

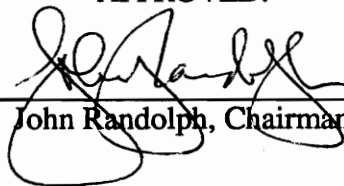
**Nongovernmental Organizations Role in the Establishment of
Resource Management Areas
In
Richmond County and Mathews County**

by

Stephen T. Cook

Major Paper submitted to the Faculty of the
Virginia Polytechnic Institute and State University
in partial fulfillment of the requirements for the degree of
Master of Urban Affairs
in the
Department of Urban Affairs and Planning

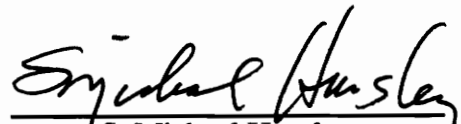
APPROVED:



John Randolph, Chairman



Waldon Kerns



S. Michael Hensley

April 1991

Blacksburg, Virginia

c.2

LD
5655
V851
1991
C665
C.2

**Nongovernmental Organizations Role in the Establishment of
Resource Management Areas
In
Richmond County and Mathews County**

by

Stephen T. Cook

John Randolph, Chairman

Department of Urban Affairs and Planning

(ABSTRACT)

In 1988, the Virginia General Assembly passed the Chesapeake Bay Preservation Act to protect the water quality of the Bay and its tributaries. In order to accomplish this immense task, counties, cities, and towns in Tidewater, Virginia have been given the task of establishing regulations outlined by state guidelines. In many instances, rural localities do not have the financial and technical resources available to implement these state guidelines. To fill these voids, nongovernmental organizations can provide the expertise needed to meet these demands; however, there has been relatively little documentation of the direct affects NGOs have had upon local jurisdictions in implementing guidelines, specifically Resource Management Areas as established by the Chesapeake Bay Local Assistance Board. The Friends of the Piankatank, the Peninsula Coalition for Environmental and Economic Stability, and the Chesapeake Bay Foundation comprise a few of the many NGOs that personify the need for active involvement in the Commonwealth's pledge to cure the Bay. How these organizations play a significant role in the delineation of Management Areas in rural localities is pertinent to the success of the program.

To explore the role that NGOs played in rural localities , two case studies were analyzed: (1) Richmond County: The Chesapeake Bay Foundation Connection, and, (2) Mathews County: Regulations on the Horizon. These two counties were chosen because of the different approach each has taken to implement state regulations in their community. A section on the Chesapeake Bay Preservation Act and the dynamics of nongovernmental organizations precede the case studies.

Acknowledgements

First I must acknowledge my Committee members, John Randolph, Waldon Kerns, and Mike Hensley for their guidance and extreme patience with this paper. It took some time, but the experience will never be forgotten.

I have to thank my fellow graduate students in Urban Affairs and Planning for an eye opening two years in Blacksburg. I sincerely hope we keep in touch through the years. The "Hammer" lives on.

A special "kudos" goes to Cori, who kept me in line and gave me the extra shove when needed.

Finally, I extend a debt of gratitude to my parents and family for their constant support wherever my whims have taken me.

Table of Contents

Introduction	1
Setting The Stage: The Chesapeake Bay Preservation Act	7
The Dynamics Of Nongovernmental Organizations	21
Richmond County: The Chesapeake Bay Foundation Connection	37
Mathews County: Regulations On The Horizon	48
Conclusions	55
References	58

INTRODUCTION

"Beach planners weaken Bay Act proposal," proclaimed the September 13, 1990 issue of The Ledger Star. Virginia Beach was in political turmoil at that time over the extent to which the city would have to designate buffer areas as required by the Chesapeake Bay Preservation Act . Environmentalists were angry with the city's Planning Commission reliance on the Tidewater Builders Association revision of the original ordinance, while developers on the other hand, were pleased with the outcome. Within two months headlines announced, "Beach restricts development in Bay buffer areas" (November 17, 1990, The Ledger Star). Developers and environmentalists temporarily ended the struggle between each other when the City Council passed an ordinance that pleased all parties. One environmental group even commented that they were "tickled that the development community and us are very close."

Results like this are not uncommon in large cities like Virginia Beach, considering that it is the largest city in the Commonwealth, with an estimated 1987 population level at 350,100.

(Virginia Statistical Abstract, 1989) With this many people concentrated in one area, and the political structure of the city conducive to active participation by a variety of interest groups, nongovernmental organizations are going to be extremely influential. It is a different story in a rural county government, which, unlike their larger counterparts, tend to diverge to a more traditional form of grassroots politics.

Rural counties and towns in Virginia often face many setbacks that inhibit their ability to enforce regulations designated by state government. From local political difficulties, to a lack of funds and technical expertise problems, rural localities regularly find themselves lacking the necessary means to solve their problems. Larger counties and cities usually have the resources within their infrastructure necessary to develop solutions; if not, they have the financial ability to hire outside professionals to develop them. Rural counties rely on support from the state, and with the dismal condition of the state budget, the Commonwealth cannot offer any more than it already does. Rural communities rely on the services of other organizations such as state universities and extension agencies, but if these fail, nongovernmental organizations can be most helpful.

NONGOVERNMENTAL ORGANIZATIONS

Nongovernmental organizations can provide the necessary resources that many rural counties require in order to accomplish lengthy and technical tasks. In most instances, these organizations are more than willing to offer their time and knowledge to rural localities in hopes of persuading not only the local government to their point of view, but to demonstrate their particular method of approach to a sensitive issue can be successful.

It is no secret that nongovernmental organizations are political and issue driven. From pro-

environmental groups like Green Peace and the Sierra Club to pro-development groups like the National Home Builders Association and the National Association of Realtors, each has a particular stance which they want to purvey to the public. The example from Virginia Beach demonstrates that organizations from both sides will eventually attract each others attention. Providing information and assistance to counties, cities, and towns is one way they can ensure their particular issue is effectively dealt with.

Nongovernmental organizations come in a variety of sizes. Local citizens' groups, regional groups, and national organizations play different roles in the effort to influence policy in communities. All have the same desire -- to achieve what each group touts as their philosophy. The degree of success that each will have is left up to the localities and the level of participation they desire. Nongovernmental organizations can raise a big commotion; if they do not have the support of the community and local government, they will not succeed in their mission.

Virginia's Chesapeake Bay Preservation Act could not have come at a worse time for rural localities. All local governments are feeling the pinch of the state's budget cuts and financial woes. Rural localities have had to hire experts to implement the Act's regulations; an additional expense these counties and towns do not need. Some rural localities look at the Act as a debilitating blow to economic development within their community, one that will slow growth, and increase governmental expenditures to comply with the requirements. Some communities see the regulations as an opportunity to enhance their comprehensive plan, as well as protect the water quality of the Bay.

SCOPE OF PAPER

The Virginia Associations of Realtors, the Chesapeake Bay Foundation, Farm Bureau, and other nongovernmental organizations have been active with regard to policy-making at the local level. Some believe they have a significant impact on implementation decisions, however, there has been very little documentation of the direct affects nongovernmental organizations have had upon local jurisdictions in implementing guidelines, specifically Resource Management Areas as established by the Chesapeake Bay Local Assistance Board. Thus the question, *Do nongovernmental organizations play a significant role in the delineation of Management Areas in rural localities?* To explore this question, an analysis of two case studies will be presented.

CASE STUDIES

The principal research method used in this paper is case studies. A case study of Richmond County and Mathews County will provide an illustration of the functions nongovernmental organizations have performed thus far, their motives, their actual impacts, and the factors that have made some groups successful in influencing decisions and others not.

Richmond County and Mathews County, comprise opposite ends of the spectrum.

