



University of North Carolina Sea Grant Program NEWSLETTER

MARCH, 1975

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Striving for balance



There's talk about polluted drinking water, condemned shellfishing grounds, shabby development and carnival-type clutter spreading along North Carolina's coast. And it's true. There has been unwise development. Some areas like that on the left are looking cluttered. And waters are dirtier than they used to be.

But so far, it hasn't gotten out of hand. North Carolina's coast is still plump with the things that leave a good taste in your mouth after you've been there. It's not hard to find a beach like the one on the lower left. The fishing is still good. Crowds aren't overwhelming.

The coasts of other states have lost a lot of those "good" things largely because nobody thought to do much planning for the future. North Carolina is lucky because we can learn from past oversights. With a good look at what we've got in the coastal zone—and at what's likely to come—North Carolina can end the tug between the push to develop and the pull to save our natural resources. Through planning, dunes and marshes can co-exist with beach development.

The Coastal Area Management Act, passed just a year ago by the N. C. General Assembly, is legislation designed to bring people together to begin charting the course we will follow. Only the future can reveal our destination.

Coastal planning: It's sort of like making a budget

In your family, you probably budget your money so that it goes farther and does the most for you. In making a budget, you are planning how you will use your money in the future. Unless you are very rich, your income is limited and can be used to pay only a specific number of bills before it is all spent.

The natural resources in coastal North Carolina are also limited. The land, water, fish and minerals can be used only for a certain length of time at a certain rate before they, too, are spent. Before now, there hasn't been much planning, or budgeting, of how these unique resources will be spent. Too often, people have taken advantage of those resources much like the guy who squanders his paycheck before he gets it to the bank.

But in times when talk of shortages is not unusual and when more people flock to beaches each year, planning ways to stretch the "good things" on the coast becomes even more important.

North Carolina's General Assembly provided a tool that will be helpful in "budgeting" the state's coastal resources last year when it passed a law called the Coastal Area Management Act. Perhaps the most important feature of the new law is that

it sets the stage for planning for the future, for deciding today how land, estuaries, marshes and other areas on our state's coast will be used tomorrow.

Under the Act, areas of special value are to be set aside and used only in ways that do not destroy their uniqueness. Decisions to develop such areas, to be called areas of environmental concern, might compare with decisions you'd make before spending money out of your savings account. Only after careful study and weighing the pros and cons would you use your savings. And unless you absolutely had to, you probably wouldn't make a purchase that would wipe out your entire savings. Development in areas of environmental concern would have to be approved by a state agency called the Coastal Resources Commission (CRC).

Local governments in the coastal zone are in charge of developing "budgets" for their lands and waters. They might decide, for instance, that some areas in the county are better for future industrial plants, while others are more suitable for residential districts. Their planning is similar to yours when you decide that some of your income is better spent on food, while another portion of it can go to recreation.

Budgeting in a family works only if members of the family show good will and stick to the spending plan. Similarly, if coastal management is to be effective, the state's citizens and local and state governments must act in a spirit of cooperation.

New law publications

Students at the University of North Carolina Law School have delved into the legal side of issues and problems in the coastal zone and in international oceanic waters. Their investigations are part of a course on the law of the sea taught by Dr. Seymour Wurfel, professor of law. Dr. Wurfel's teaching activities have been supported by the UNC Sea Grant Program.

Seven new publications representing the student investigations should be off the press by mid-spring. They are:

UNC-SG-75-04. Wurfel, S., **Legal Measures Concerning Marine Pollution.** Includes the following six articles:

"Pollution of the High Seas: The Oceans as International Rivers." C. Clinton Stretch.

"Artificial Islands: Possibilities and Legal Problems." Donna Le Febre.

"Marine Pollution Control and Man-Made Islands." Samuel A. Butts III.

"Fourth Amendment Problems in the Enforcement of Marine Conservation Laws." Paul Stam Jr.

"International Ocean Dumping of Industrial Chemical Waste." Paul B. Stam Sr.

"Marine Pollution Problems in the Arctic." John C. Wyatt.

UNC-SG-75-05. Wurfel, S., **Some Current Sea**

Law Problems. Includes the following six articles: "Innocent Passage: An Historical and Analytical Perspective." Charles D. Fagan.

"The U.S. Position on the Breadth of the Territorial Sea: National Security and Beyond." Kent Hedman.

"The Recovery of Vessels, Aircraft and Treasure in International Waters." Holmes Eleazer.

"International Law Pertaining to Crimes Aboard Aircraft." Robert E. Collins.

"Stare Decisis in the Developing Law of the Sea." David H. Rogers.

"The Emergency Marine Fisheries Protection Act of 1974 (S. 1988): A Solution, or Just an Extension of the Current Problems of Disorder." Ronald W. Burris.

