

County, Redwine Fight Water Quality Bill

BY SUSAN USHER

Brunswick County Commissioners adopted a resolution Monday night opposing a bill that would require the Coastal Resources Commission to consider the present and anticipated effects of development on adjacent waters before issuing construction permits.

The resolution will be forwarded to Sen. R.C. Soles Jr. immediately, County Attorney David Clegg said, because the water quality bill was adopted by the House last Friday on a 51-50 vote. It goes to the Senate next. On Thursday it received tentative endorsement on a 61-35 vote.

Southeastern coastal legislators are divided in their support of the bill.

Clegg said Rep. David Redwine led a floor flight against H.B. 540 last week, arguing that the bill duplicates existing rules. He was joined by Rep. Alex Hall of New Hanover County.

Clegg said he had not yet received a "good answer" on the need for the bill. "Some legislators apparently felt the Environmental Management Commission was not doing as good a job as it should and it wanted the CRC to do it," he said. "We have enough trouble now from them doing their job," he added. "We don't need them doubling up."

The Division of Environmental Management presents reviews major permits issued under the Coastal Area Management Act for compliance with its water quality rules.

H.B. 540, sponsored by Rep. Bruce Ethridge of Onslow County, would add a requirement to the current CAMA permit guidelines, which apply to 20 coastal counties, including Brunswick. Under it, degradation of

water quality would be grounds for denying a CAMA permit. According to Rep. Harry Payne of New Hanover County, the bill would give the regulations the force of law, making policy by legislation rather than by administrative rules of an agency.

Among the bill's purposes is protection of shellfish waters from contamination by freshwater runoff from coastal development projects. The runoff often carries bacteria that make the shellfish unsafe to eat.

According to Coastal Resources Commission (CRC) member Art Cooper, the commission has been asked repeatedly to do something about water quality problems.

However, Ocean Isle Beach Mayor LaDane Bullington said Tuesday that H.B. 540 would infringe on the riparian rights of waterfront property owners.

In effect, she added, it could eliminate their right to build marinas, docks, wharves and the like in navigable waters such as canals or other areas where public trust rights come into play.

"It would give public trust rights superior claim over riparian property owner's rights," she continued, with one exception where the public trust and riparian rights would be "in harmony."

That exception, she said, would be issuance of a permit for a docking facility or other facility that would be built with public funds and would be provided for public use.

Further, she said she believes that proposed submerged lands legislation is the "preamble" to H.B. 540, in that the bills reaffirm public trust rights to navigable waters over submerged lands.

A 1984 publication by the UNC Sea Grant program defines riparian rights as the limited rights accorded to

waterfront property owners. Riparian land is land that actually touches on a watercourse.

In "Riparian Rights," researcher Walter Clark says there are already limits on the rights of those who own property along navigable waters.

First, the owner cannot do something that is found to "unreasonably interfere" with navigation, such as building a pier that eliminates navigation in an otherwise navigable stream.

The state, he said, may also "reasonably regulate" the exercise of riparian rights. "Any regulation which destroys a riparian owner's rights would be found unreasonable," he said. "A regulation which limits use but which can be found to benefit the health, safety and welfare of the general public, will generally be deemed reasonable."

While the state cannot convey private ownership of lands beneath navigable waters, he added, it can grant certain easements.

A riparian owner also the right to reclaim naturally accreted lands.

He also has the right of access to deep water, Clark indicated, which may be accomplished by a pier, wharf, marina, channel or by simply casting off from shore.

"The right of access," he added, "is tempered by environmental and other public safeguards." Many of these are designed to protect fragile environments and shallow water areas that must be crossed by an owner to reach navigable water, while others are intended to protect the rights of adjacent property owners, the public's right of navigation and recreation, and the right of fishermen to make reasonable use of shellfish beds leased from the state.

The riparian property owner must share with the public the right to the recreational and scenic use and enjoyment of the water bordering his property.

Ownership, for instance, doesn't confer exclusive fishing rights to fish in the offshore waters.

Bills Filed

Redwine made no mention of H.B. 540 in his weekly General Assembly report. However, he reports the filing of five bills of local interest.

H.B. 1250 would appropriate to Brunswick Technical College \$1,000,000 for its building program, on condition that the county match every three dollars from the state with one of its own, to be raised over a two-year period.

H.B. 1251 would appropriate to the City of Southport \$50,000 toward the continuing renovation of the old county courthouse.

The lower floor of the old courthouse currently houses Southport City Hall; the old courtroom is on the second floor.

H.B. 1252 would appropriate \$25,000 to the Cape Fear Opportunities Industrialization Center, based in Wilmington. The money would be used to provide training and job placement for the unemployed and the unskilled.

H.B. 379 would raise the amount that could be filed in small claims court to \$2,000, a figure the House amended to \$1,500 before forwarding the bill to the Senate.

May 15 was the deadline for public bills other than those dealing with appropriations and constitutional amendments, which may be introduced at any time. The idea behind the new deadline is to allow more time to consider controversial measures.