Richmond County: The Chesapeake Bay Foundation Connection -- Richmond County has complied with the regulations and established their Resource

Management Area's within the prescribed time limits. Their connection with the Chesapeake Bay Foundation and the involvement of citizens throughout the process has given the county a strong statewide reputation for effectiveness. Their story indicates what affects cooperation between the government and its community can have upon the outcome of state regulations.

Mathews County: Regulations On The Horizon -- Mathews County has yet to comply with the regulations, however this has been attributed to the lack of mapping resources and personnel. Their outlook for the future is based on economic growth within the local community. What organizations might play a role in the county? To what extent? These are a few of the questions answered in that section.

A significant portion of this paper is devoted to discussion concerning the dynamics of nongovernmental organizations. It is imperative the reader understand what motivates and drives these organization to do what they do -- advocating their philosophy to the public and to the decision-making people in hopes of gaining additional support for their cause. Understanding how they operate in the national, regional, and local arena will provide a glimpse into the everyday operations of these groups. This was accomplished by personal and phone communications with an array of different organizations at each aforementioned level. In order to understand the dynamics of nongovernmental organizations, we must first answer the question, what are nongovernmental organizations? For the purposes of this paper the following definition will apply:

- Nongovernmental organizations are non-profit entities, citizen groups, and other

groups which are not affiliated in any way with private for-profit businesses, governmental entities, or extensions of universities and colleges. Terms such as *interest groups*, *citizens' groups*, and *organizations* will be used to refer to and describe nongovernmental organizations.

The case studies and the review of the dynamics of nongovernmental organizations which follow, provide insight into the role of nongovernmental organizations in the implementation of the Chesapeake Bay Preservation Act. Before exploring these topics, an overview of the Act and its requirements is presented below.

Setting The Stage: The Chesapeake Bay Preservation Act

INTRODUCTION

One hundred and fifty rivers and tributaries flow into the Chesapeake Bay, with thousands of creeks and streams adding to the vast estuary. Forty percent of the freshwater entering the Bay comes directly from Virginia. There is approximately 5,000 miles of shoreline and 213,000 acres of vegetated wetlands in the Commonwealth alone. (Wetlands and Geological Oceanography Departments, VIMS, June, 90) The land adjacent to these shorelines are vital to the welfare of the estuary. Protection against floods, sheltering fish and wildlife, and providing a natural filtering system for cleaning polluted water are a few of the functions these areas provide to the environment. Besides their enormous values to nature, they provide many economic benefits as well. "In the Southeastern coastal region, for example, over 95 percent of commercial and over 50 percent of recreational fish and

shellfish harvests consist of species that depend on estuaries." (Salvesen, 1990)

When high kepone levels from industries closed the James River, the Chesapeake Bay's third largest tributary, to fisherman in the late 1970's, Virginians began realizing their water resource quality would directly affect many facets of their life. Oyster harvests, striped bass, and the famous blue crabs of the Chesapeake Bay and its tributaries were slowly being decimated by point source pollution from industries and municipalities, and nonpoint source pollution from agricultural, silvicultural, and urban runoff.

History has shown that governments and the attitudes of society *react* to crisis situations. The environmental movements of the early 1970's were spurred by the public's increasing awareness that actions had to be taken in order to preserve water, air, and resources on the land for future use and enjoyment. What has been described as "The Tragedy of the Commons," by Garrett Hardin, resources that are used by all, such as air or (for example) the Chesapeake Bay, have no means of dictating who can and cannot use its resources. "When the services of such commonly held resources are available at zero price and there are no other restrictions on entry or use, it is easy to predict the outcome. There is overuse, abuse, congestion, and quality degradation." (Freeman 1973) The Chesapeake Bay is a prime example of this tragedy.

In 1987, the Governors of Pennsylvania, Maryland, Virginia, the mayor of Washington D.C., the Administrator of the United States Environmental Protection Agency and members of the Chesapeake Bay Commission, signed the *Chesapeake Bay Agreement* which virtually guaranteed each would make a long term commitment to protect the Bay. This was a significant step towards the revitalization of the Bay, for governments finally

recognized that problems did exist within the Chesapeake and its tributaries. The *Agreement*, also for the first time, established environmental criteria concerning accepted levels of nonpoint and point source pollution.¹ The agreement stimulated individual governments to initiate their own programs to produce the effects necessary to return the Bay to its former quality. In 1988 Virginia firmly established its commitment towards the revitalization of the Bay.

The Chesapeake Bay Preservation Act (the Act), established in 1988 by the Virginia General Assembly, was passed to protect the water quality of the Chesapeake Bay and its tributaries.² As described in the Act, "Healthy state and local economies and a healthy Chesapeake Bay are integrally related; balanced economic development and water quality protection are not mutually exclusive" (Code of Virginia, Chapter 21, Section 10.1-2100) Virginia's state government firmly established that it was going to be deeply involved in initiating land use regulations to enhance water quality in Tidewater Virginia and, at the same time, protect local economies. This has been the impetus to reinvigorate Virginia's long process of cleansing the Chesapeake Bay.

¹Final regulations adopted by the Chesapeake Bay Local Assistance Board include a prevention of a net increase in nonpoint source pollution from new development, achieve a 10% reduction in nonpoint source pollution from redevelopment, and achieve a 40% reduction in nonpoint source pollution from agricultural and silvicultural uses. (Final Regulations, Chesapeake Bay Local Assistance Board)

²"The Act" or the "Bay Act" will be used throughout the paper to refer the Chesapeake Bay Preservation Act.

ORGANIZATION

There are 29 counties, 17 cities and 43 towns included in Tidewater Virginia, all of which are affected by the Chesapeake Bay Act regulations.³ (See figure 1) These localities comprise the nine planning districts that make up the Tidewater region.⁴ The Act created the *Chesapeake Bay Local Assistance Board* which is responsible for "formulating, adopting and keeping current criteria for the local delineation of and management of uses and development within Chesapeake Bay Preservation Areas to prevent substantial damage to the quality of state waters, including the Bay and its tributaries." (Part I, Overview of Department and Board) The Board has nine members, one from each Tidewater Planning District. Membership does not require any technical expertise to serve. An important factor is the ability of the Board to pursue legal actions if there is no compliance by local jurisdictions.⁵ This gives the members a great deal of influence and power to ensure that regulations are met.

³Tidewater Virginia includes: The Counties of Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King George, King and Queen, King William, Lancaster, Mathew, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Surry, Westmoreland, and York, and the Cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, and Williamsburg. (Code of Virginia, Chapter 21, Section 10.1-2101)

⁴Southeastern Virginia PDC, Peninsula PDC, Middle Peninsula PDC, Northern Neck PDC, Richmond Regional PDC, RADCO PDC, Crater PDC, Accomack-Northampton PDC, Northern Virginia PDC.

⁵"The Board shall have the exclusive authority to institute legal actions to ensure compliance by local governing bodies with this chapter and with any criteria or regulations adopted hereunder." (Chapter 21, Chesapeake Bay Preservation Act, 10.1-2104)

TIDEWATER VIRGINIA



FIGURE 1

SOURCE: Chesapeake Bay Local Assistance Department

The program also created the *Chesapeake Bay Local Assistance Department* (CBLAD).

CBLAD's primary duties include:

- provide financial and technical assistance and training to local governments for implementing programs under the Act concerning land use development and water quality protection;
- work with local governments to ensure that comprehensive plans and zoning and subdivision ordinances reflect the objectives of the Act;
- monitor the implementation effectiveness of local efforts under the Act; and
- provide staff support to the Chesapeake Bay Local Assistance Board.
(Part I, Overview of Department and Board)

The Department is the primary conduit of information and assistance to the each of the nine planning districts providing at least one member of CBLAD's staff to act as a liaison between the department and the local governments. It is crucial that a healthy rapport exist between the state and localities so as to ensure that effective land use plans are being initiated.