UNC-SG-75-06. Almond, Michael A. **Legal Aspects of Phosphate Mining in North Carolina.**

UNC-SG-75-07. Winn, Edward L., **Atlantic Lobster Fishing: Relevance to North Carolina.**

UNC-SG-75-08. Dawson, Amos, **The Law of Offshore Ports with Particular Reference to North Carolina.**

UNC-SG-75-09. Kilpatrick, Joseph E., **Oil and Mining Law Applicable to North Carolina Offshore Operations.**

UNC-SG-75-10. Andrews, William P., **Fishing Laws Pertaining to Waters Adjacent to North Carolina.**

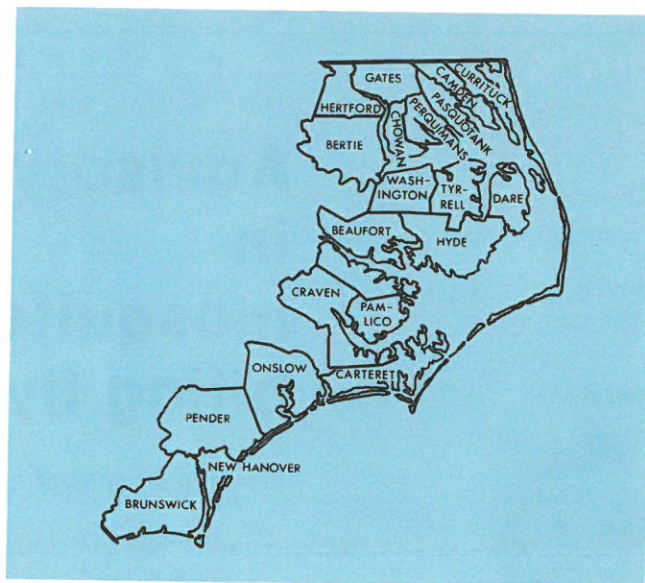
Sea Grant investigator studies coastal act

Twenty counties in coastal North Carolina are looking to the future—and making history at the same time. They are in the midst of drawing up plans for their future growth, plans that are sort of a blueprint for the way they'd like their lands to look in coming generations. Their action marks the first time in North Carolina's history that a large region of the state has sought to guide its growth and conserve its natural resources.

The planning undertaken by the counties and their municipalities is one in a series of actions during the past year aimed at putting coastal management in North Carolina on sound footing. Since the Coastal Area Management Act was enacted last April, a 15-member Coastal Resources Commission, the agency charged with overseeing implementation of the Act, has been active. Public hearings to learn more about areas which should be given special designation as "areas of environmental concern" have been held. A 47-member advisory board was appointed to assist in carrying out coastal management. And in late January, guidelines to be followed by local governments in drawing up their plans were announced.

But even though coastal management appears to be getting off on sound footing today, the real test is not likely to come for more than a year when counties do or do not put their plans into effect, according to Dr. Thomas J. Schoenbaum, UNC associate professor of law.

"I see a real danger that the plans will be drawn and adopted, but allowed to quietly slip away unless the law is amended," he said in a January in-



Counties affected by coastal act

terview. Under the Act, the law professor explained, local governments are required to draw up plans for growth which must be approved by the state. But whether the law requires localities to stick to their plans could be questioned.

With the aim of recommending changes which might make the Coastal Act or its administrative guidelines more effective, Schoenbaum has begun a study of the implementation of North Carolina's coastal management program. His research, funded by UNC Sea Grant, is aimed at monitoring the development of county land-and water-use plans and state guidelines to determine how closely they meet objectives set forth by the Act. His recommendations will be made available to legislators and other decision-makers.

The first year of Schoenbaum's proposed two-year project will involve collecting and analyzing all guidelines prepared by the state, the county plans and reports from public hearings on coastal management. He will also keep an eye on the naming of interim and final areas of environmental concern by the Coastal Resources Commission.

As the law takes effect in 1976, Schoenbaum plans to determine if the plans and guidelines are actually being put into operation. From a series of case studies, he hopes to draw conclusions on the degree to which development is being controlled in areas of environmental concern, the extent of public participation in the planning process, the degree of cooperation among federal, state and local government officials and the adequacy of new agencies or institutions created by the Act.

Coastal water is topic of April conference

The Southeastern Conference on Water Supply and Wastewater in Coastal Areas is set for April 2-4 at the Blockade Runner Motor Hotel in Wrightsville Beach.

The conference will review the state of the art in coastal water supply management and wastewater disposal. Some 20 speakers representing universities, government agencies and private planning and engineering organizations who have studied coastal water problems are featured.

Sponsored by the Coastal Plains Center for Marine Development Services, UNC Sea Grant and the UNC Water Resources Research Institute, the two-day event should be of interest to government officials, financiers and developers active in coastal areas and to citizens concerned about their environment.

A \$15 registration fee can be paid on arrival.

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Advisory services in mosquito and biting fly control

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—Identification of mosquito and biting fly species as the beginning of a local insect pest monitoring program. Monitoring provides knowledge of when and where insect pests strike hardest, enabling communities to apply insecticide treatment for a maximum return on dollars spent and environmental protection.

From the UNC Sea Grant Program and the N. C. Agricultural Experiment Station.

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