Holden Litter Ordinance Stands; June 1 Deadline Set For Tarps

BY SUSAN USHER

A litter ordinance that requires trucks to cover loads of loose materials such as dirt and construction debris remains intact at Holden Beach after a second look Monday, but haulers did get a grace period.

The town board rejected a proposal by Commissioner Jim Griffin to exempt dirt and sand haulers from the ordinance and add a tailgate requirement for all trucks.

But commissioners agreed to 1) send letters of notification to all haulers with privilege licenses to operate in the town; and 2) to allow them until June 1 to buy tarpaulins for their truckbeds. New haulers

operating in town also will get a two-week grace period.

The ordinance calls for a civil fine of \$25 per violation.

As "a matter of fairness," Griffin proposed that if the ordinance stood, haulers be notified by certified mail and then given a two-week grace period.

But Mayor Kenner Amos pointed out that the town send certified letters to those affected when it adopts other ordinances.

Griffin asserted that the ordinance is an "undue burden" for small haulers and that sand and dirt are not as potentially dangerous as larger chunks of construction material,

gravel or coquina.

Commissioner Gloria Barrett disagreed, noting they are a problem for pedestrians.

She noted that the state's cover ordinance provides that a load likely to blow, fall or leak from a truck be covered or come no higher than six inches below the top of the truckbed.

Mayor Kenner Amos pointed out that "the state law leaves it a matter of judgment, the town ordinance says it must be covered."

He said he had received only favorable comment from property owners on the ordinance. The only complaints had come from haulers themselves, he added, who don't live

on the beach. "Consequently I don't think their word should have a whole lot of consequence here," he added.

Commissioner Hal Stanley proposed notifying those haulers with privilege licenses, since that is supposedly the town's way of regulating those doing business there.

"We're probably overreac-

ting—you don't need a sledge hammer to kill a flea—but we have a problem and we need to solve it," he said.

One hauler who complained about the ordinance requested a copy after getting stopped twice and issued a warning ticket. He admitted throwing away the first notice he received.

In another instance, Mayor Amos said he had advised town police not to

ticket or stop trucks hauling materials to three projects for a realty company. He said the firm was in a bind because the projects had already been rented for the weekend.

"I didn't do it for the haulers," he said when Griffin suggested that the ordinance be enforced uniformly. "I did it for the realty company because of the situation it was in."

County Landfill Operations Move To Seven-Day Schedule

Starting Saturday, getting rid of trash and debris in Brunswick County should be more convenient.

County transfer stations at Ocean Isle, Leland and Southport and the central landfill at Supply move to seven days a week schedule Saturday with extended hours to accommodate daytime workers.

Presently the sites are open from 8 a.m. to 4:30 p.m. weekdays only, which means they're closed when people who work day shift are off duty.

Heavy items, such as furniture and appliances, and construction site

waste, tree limbs, lumber and the like are not supposed to be dumped in green boxes, but hauled to the transfer stations or the landfill on S.R. 1501 in Supply. The green boxes are intended for collection of household garbage and trash only.

Under the new schedule, said Landfill Director Major White, all four locations will be open Monday through Saturday from 7 a.m. to 5:30 p.m. and Sundays from 8 a.m. to 4 p.m.

The county's solid waste committee made the decision to attempt an extended schedule—if staffing ar-

rangements could be worked out—at an April 29 meeting.

County Manager Billy Carter said Monday he had approved a plan of operations submitted by White and authorized start-up.

The landfill department will attempt to carry out the new schedule within its existing budget. Meanwhile, the county commissioners plan to address the issue further in the 1985-86 budget.

Three defendants charged in the Brunswick County "Operation Brass" undercover drug investigation pleaded not guilty in Brunswick County Superior Court Monday morning.

Randy Franklin Larrimore, 19, of Route 2, Box 170, Shallotte, was among the suspects that entered not guilty pleas at their arraignments Monday. Also entering not guilty pleas were Jeffery Andrew Conca, 24, of 311 River Drive, Southport and Ray Duncan of Long Beach.

Larrimore was charged with felonious sale and delivery of marijuana, felonious possession with intent to sell and deliver marijuana and felonious conspiracy to sell and

deliver marijuana.

All three defendants were among the 22 people indicted by the Brunswick County Grand Jury on March 26 in connection with the undercover drug operation aimed at clearing drugs off the streets by targeting those involved in the sale of drugs. "Operation Brass" got its name from the cooperation received by the Brunswick County Sheriff's department and Shallotte and Southport police departments.

Conca, represented by Southport attorney A.E. "Sonny" Gainey, pleaded not guilty Monday to charges of felonious possession with intent to sell and deliver marijuana and felonious possession and sale of mari-

juana. Ray Duncan, represented by Long Beach attorney David Ford, pleaded not guilty to the same charges.

Each of the 22 defendants will face trial in Brunswick County Superior Court during the July 22 session, or at a special session in June if one is called by District Attorney Michael Easley.

In court Monday, Larrimore also asked Assistant District Attorney Wanda Bryant to have his name corrected as listed on the Grand Jury indictment and Superior Court docket. It was spelled Lattimore on both documents instead of Larrimore. Other defendants waived arraignment Monday.

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