REGULATIONS

The Act requires localities to identify land called Chesapeake Bay Preservation Areas "which if improperly used or developed may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries." (Final Regulations, Chesapeake Bay Local Assistance Board) Resource Protection Areas and Resource Management Areas make up the Preservation Areas.

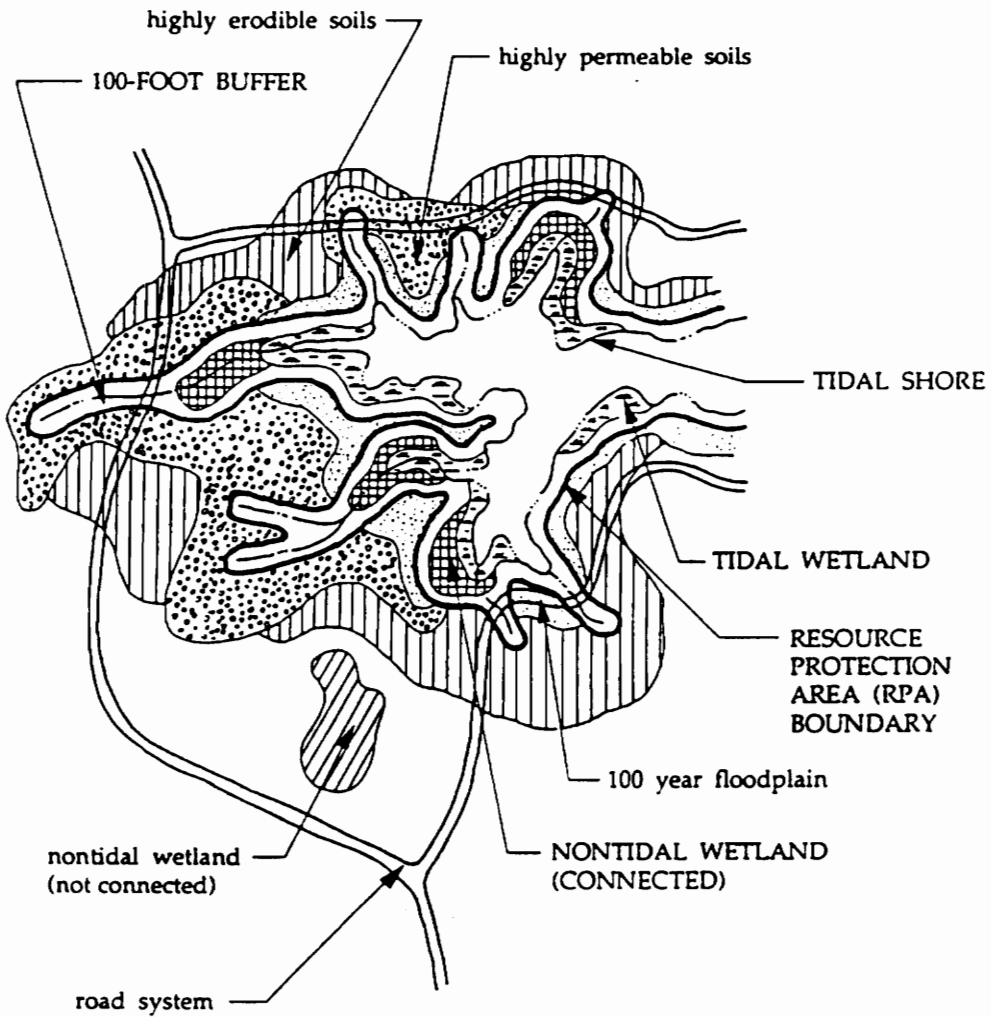
Resource Protection Areas (RPAs) provide the crucial link between land use regulations and water quality. The criteria states "these are sensitive lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may cause significant degradation to the quality of state waters." (Final Regulations, Chesapeake Bay Local Assistance Board) RPAs include tidal wetlands, nontidal wetlands, and other lands as described in the Final Regulations. The regulations call for at least a 100 foot buffer area located adjacent to wetlands, tidal shores, and nontidal wetlands.⁶ Development in these areas are limited to water dependent facilities and the redevelopment of existing uses.

The designation of Resource Management Areas (RMAs) is the "first line of defense" (RPAs being the last) for preventing sources of pollution from entering the Bay and its tributaries. These areas will include land that if "improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area." (Final Regulations, Chesapeake Bay Local Assistance Board) Floodplains, highly erodible and permeable soils, and nontidal wetlands not included in the RPAs are categories of land that will be included in the establishment of RMAs (Final Regulations, Chesapeake Bay Local Assistance Board). Development is allowed in these areas provided they employ measures to ensure water quality protection.

An example of how RPAs and RMAs would be mapped according to the regulations is shown in figures 2 and 3.

⁶With the use of Best Management Practices (BMPs) this area can be reduced to 50 or 25 feet.

HYPOTHETICAL RPA COMPONENTS

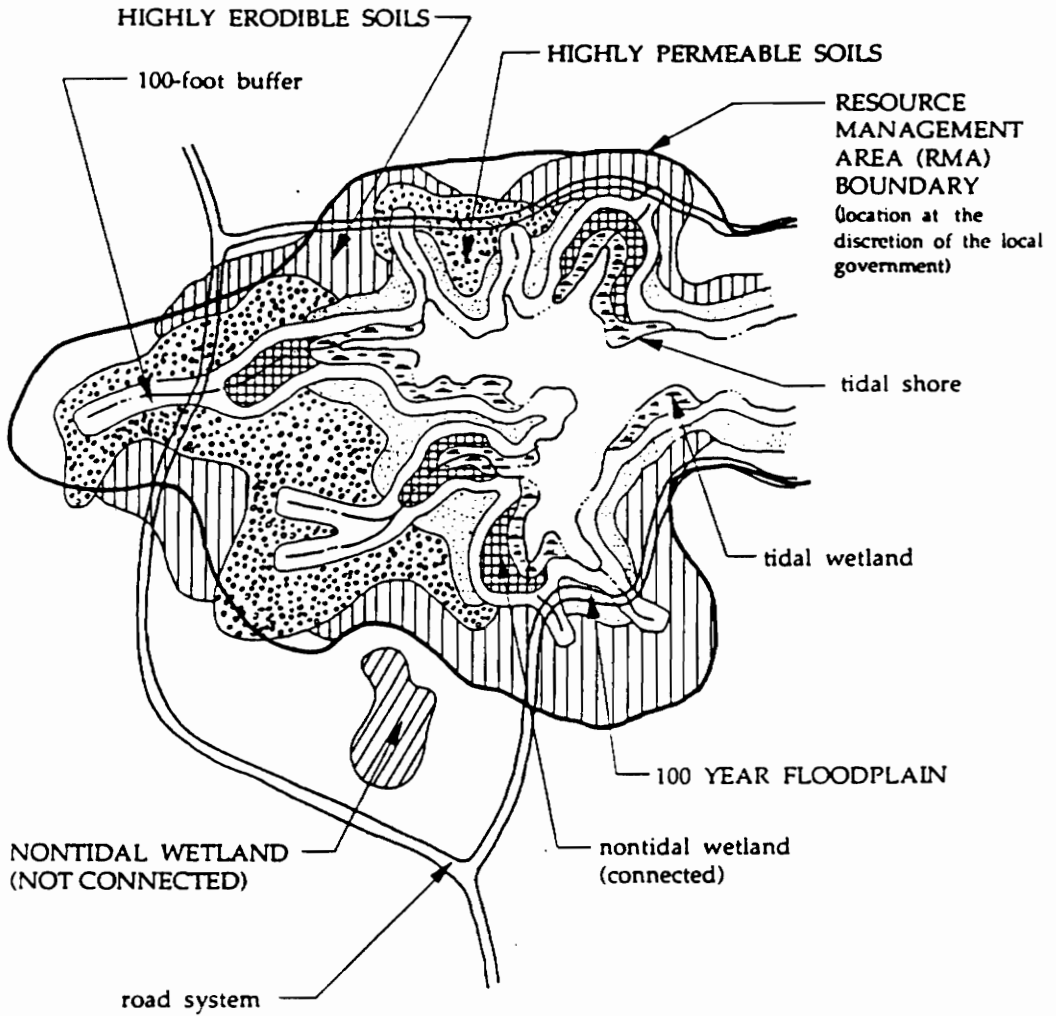


NOTE: items in lower case letters indicate the feature that the symbol depicts.
ITEMS IN UPPER CASE LETTERS INDICATE THE FEATURE
MUST BE MAPPED AS AN RPA FEATURE

