closing of White Oak River Creates Hardship

By Lynn Evans
(Reprinted from *The Tideland News*,
January 28, 1987)

The repeated closings by state authorities of the White Oak River to shellfishing is, to many local merchants and all local shellfishermen an economic tragedy.

"Imagine," one area clammer said, "if you went to work tomorrow and your office was closed. No ifs, ands or buts--no work. Check back in 10 days."

Such has been the plight of the White Oak River shellfisherman for almost every day in 1987 and a good number of days in 1986. Closings are administered by the North Carolina Department of Natural Resources and Community Development, Division of Marine Fisheries, Department of Shellfish Sanitation and are the result of unsafe levels of bacteria in the water which causes the possible contamination of clams and oysters.

Sources of bacteria vary, but White Oak River closings have most often been the result of winter storm water runoff or raw sewage overflow, according to Bob Benton, shellfish sanitation department supervisor.

"When we know a lot of fecal matter is going into the water," he said, "we automat-

ically close parts of the river." Samples are then taken, he explained, and sometimes, as in the most recent closing, the closed areas increase.

The weather is the initial source of the problem, as heavy rains trigger malfunctions in sewage systems and flooding increases the pollutants in storm water runoff.

To the local clammer, the situation is sad, but simple. As Tony Odum, a shellfisherman from Swansboro, said, "It seems like every time a cloud comes up and it looks like rain, they close the river down...I don't know which way to turn any more."

Odum represents the portion of the local populus that is hit the hardest by the shellfish closings. From Thanksgiving to mid-February, his livelihood is defined by clamming. Before the river closed, he was making from \$75 to \$100 a day. Now, he said, he may have to apply for food stamps.

"I can't make any money unless I want to go way down somewhere else," Odum said. And even that would be a problem now as the waters far beyond the White Oak River are closed to shellfishing, including Harkers Island, North and South River areas and Nelson Bay.

Don Bryan Takes Time from Studio To Serve as CRC Board Member

By Lorraine Eaton
(Reprinted from *The Virginia Pilot*,
September 25, 1986.)

NAGS HEAD--A lot of folks think the mayor of Nags Head is an artist. The truth is that the artist is the mayor of Nags Head. But Don Bryan is a talented and energetic man who somehow finds time for his many pursuits: mayor, civic activist and artist. He is a man who has traveled, seen the world and retired from the Air Force to the Outer Banks.

Seeing him seated beside his serene paintings of dozing Wanchese trawlers and surrounded by crinkled tubes of colored oils and oddly shaped brushes, it's hard to believe that Bryan once soared over battle-grounds in Asia and Europe unloading rounds of ammunition as a fighter pilot with the U.S. Air Force.

It was in Germany during his 40-year Air Force career that Bryan began to paint seriously.

"I had been painting on my own for some time," he said, "but that's where I developed my technique. For three years I studied under Herr Ernst Krupp, a German artist who taught in his home at night. He helped me develop my style, particularly the use of the painter's knife.

"After I left Germany and went to Washington, D.C., I almost immediately began to sell paintings in galleries and continued that as an avocation until I got out of the service."

At that point, Bryan decided to move to Nags Head, where he had vacationed for several years, and to make art his second

career.

"I relocated here because there is more subject matter," he said. "It's more compatible with what I wanted to do. It's really the best of both worlds."

Now Bryan is a full-time artist, painting primarily on commission as he brings canvases to life with scenes of eastern North Carolina fishing villages.

"The politics just happened," he said. Bryan has been an elected official for 11 years and has served as the mayor of Nags Head for eight.