FIGURE 2

SOURCE: Chesapeake Bay Local Assistance Department

HYPOTHETICAL RMA COMPONENTS



NOTE: items in lower case letters indicate the feature that the symbol depicts.
ITEMS IN UPPER CASE LETTERS INDICATE THE FEATURE SHOULD BE MAPPED AS AN RMA FEATURE

FIGURE 3

SOURCE: Chesapeake Bay Local Assistance Department

Intensely Developed Areas (IDAs) provide a plan for those urbanized areas which do not have the qualities found in RPAs or RMAs. These areas are "characterized by industrial, commercial, residential, and institutional uses which are spatially concentrated, heavily trafficked, and largely devoid of natural vegetation." (Local Assistance Manual, p. III-47) Downtown Newport News is a prime example of an area that could be classified as an IDA due to the abundant amounts of industrialization there. A condensed list of criteria and requirements of the CBLAB are shown in Table 1.

Local governments, as well as nongovernmental organizations, have a great deal of flexibility in delineating these areas. Designating RMAs can cause a variety of problems (between development and environment groups) because of the lack of specificity within the regulations regarding the size of these areas. The regulations simply state that RMAs "shall encompass a land area large enough to provide significant water quality protections through employment of criteria." (Final Regulations, Chesapeake Bay Local Assistance Board) This statement is the impetus of many developers' criticisms about some localities' designation of these areas which will be discussed in greater detail further along in the paper.

CBLAD has created a comprehensive manual as a guidance tool for localities, entitled the "Local Assistance Manual." This manual assists localities in developing programs required by the Act. Chapters include information such as mapping, delineating wetlands, plant lists, and a variety of related materials so that localities have the information needed to establish a comprehensive land use program. "This manual is intended to be a dynamic document, responsive to the changing knowledge, techniques, and needs of local governments. It can and will be updated and supplemented over time." (Preface, Local

TABLE 1: CBLAB REGULATIONS FOR LOCAL LAND USE CONTROL

- A. Local Government Program Requirements (with deadline for adoption after October 1, 1989)**
1. Map delineating local Chesapeake Bay Preservation Areas (CBPA) (12 months)
 2. Local performance criteria for CBPA (12 months)
 3. Comprehensive plan or revision that incorporates protection of CBPA (24 months)
 4. Zoning ordinance that (a) incorporates measures to protect water quality in CBPA and (b) requires compliance with performance criteria (24 months)
 5. Subdivision ordinance that respond to 4(a)&(b) (24 months)
 6. Erosion and sediment control ordinance that requires compliance with performance criteria (24 months)
 7. Plan of development process prior to issuance of building permit to assure use and development in CBPA accomplished in manner that protects water quality (24 months)
- B. Designation Criteria for Chesapeake Bay Preservation Areas**
1. Resource Protection Areas (RPA) (sensitive areas with intrinsic water quality value)
 - a. tidal wetlands
 - b. non-tidal wetlands connected to tidal wetlands
 - c. tidal shores
 - d. other lands with intrinsic water quality value
 - e. buffer area at least 100 feet landward of above areas and on both sides of tributary streams
 2. Resource Management Areas (RMA) (areas outside of RPA with potential water quality impacts)
 - a. floodplains
 - b. highly erodible soils, steep slopes
 - c. highly permeable soils
 - d. non-tidal wetlands not included in RPA
 - e. other lands necessary to protect water quality
 3. Intensively Developed Areas (IDA) (developed areas as an overlay to CBPA available for redevelopment where little natural environment remains)
 - a. existing development has more than 50% impervious cover, or
 - b. public water and sewer currently serves the area, or
 - c. housing density at least 4 dwelling units per acre.
- C. Performance Criteria for Chesapeake Bay Preservation Areas**
1. General Performance Criteria
 - minimize land disturbance, indigenous vegetation removal, impervious cover; ensure BMP maintenance;
 - land disturbance > 2500 sq. ft. requires plan of development review and E&SC compliance;
 - septic system pump out at least every 5 years plus full-size reserve drainfield;
 - post-development NPS runoff load shall not exceed pre-development; redevelopment requires additional 10% reduction if no existing BMPs;
 - agricultural activities require soil and water quality conservation plan by 1995;
 - silvicultural activities are exempt, provided they follow BMP Handbook;
 - evidence of wetlands permits, if required
 2. Additional Criteria for Resource Protection Areas
 - a. only water-dependent development in RPA or redevelopment of existing development allowed.
 - b. Buffer area requirements: 100 feet of vegetation effective in retarding runoff, preventing erosion, filtering NPS pollution; retain if present, establish if not; or at least 50 feet of vegetation plus BMPs for equivalent of 100 feet.
 - i. buffer maintenance required
 - ii. if buffer precludes prior recorded buildable lot, buffer may be reduced if reduction minimized (but no more than 50 feet) and additional buffer provided elsewhere on lot.
 - iii. Redevelopment within IDA may be exempt from buffer requirement, but consideration should be given to establishing buffer over time.
 - iv. On agricultural land, buffer may be reduced to 50 feet if enrolled in BMP program that provides equivalent of 100 foot buffer; or to 25 feet if soil and water conservation plan that provides equivalent of 100 feet. Buffers not required for agric. drainage ditches if adjacent lands have BMPs and conservation plan.

SOURCE: *Water Resources Management in Virginia and the Role of Localities*

Assistance Manual)

As of March, 1991, over 50 percent of the localities have responded to the initial deadline of September 21, 1990 (Not all in time).⁷ The Board, realizing that problems will undoubtedly occur with the implementation of the regulations, has given localities until November 15, 1991 to have their Chesapeake Bay Preservation Areas mapped, and their criteria for land use plans adopted.

THE LIMITED ROLE OF DIFFERENT STATE AGENCIES

There are a variety of state agencies that have been influential in the establishment of the Chesapeake Bay Preservation Act. The State Water Control Board, Soil Conservation Service, Council on the Environment, the Department of Commerce, Universities and Colleges, all have had a limited but useful roles when specifics were being analyzed and studied at the General Assembly. As for the role these organizations have played with the actual designation of RMAs, state agencies have left that responsibility to CBLAD.

At the Virginia Institute of Marine Sciences (VIMS) in Gloucester, Virginia, Carl Hershner is quite familiar with the delineation of RMAs in that region. His role in the process has been that of a resource information officer. His particular expertise area is the wetlands and marshes of Southeastern Virginia. Hershner has lectured at forums designed to tell of the benefits that wetlands and marshes have upon the water quality of the Bay. Personally he would like to see all localities designate the largest RMA possible, yet he realizes that his

⁷The localities and the type of ordinances they adopted are listed in table 2.

TABLE 2

Locality	RMA Designation	Type of Ordinance	Date of Adoption
James City County	jurisdiction	stand alone	8/6/90
City of Norfolk	remainder of lot	revision of all	8/28/90
City of Portsmouth	floodplain/530'	overlay	8/31/90
Town of Smithfield	jurisdiction	stand alone	9/4/90
Town of Warsaw	jurisdiction	overlay	9/5/90
York County	500'/floodplain	overlay	9/6/90
City of Hopewell	floodplain/steep slopes	overlay	9/6/90
Town of Cape Charles	jurisdiction	overlay	9/11/90
City of Colonial Heights	floodplain, steep slopes/100' min.	overlay	9/12/90
Westmoreland County	jurisdiction	overlay	9/12/90
City of Williamsburg	500'	stand alone	9/13/90
Richmond County	jurisdiction	stand alone	9/13/90
Northumberland County	jurisdiction	overlay	9/13/90
Town of Ashland	hydric soils/100' min.	stand alone	9/17/90
City of Petersburg	floodplain/100'	overlay	9/18/90
City of Newport News	100'	stand alone	9/18/90
City of Suffolk	watershed	overlay	9/19/90
Lancaster County	jurisdiction	overlay	9/20/90
City of Fairfax	all elements/100' min.	overlay	10/9/90
Northampton County	jurisdiction	overlay	10/9/90
Chesterfield County	jurisdiction w/opt out	overlay	10/10/90
Town of Irvington	jurisdiction	revision of all	10/11/90
Town of Kilmarnock	jurisdiction	revision of all	10/15/90
Hanover County	floodplain/150' min; int. stms, nontidal/25'	stand alone	10/24/90
Town of White Stone	jurisdiction	overlay	11/1/90
City of Va. Beach	100' / <3 acres then parcel depth	stand alone	11/6/90
Town of Colonial Beach	jurisdiction	overlay	11/8/90
City of Falls Church	conc. of features/10' min.	overlay	11/12/90
City of Hampton	100'	overlay	11/14/90
Isle of Wight County	watershed w/opt out	overlay	11/15/90
Prince William County	jurisdiction w/opt out	revision of all	11/27/90
Town of Herndon	jurisdiction w/opt out	overlay	1/22/91
King George County	jurisdiction	overlay	3/5/91

March 7, 1991 Towns 9 Cities 13 Counties 11

SOURCE: Chesapeake Bay Local Assistance Department

function as a state employee is to provide the community with the information necessary to make an informed decision. (Hershner, Carl, Virginia Institute of Marine Science, Personal Conversation, 3/13/91)

The Council on the Environment (COE) has responded in a similar way. COE is primarily responsible for reviewing the impact assessment of development site plans, education responsibilities, and technical solutions to development projects. Rick Hill, Environmental Program Planner for the COE feels that crossing boundaries that are specifically designated as a responsibility of the Chesapeake Bay Local Assistance Department is simply not done. At best, this agency has a peripheral role with the establishment of any Bay Act regulations. Hill hinted that other state agencies probably follow the same rule. (Hill, Rick, Environmental Program Planner, Council on the Environment, Phone Conversation, 4/17/91)

State agencies have little direct affect on the designation of RMAs in rural localities. Indirectly, they provide information that might help the locality understand the issues better. This can be accomplished through public meetings, private hearings with the County Board of Supervisors, or reports on the subject matter. The role of state agencies, other than CBLAD, on the delineation of RMAs in rural localities is limited.

THE DYNAMICS OF NONGOVERNMENTAL ORGANIZATIONS

INTRODUCTION

Environmental quality is important to everyone. Developers and real estate organizations are supportive of most efforts to preserve the water quality of the Bay just as the environmentalists are; the difference between the two groups, however, is the extent to which regulations impact each group's particular interests. Environmentalists cry out for better protection of tidal and nontidal wetlands because they believe they are an integral element within the Chesapeake Bay ecosystem.⁸ Developers insist that nontidal wetlands

⁸Both tidal and nontidal wetlands must have the following characteristics to be considered a wetland: (1) Hydrophytic Vegetation (plantlife), (2) Hydric Soils (soils that are saturated, flooded, or ponded), and (3) Wetland Hydrology (soil saturation for a significant period during the growing season, which in Virginia is typically defined as February 1 - October 31. (*Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, 1989)

have nothing to do with the degradation of the Bay and that the inclusion of these areas will hamper economic development. Each group becomes entangled in the regulatory process in order to achieve the best results for which they stand for. Who is right and how can citizens and politicians make an informed decision regarding these controversial issues and more? Nongovernmental organizations are important players in the political arena. They force the conflicting issues to be analyzed and debated so that all opinions will be assessed accordingly when the final decisions become law.

What is a nongovernmental organization? NGOs are more commonly associated with the term's nonprofit or not-for-profit entities, yet the definitions for each term are virtually the same. Thomas Wolf provides the following definition to describe the nonprofit organizations' mission:

There can be no owners in a nonprofit organization because such an entity is intended to serve a broad public purpose and the law is clear in specifying that ownership (with concomitant private gain) is incompatible with public purpose. This is not to say that nonprofit organizations cannot make money. Nonprofit organizations can and do make money--in the same way profit-making entities do--but the money that is taken in must be directed toward the public purpose for which the organization was set up... (Wolf, 1984, p. 4)⁹

NGOs have a public service mission whose scope can include international, national, and regional issues. However, it is at the community level where one will find a great deal of attention relegated to the citizen-based organizations. These entities are full of people with a passion to right the wrong that is inflicting his territory. It is a group of citizens who

⁹For further reading about Nongovernmental Organizations see Wolf (1984), Kirk (1986), Waldo (1986), and Krimmons (1983).

want to change a law, or prevent one from coming into being. It is business people wanting to protect their means of income. Each one of these groups are going to take a particular stand and defend it the best way they know how. These community-based organizations perform important societal functions, as W. Astor Kirk explains:

- * They stimulate needed changes in social values.
- * They operate as a laboratory for testing proposed new social policies and programs.
- * They ensure the delivery of social services to low-income/low-status members of the body politic in humane and less impersonal ways.
- * They provide channels through which citizens may participate meaningfully in the public affairs of the local polity...(Kirk, 1986, p. 21-22)

To ensure that no confusion would exist in this paper, the term nongovernmental organizations was chosen to represent nonprofit, not-for-profit, and community-based citizens' organizations.

The promulgation of the Chesapeake Bay Preservation Act has thus far provided a convenient forum to examine the impacts that nongovernmental organizations have had concerning the implementation of the Act's regulations. It has provided and will continue to provide a keen insight to how nongovernmental and governmental organizations will react and respond to each others demands. The political system in which all decisions must ultimately pass becomes an important mechanism in this passionate struggle to achieve government's, nongovernmental organization's, and citizens' goals.

THE LOCAL POLITICAL SYSTEM

Our political system in the United States allows for the participation of a variety of groups in the decision-making realm. As O'Riordan and Sewell explain:

The style of democracy clearly effects the degree to which a small group of interests can dominate policy-making, the extent to which information is made available, and the relationship between (a) *closed decisions* (no consultation with wider interests), (b) *consultation* (where selected interests are informed of impending decisions and asked to state their views but with no guarantee that their views will be taken into account, and (c) *influential participation* (where a wider array of interests are not only consulted but are directly involved in negotiations that lead to publicly accepted outcomes). (O'Riordan and Sewell, 1981, p. 4)

The extent to which an interest group is effective can be directly correlated to the structure of democracy with which they are operating: whether it is *consultation* or *influential*; whether it is open and allows participation; and whether it provides the pertinent information needed to assess relevant materials. These considerations are all important determinants of the success that nongovernmental organizations will experience.