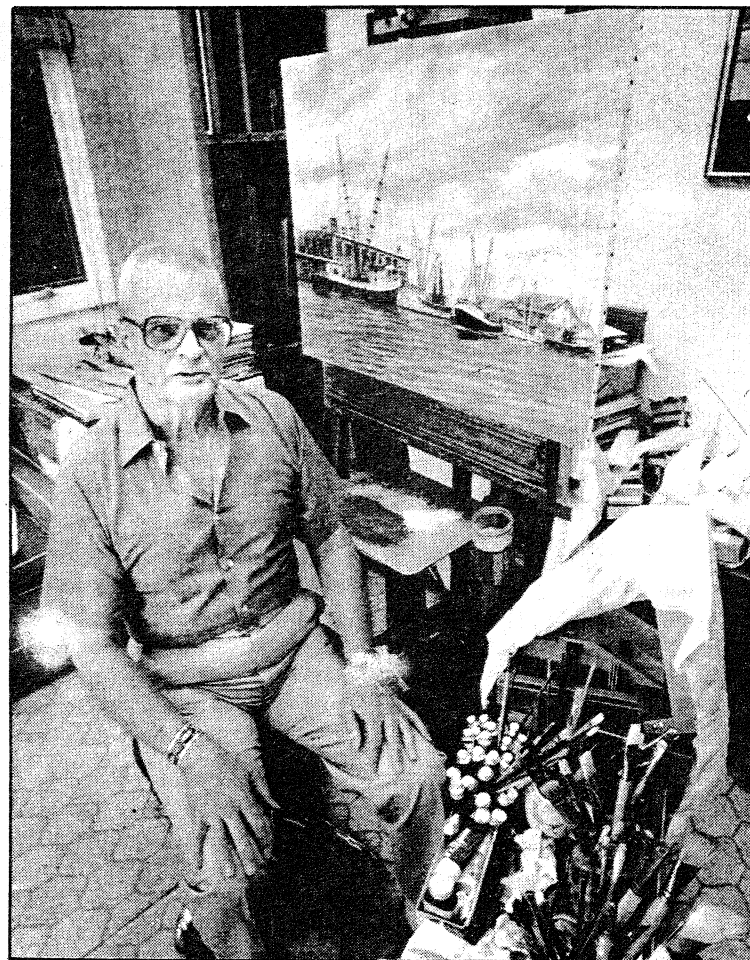
In addition to his duties as mayor, Bryan also finds time to serve on various state and local organizations. He is a member of the North Carolina Coastal Resources Commission, the vice president of North Carolina League of Municipalities and a board member of the First Flight Society and the Roanoke Island Historical Association.

"I have the time for other things because being an artist gives me flexibility," he said. "I can set my own schedule."

Bryan said he manages to spend up to 10 hours a day on his painting by using special lights that keep the illumination in the studio of his oceanfront home constant, enabling him to work both day and night.

During the past few months he has spent more time than usual in front of the easel in preparation for his first local one-man show, which opened recently at Glenn Eure's Ghost Fleet Gallery in Nags Head and will continue through October 11.

"Echoes in the Mind" is an exhibit of 45 paintings that span 25 years of Bryan's artistic endeavors. Besides paintings from the 1960s, 1970s and 1980s, Bryan has



Don Bryant in his studio.

Staff photo by DREW C. WILSON

borrowed works from private collectors, including five paintings of local scenes that were commissioned by the East Carolina Bank for covers of their annual reports.

"Most of my paintings are representational," he said. "However, the show will include other works in addition to landscape paintings."

Scenes of sailboats, fishing vessels, seascapes and various still lifes will be on view. But Bryan cautions that the exhibit is not a documented study of the development of his style.

"The exhibit is simply a collection of my paintings," he said. "And painting is simply what I do."

Hyde County Residents Ask For New Representation

A citizens group comprised of fishermen, farmers, merchants, and other Hyde County citizens has written Speaker of the House Liston Ramsey asking that he not reappoint Representative Howard Chapin as Chairman of the House Committee on Marine Fisheries.

Representative Chapin represents Hyde and Beaufort counties in the North Carolina General Assembly including members of Concerned Citizens for Coastal Carolina.

The January 26 letter states that Howard Chapin has "ignored the concerns of fishermen and others who depend on the waters surrounding our county to make their living."