The structure of the political system in rural counties often differs from that in larger cities. At the rural level the Board of Supervisors, a group of people that a majority of the community will often know personally, is responsible for adopting regulations. Forward thinking rural counties may have a planning department, often consisting of a director handling all department responsibilities. He provides the necessary resources and data to produce preliminary recommendations for the Planning Commission who add their comments and revisions and recommend a plan of action to the Board. The Board of

Supervisors, the last step in the decision-making process, possess the authority to adopt and implement the final regulations. Establishing Resource Management Areas is a Board of Supervisors' responsibility.

Rural versus nonrural -- what is the difference? *The American Heritage Dictionary* defines rural as "pertaining to the country as opposed to the city." Population size must be considered a determining factor to an area's designation as rural or not. The population size of a county has often been mentioned by the larger nongovernmental organizations interviewed as a reason why they have or have not been a participant in the decision-making process in rural jurisdictions. Many felt that the larger the community, the more actively they would pursue an issue. Richard Cole affirms this by contending that "larger and central cities...are much more likely than smaller and suburban cities to adopt a program of citizen participation." (Cole, Richard, *Citizen Participation and the Urban Policy Process*, p.43) Nongovernmental organizations are going to be effective when citizens become involved in the mission at hand, which, according to Cole, is prominent in larger cities. Rural communities are stereotyped when large interest groups assume that their participation will be less than their larger counterparts. Nearly all of those interviewed for this paper contended that the size of the community was responsible for the extent to which participation by nongovernmental organizations would exist: Rural localities having less participation, larger cities having more. This presumption will be discussed further in the case studies.

Besides population of the locality, effective lobbying power is also dependent on the size, organization, financial prowess, and political ties of the interest groups. These qualities virtually define whether or not these groups will remain active or simply fade away. The

larger the organization the more likely one will find these attributes; however, this does not imply that large non-profit entities will partake in rural localities problems. It simply means they have the organization and resources needed to be effective.

Most often it is local citizens' groups that provide the greatest degree of participation and effectiveness at the rural level. These are the people who will be directly affected by regulations and have the most at stake. One study found that the "greatest success for all criteria, program impact, community impact, and skill development (for Citizen Participation Organizations), was found for target populations between 5,000 and 20,000 citizens" (Yin, Robert K., *Citizen Organizations: Increasing Client Control Over Services*, p. 50). Citizens' participate when policies directly affect them. "Neighborhood associations spring up as single-issue political voices, most commonly in response to specific changes or proposals for changes in land use. They are profoundly identified with the politics of growth" (Logan, John, "Neighborhood Associations and the Politics of Development," p. 33). In rural localities, as Yin explains, the issue becomes more "personalized" by the community, therefore many of the citizens' want to become directly involved with the issue. The next section will examine this further.

NONGOVERNMENTAL ORGANIZATIONS: A LOCAL PERSPECTIVE

CITIZENS' GROUPS

Throughout Virginia, citizens' groups are utilizing their concerted efforts to better protect

their interests within that locality. Some groups are formed to protect historic sites, some to raise money for the local park, usually though, it is a reactionary movement which is prone to last as long as it takes to achieve the desired goal. These groups are integral in the roles that they play to advance their philosophy to the rest of the locality. When dealing with the Chesapeake Bay regulations, citizen groups will form into three groups:¹⁰

- those with little or no land
- those with a great deal of land
- and those that do not participate

When broken into these three groups one can distinguish the division between those for the delineation of a 100 foot RMA buffer zone and those who will likely oppose it. Most advocating the resource management areas are often genuinely motivated to protect the water quality of the Bay and need not fall into these categories. Groups such as the Middle Fork Holston River Water Quality Committee¹¹ and the Friends of the Piankatank¹² are examples of citizens' participation organizations that have been formed to ensure that the water quality of rivers and streams are continually improved. Some people with a great deal of land will automatically oppose any regulations they believe would restrict their

¹⁰Although this is simplified breakdown of how the people would form into groups, the foundation is correct. There are people who own a great deal of land and have instilled a keen sense of environmentalism, thus not opposing the Act's regulations. Likewise, the opposite exists, for example people who own little land or those that are not affected by the regulations could be vehemently opposed to the establishment of RMAs. Most often, however, one will find those who feel most threatened by regulations banding together to fight them.

¹¹For further reading about this Committee see Hirschman (1990).

¹²Friends of the Piankatank is located in Middlesex County, Gloucester County, and Mathews County, Virginia and is discussed in the Mathews County case study.

rights to their land, however, this does not always hold true. Many times it is a landowner with property bought ten years ago in hopes of retiring their in the future, that feels threatened he will not be able to build on it.

BUSINESS, INDUSTRY, AND AGRICULTURE GROUPS

Local real estate groups, developers, businesses, and large landowners are the central components of this group. As will be seen in the Regional Perspective section, these groups are rather powerful when they combine their forces. Alone, however, they have to rely on the ability of local representatives of the national organization to act on a problematic issue. This is often difficult to do when the representative is worried about his business or farm being run properly. The organizations are active within the more populous areas, however within rural localities the ability to garner the members is hampered by lack of interest. Such is the case with the Farm Bureau, for example.

The Farm Bureau is concerned with how the Chesapeake Bay regulations will affect the agriculture-based family. The state Bureau believes the more land designated as Preservation Areas, the less land the farmers will have available for cultivation. John Johnson, working for the Farm Bureau at the state level, believes that the effect buffers have on water quality is minimal at best. Johnson believes that Preservation Areas consume fertile land adjacent to the tributaries, and affect the income of the farmer. The Farm Bureau at the state level has been concentrating on lessening the buffer requirements in the Bay Act. The involvement at the local level is somewhat different.

Johnson explained that the local representatives of the Bureau are responsible for being active within that community. A local farmer is elected to the position by his peers, and is then responsible for conducting meetings and formulating the position of the local chapter. If the local representative needs help with an issue, such as the delineation of RMAs, they refer to the state office which will then attempt to supply them with the proper information. The degree to which the local representative is effective depends on how busy that person is with his own business, usually a farm. "The farmers work long days, and often do not have the time to become deeply involved with the impact of issues on the community," explained Johnson. The state office is busy trying to amend the regulations at that level, and the local representatives are busy trying to make a living. An exception mentioned by Johnson is the local president of the Accomack County Farm Bureau who has been an active participant in the mapping of RMAs. (Johnson, John, Farm Bureau, Phone Conversation, 3/7/91)

This is not the case for all pro-growth groups. Other pro-development groups such as the local Homebuilders Association and Realtors Association can usually be found in the thick of critical issues affecting them. However, at the rural level, these groups are not as dominant as their counterparts in larger cities. The relationship between the local government and citizens' groups is instrumental to the degree that each organization will be effective. The case studies will elaborate this concept further on in the paper.

NONGOVERNMENTAL ORGANIZATIONS: A REGIONAL PERSPECTIVE

ENVIRONMENTAL GROUP PERSPECTIVE

At the regional level organizations tend to be a bit more financially stable, structurally organized, and have a great deal more political ties not only at the local level but at the state level as well. Regional groups such as the Southeastern Association for Virginia's Environment (SAVE) and the Lower James River Association¹³ are extremely influential in the localities they serve. SAVE operates out of Chesapeake, Virginia, and is responsible for the massive Clean the Bay Day, where thousands of Southeastern Virginians participate in collecting tons of garbage that are dumped and washed onto the shores of the Chesapeake's tributaries. Robert Dean, founder of SAVE, has a genuine concern to clean the Bay and its tributaries, and to limit the amount of growth in Chesapeake Bay Preservation Areas, which is why his organization has been influential in the designation of all RMAs in that region. They have been in heated battle's with developers and the Planning Commission in many Southeastern Virginia localities, and have been successful in raising public awareness regarding environmentally sound decision making. (Dean, Robert, Southeastern Association of Virginia's Environment (SAVE), Phone Conversation, 4/2/91)

Robert Dean has given two reasons SAVE has not been as active at the rural level: financial

¹³For further reading about this organization see Hirschman (1990).

limitations, and staffing demands his organization cannot meet at the moment. According to Dean, most regional organizations are self-funded to reduce influence by potentially biased entities. Although SAVE has not had any grants at this time, they expect to receive them in the near future. As more money flows into SAVE, they will expand their priorities and increase their efforts to reach all localities. The second problem deals with too many issues to concentrate on at one time. The organization at this time has had to prioritize the issues so as to handle the ones that directly affect the Southeastern region. He also attributes the lack of nongovernmental organizations presence at the rural level citizens' or the local government's resistance to outside assistance. Many times the effort will not be made because the ruling body does not agree to the stance the groups are taking. Nevertheless SAVE has engaged in many successful battles in Southeastern Virginia.

BUSINESS AND INDUSTRY PERSPECTIVE

The Peninsula Coalition for Environmental and Economic Stability¹⁴ provides an example of the other side. The Coalition has had a profound effect on how the business community and homeowners (not only on the peninsula but throughout the region), have reacted to the regulations of the Act. Extremely influential and with substantial resources at hand, they have the ability to trumpet their cause throughout the region. There are many people in this organization with "clout," all of whom have the ability to support a candidate based solely

¹⁴The Peninsula Coalition for Environmental and Economic Stability includes: Chesapeake Corporation, Commerce Bank, Ferguson Enterprises, Inc., Newport News/Hampton Board of Realtors, Newport News Shipbuilding, Old Point National Bank, Peninsula Economic Development Council, Peninsula Housing & Builders Association, Peninsula Ports Authority of Virginia, Peninsula Retail Merchants Association, Virginia Natural Gas, and Virginia Power.

on a single issue, or ruin a candidate's campaign based on that issue. In this case the issue is the Chesapeake Bay Preservation Act. The message they trumpet is quite effective because it impacts the people where they feel it the most, their pocket books. The following is a sample of how the Coalition stands on the issues concerning the Chesapeake Bay Act, particularly with the delineation of RMAs on and surrounding the Peninsula:

Moreover, the cost of inclusion of any property within the Resource Management Area is so high that it will have a substantial economic impact on any locality, not the least of which are increased governmental costs in management, decrease in tax base by virtue of the inability to use the land, and an increase in the cost of development of the particular piece of property. At a time when "affordable housing" is a major concern of governmental bodies, this is of particular concern. (Policy Paper Concerning Local Implementation of the Chesapeake Bay Preservation Act, 1990)

This group has been influential in the designation of RMAs on and around the Peninsula, and their message has a significant impact on rural communities. Although they will not become directly involved with the decision-making process, they provide information to the local Realtors and developers which indirectly proves to be an extremely useful tool for these groups. It will not matter if the information is incorrect or correct, the damage will have taken place with the negative publicity. (Pope, Jill, Government Affairs Representative for the Peninsula Housing and Builders Association of Virginia, Phone Conversation, 3/25/91)

As with citizens' groups, these regional groups, the Coalition in particular, were formed to *react* to a potentially business threatening problem. For developers, Preservation Areas mean more restrictions on what and where they construct, which in turn means more money out of their pockets and hampers economic development. For environmental

groups, they mean the prospect of stricter regulations to enhance the quality of the Bay and its tributaries, to slow the growth rate they contend is damaging the environment. No matter which group is correct, they will continue to utilize every means to interact with the public. The organizations which demonstrate greater public support, will have an easier path to victory.

NONGOVERNMENTAL ORGANIZATIONS: A NATIONAL PERSPECTIVE

The Association of General Contractors, the National Home Builders Association, the Sierra Club, Green Peace, and the Chesapeake Bay Foundation¹⁵, all fall under the category of national nongovernmental organizations. The overall philosophy of these groups is different from that one would find at the local level since national offices are primarily responsible for establishing priority issues, publicity, and dictating how the state and local agencies will react within their state or region to those issues.

One of the main reasons these organizations are so successful is their ability to attract financial grants, endowments, and gifts from a variety of sources. The Chesapeake Bay Foundation has raised over four million dollars in membership contributions, grants, gifts, and education contracts and tuition alone. (*Save the Bay, 1990 in Review*) With these funds, organizations have the ability to maintain significant research efforts, hire field

¹⁵Although the Chesapeake Bay Foundation's primary objective is to deal with the the Bay, its innovative and comprehensive research of this ecosystem can be utilized in other areas in the United States, for example the Great Lakes. They also have a membership of over 78,000 people from across the nation, which qualifies them for the label of a national nongovernmental organization.

personnel, and create publicity needed to further their goals.

These organizations' most significant role at the local level is providing citizens' groups, development groups, and local governments with the resources necessary (when they ask for them) to pinpoint solutions which improve their local situations. Richmond County is a good case of a locality utilizing the resources offered by a national organization, in this case the Chesapeake Bay Foundation, to help with the variety of tasks involved in responding to Chesapeake Bay regulations.

National nongovernmental organizations are extremely busy with national issues, so they will not be able to appear at every local function. Rupert Friday, a natural resources planner for the Chesapeake Bay Foundation has stated that his organization cannot be expected to be at every town meeting, planning commission hearing, or citizens' group gathering because it would put too much of a strain on him. Friday does attend gatherings he feels are most useful and important to the issues and to the public he serves; that alone is a cumbersome task when you realize that he is responsible for the entire Rappahanock region in Tidewater Virginia. (Friday, Rupert, Natural Resources Planner (Rappahanock Region) Chesapeake Bay Foundation, Phone Conversation, 4/5/91)

NGOs AS A RELIABLE SOURCE

An important question must be answered concerning nongovernmental organizations willingness to stay together and continue their mission: To what degree do policy makers take nongovernmental organizations seriously if they know that they are only short-term,

issue-oriented groups? A great deal of these groups are formed around a single issue and are concerned with only short-term benefits. Can policy makers depend on them as legitimate, concerned representatives of specific interests? The answer lies in the structure of the organizations and the community or region in which they operate.

An example of an organization that would not fit into the short-term, reactionary group category is the Chesapeake Bay Foundation. The Foundation is a large, organized, and multi-issue group. Concerned with education, litigation, and land issues, the Foundation is dynamic in every way. It would be wise for policy makers to listen and learn from this organization, because they too have the clout to force an issue to the public forum. Regional groups like the Lower James River Association, Southeastern Association for Virginia's Environment, Peninsula Home Builders Association, and many other established, multi-issued groups have the same kind of clout within their regions and will continue to flourish and provide a pivotal role in policy decisions.

On the other hand, citizens' groups like the Friends of the Piankatank, may not continue long as an influential organization, especially when the Act's regulations are initiated in Middlesex County, Gloucester County, and Mathews County. The structure of the organization is not conducive to a long, active participatory role in the system. The group is basically a concerned neighborhood organization, which focuses on one issue and because of that, will likely fade away when that issue is resolved. This does not suggest however, that policy makers will be indifferent to their demands. Because the political structure is different at the county level, and the population base is much smaller, local officials will pay close attention to these group's demands. There is a greater sense of community at the rural level. Policy makers understand the needs of their neighbors and

often will respond to them positively

Finally there are the groups that are concerned solely on the short term gains they will lose from regulations. As with the citizens' groups, these organizations will likely fade away as soon as the issue has been resolved, no matter if the resolution benefits them or not. The Peninsula Coalition for Environmental and Economic Stability falls under this category because they were established strictly for combatting the Bay Act's regulations. They have the most to lose if the RMAs are established in their "territory" and the most to benefit if they are not. When the issue is finally settled they will likely disband until another issue surfaces that the Coalition believes may adversely affect the business community. However, local policy makers will continue to be acutely aware of the stance this group takes because of the clout they possess in the community.