In its letter, the group states that "Mr. Chapin supported Peat Methanol Associates [a company that planned to mine thousand of acres of peat bogs in Hyde County] and even went so far as to co-sponsor a tax break for peat mining in the Legislature."

"We believed, as Chairman of the House Committee on Marine Fisheries, Representative Chapin should have been looking out for the interests of fishermen and should have had reservations about peat mining since he was aware of problems large scale land development had already created in our region," the group's letter stated.

Other votes listed as evidence of Chapin's

failure to represent fisheries interest were listed in the letter. They included his 1985 votes against House Bill 196 which would have repealed the Hardison Amendment and allowed the state to improve environmental standards; House Bill 195 which would have banned phosphates in detergent; and House Bill 540 which would have allowed the Coastal Resources Commission to protect fisheries when making permit decisions.

The group also noted that Chapin signed a 1986 letter to Governor Martin asking that stormwater runoff regulations under consideration by the Environmental Management Commission be killed. The regulations were designed to protect shellfish growing waters.

"It is apparent Mr. Chapin does not place water quality as high on his list of priorities as fishermen in our county would like for him to," the group asserted.

The group concluded its letter by asking Ramsey to replace Chapin on the fisheries committee. "The members of Concerned Citizens for Coastal Carolina urge you to replace Mr. Chapin with someone who has a genuine interest in fishermen and water quality and therefore a genuine interest in the well-being of the entire coastal region of North Carolina," the letter stated.

CRC Policy Continues to Promote Destruction of Frontal Dunes

The Coastal Resources Commission reaffirmed a policy of approving development that causes destruction of frontal dunes at its January meeting, in spite of recent storm damage and tremendous public concern about the vulnerability of the hundreds of existing buildings with no frontal dunes for protection.

Natural barrier island processes cause the beaches and frontal dunes to migrate landward. Permanent ocean front development is not compatible with this natural barrier island movement. Frontal dunes offer essential protection from high water and erosion damage, but must be allowed to migrate to maintain their protective function.

The Coastal Area Management Act requires that the State minimize loss of property due to erosion and prevent encroachment of permanent structures on public beaches. Regulations require that development must be consistent with this general goal and, in addition, with specific setback requirements.

However, the Coastal Resources Commission allows development which destroys the frontal dunes by preventing the natural movement of the dunes. The Commission allows parking lots, swimming pools, tennis courts and some houses to be located immediately behind the dunes. Such development must be kept free of sand, and thus the frontal dunes can not longer migrate back as erosion occurs.

With the frontal dune gone, all the structures set farther back have no protection from high water and erosion. As erosion continues, storm damages swells.

The tremendous loss of property and encroachment of structures on the public beaches that results from such policies can readily be seen. After two recent storms, hundreds of houses in North Carolina have no frontal dunes and are sitting on the beaches awaiting their ultimate destruction. The projects being approved now will meet this same fate. Erosion will threaten an estimated 5,000 structures in the next 60 years.

Ultimately, the public will have to spend millions of dollars to clear the buildings and wreckage off the beaches. The public beaches will be either littered with debris or lost to erosion protection measures such as sea walls and sand bags. Already the Coastal Resources Commission is looking for ways to publicly subsidize the vast losses that are going to occur as a result of their current policies.

The federal government has taken strong steps to halt federal expenditures on inappropriate development on barrier islands. The public is ready for the Coastal Resources Commission to take the corresponding action that is needed in North Carolina.

The setback requirements prevent construction directly in frontal dunes.

State Sells Out

Coast Damaged

The New Year's Day storm that hit coastal North Carolina caused nearly \$7 million dollars in damage, more than the combined damage from all coastal storms in 1986. But property owners will not be receiving federal disaster aid because the damage caused by the storm does not meet federal guidelines for such government assistance.

N.C. Emergency Management Division engineer Dennis J. Moffit reported that there are currently "...500 oceanfront properties with 20 feet or less ocean dune protection remaining."

Damage included:

- * Topsail Beach, damage to main dwelling units of 114 homes, decking or steps of 128 homes and 13 public beach-access areas.

- * Surf City, damage to main dwelling units of two homes, decking or steps of 238 homes and 10 public beach-access areas.

- * Long Beach, damage to main dwelling units of 38 homes and destruction of 265 walkways and steps to beach.

- * Holden Beach, damage to seven homes.

- * Ocean Isle Beach, damage to 17 homes.

- * Carolina Beach, flooding of the town hall and 12 homes.

Damage estimates are not available for Wrightsville Beach and Figure Eight Island although considerable erosion occurred at both locations.

While many homeowners probably have federal flood insurance, such policies will not cover all storm losses, according to Berry A. Williams, state coordinator for the National Flood Insurance Program.

"Erosion is not covered by the flood insurance," Williams said. "Most of the loss is due to erosion and the cost of putting back the sand that was washed away by the storm."

Insured homeowners will be covered for structural damage from the storm, but not for beach erosion unless such erosion undermined the foundation of a building.

Carolinas Must Act

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OPPOSITION LIKELY

Efforts to push construction back from the beach will draw opposition from property owners, hotel and motel associations, chambers of commerce, tourist bureaus, real estate people and developers to a further toughening of the laws in North Carolina and South Carolina.

"You're taking property without just compensation."

"You'll kill tourism and the right of people to stay at the beach."

But something's got to change, and chambers of commerce and developers already know things can't go on as they have.

In the long run, the worst that can result from pushing back beach development is that you may have to walk a block or two from your hotel room or house to get to the ocean.

Money is at stake here, too. Sooner or later, taxpayers are going to realize the the \$1 million a mile they spend for beach re-nourishment projects really benefits property owners—not the average beachgoing citizen.

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cause of bacterial contamination of shellfish waters. Once the waters are polluted, they must be closed to shellfishing.

The Bostic-Page road building project circumvents the need to conduct environmental impact study on the long range impacts resulting from the road relocation. State law would require such a study for this project if public money were used to build the road. However, the State has argued that the environmental assessment is not required in this case since the initial expenditures are by the developers.

Salt marsh and wetlands crossed by the road are critical points for water pollution control. These areas can channel stormwater pollution from development to adjacent shellfish waters in violation of water quality standards. However, federal law also requires that these areas not be damaged.

Water pollution control problems at the wetlands and marsh crossings have not been resolved. The State Coastal Area Management Act permit for the road relocation requires that 12 sites be filled to prevent stormwater pollution from flowing to shellfish waters. However, this filling would

Experiment

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higher. This initial set of data was ignored by the state and developer in the second plan. Heath also showed that Resort Equities underestimated the degree of seasonal fluctuation in groundwater and the increase in groundwater due to removing the vegetation.

With little mention of these technical arguments, the hearing officer recommended that the permit be issued as an experiment. The stormwater controls will be evaluated after 128 units are built. If problems are

The beaches always will be there. The renourishment simply keeps the beach displaced—however temporarily—to seaward of the owners' private property.

UNCONQUERABLE NEIGHBOR

I recently met a man who bought a beachfront duplex at Kure Beach a couple of years back. "It wasn't until I was driving away from the real estate closing that a question arose: Why was the address on 2nd Street if it was oceanfront?"

He said he later determined Kure Beach's Atlantic Drive washed away in the 1940s, and that 1st Street was swept away by Hazel in 1954. He wonders about the long-term future of 2nd Street.

The sea is unconquerable, and recognition of that is the best and the only way to live as its neighbor.

Allow it to move naturally—with surf, strand, dunes and grasses combining in ancient harmony—and the Carolinas' beaches will always be there for the enjoyment of our children.

Continue on our present path and our shoreline will look a lot like New Jersey's.

violate federal regulations for protecting the wetlands in at least three sites. An acceptable solution has not been found. Likewise, the developer has not submitted acceptable plans for the 26 marsh and wetland crossings in the initial construction.

The State is now allowing Bostic and Page to begin construction of dry lands parts of the road without solution of these pollution problems. The original permit and agreements required the developers to have all environmental assessments and solutions in place before construction began.

This premature approval precludes the most effective and economical pollution control measure of locating the road out of the wetlands. Once the dry land portions of the road are constructed, environmental protection will be compromised in order to complete the road in the alignment that maximizes the developers' profits.

As planned by Bostic and Page, the new road would be placed as close to the sound as possible, transversing marsh and wetlands in numerous places. If relocated by the state, the new road would be located more in the center of the island, have lower construction costs, promote lower density development and have less impact on salt marsh, wetlands and water quality.

found with the first phase, alternative controls will be needed for the completion of the project. Other Commissioners suggested that additional monitoring also be added.

Several Commission members expressed fear that numerous high density developments based on porous pavement would be approved while the San Marlo experiment is in progress. Widespread pollution of the States valuable shellfish resources will occur if this experimental technology fails.

After two and one-half hours of discussion, the Commission voted to issue the permit with the monitoring requirements. The Commission left it to the staff to determine how long phase one of the project should be in use before the later phases are begun. This process excludes the public from the important decision about this aspect of the experiment.

The problem of controlling the use of porous pavement at other sites during the San Marlo experiment was referred to a committee. However, the next permit decision involving porous pavement will likely be made before the Commission's next meeting in March.

The permit application for the 14 story Harbor Towers condominium project on Topsail Island is in the final stages of processing. Porous pavement is proposed to protect the adjacent shellfish waters of Stump Sound from stormwater pollution. The high rise condos, parking spaces, four tennis courts, and swimming pool would be compressed into a seven acre ocean to sound tract. Many other high density projects relying on the experimental technology of porous pavement are anticipated.

Unless that State agencies react quickly, the shellfish waters of North Carolina will bear the fate of a giant experiment with technologies that have consistently failed under more favorable conditions.

High Rise Proposed For Topsail

Developers continue to plan high rise buildings on Topsail Island, despite the inevitable damage from beach erosion, the pollution of adjacent shellfish waters, and the absence of interested buyers.

The proposed Harbour Towers project would fill a seven acre tract with a 14 story condominium, over 200 parking spaces, four tennis courts, and a swimming pool. The ocean to sound site is on Topsail Island next to the same oyster leases that abut Permuda Island. A CAMA permit application has been submitted.

Stormwater control for the proposed project is based on porous pavement to infiltrate stormwater into the ground. In another recent condominium project proposing porous pavement, the developer was required to submit a map of the groundwater levels. No such hydrological information has been submitted for the Harbour Towers project.

In an unusual move, the Division of Environmental Management submitted "draft" comments on the permit application despite the absence of the essential hydrological data. The draft comments stated that the permit could be acceptable if relatively minor changes were made to the stormwater system. At the time of this writing, the permit is on hold while the developers make the changes to the stormwater system.

On the north end of Topsail Island, a new sign announces that the 17 story Harbour Master development is "coming soon." According to the sign, the project would have 400 units, 24,000 square feet of commercial area, a convention center, two outdoor pools, tennis courts, and parking.

The proposed site is one of the worst overwash areas on Topsail Island. Overwash from the recent storms buried the area in one to two feet of new sand. There are no stabilized frontal dunes to provide protection in the future.

The fact that developers have overbuilt high rises in the southeast coastal region is well known. For example, developer Ronnie Watson, recently appointed by the Governor to the Coastal Resources Commission, commented at the last meeting that people were "fools" to build new condominiums on Topsail Island. He thought such projects were just not economically viable at present.

Aggressive oversight of State agencies is needed to assure that North Carolina's public beaches and shellfish waters are not lost as speculators juggle high risks and tax write-offs.