A majority of the time, elected officials take seriously all nongovernmental organization's activity in their community. They are aware of the issues that help shape citizens' groups; the degree to which national organizations participate in the local policy making process; and the length to which regional groups will go to pursue an issue. These considerations are all indications of what the constituency believes to be important, and it is these signals which provide the local decision-maker with the information needed to establish acceptable policies to the constituency.

Richmond County: The Chesapeake Bay Foundation Connection

INTRODUCTION

Nongovernmental organizations have become a fixture in today's society. As has been previously discussed, the role that these organizations play is often affected by the locality in which they operate. The effort a locality puts forth to attain services or input from these organizations, conveys a great deal about the extent to which they desire help. In any community it is often difficult to rally the public together to support measures that will not directly affect them, even though the effects could be felt in the future. Cooperation between these groups and the local governments is necessary to garner the support of landowners not sure of how new regulations will impact them, businesses weary of potential economic implications not only to themselves but the community as well, and citizens' concerned with the quality of the water they are using.

Change will be looked upon by rural localities with a degree of anxiety only found in communities set in their traditions. The pressure is then placed on the local government to educate the community so as to ease the effects of progress taking place because only with their support will regulations be approved and passed. Richmond County began the education process early, not only to inform the people of the community, but to develop the support needed for successful change in the community.

Richmond County is a rural locality located in the Northern Neck portion of Virginia (see figure 4). With just over 7,000 people in a 197 square mile area, Richmond County is now more accessible and more attractive to outside developers and second-home owners. Situated next to the Rappahanock River, the county boasts of over 700 miles of shoreline making river front property an attractive investment to potential buyers. The County thus far has not been as heavily affected by the boom in housing permits as their neighbor, Lancaster County, which has seen the number of housing permits issued rise over 227 percent in April, May, and June of 1989. (*Washington Post*, September 11, 1989) Richmond County is beginning to experience the same kinds of development pressure.

In 1987, local officials realized that their comprehensive plan would have to be updated to accommodate the increasing pressures on growth in the county due to speculation of stricter land use laws. Being the only Tidewater locality without a zoning ordinance, Richmond County was sure to be affected by the Chesapeake Bay Preservation Act. The county needed to implement a plan -- to accomplish that would require assistance.

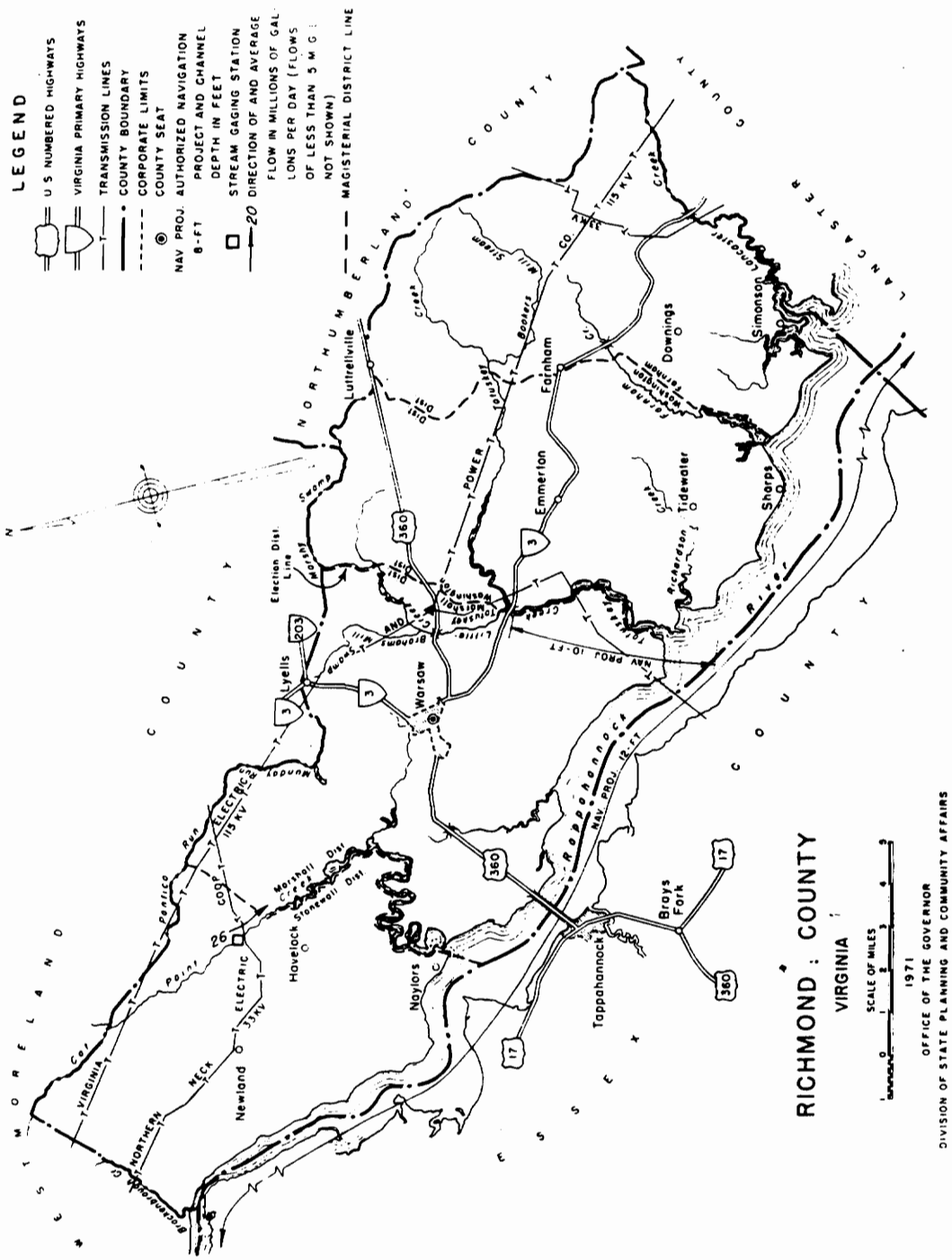


FIGURE 4
SOURCE: Department of Planning and Community Affairs, 1971

THE SHORELINE ADVISORY COMMITTEE AND THE ROLE OF THE CHESAPEAKE BAY FOUNDATION

It was in 1987 that changes started occurring in this Northern Neck county. The Board of Supervisors and County Administrator, Steve Whiteway, realized they needed to revise their comprehensive plan to accommodate future land use problems. Whiteway had previously worked with Joe Maroon, Executive Director of the Chesapeake Bay Foundation (CBF) in Virginia, in a Roundtable convened by the General Assembly studying policies regarding the Chesapeake Bay. It was during these meetings that Whiteway and Maroon began discussing the future of the Northern Neck and the need for land use regulations to control the increasing development pressures in Richmond County. Because of Maroon's previous involvement with Whiteway, it was only natural that the County Administrator requested CBF's help in the revision of the plan.

The county, being mostly flat, is rich with prime farmlands and extensive wetlands, primarily along the shoreline; thus, any comprehensive plan would have to include an extensive study of this land. CBF and county officials knew that if this process was to be successful, the community needed to be involved. The Richmond County Board of Supervisors established the Citizens Shoreline Advisory Committee, to study possible shoreline protection measures and provide recommendations based on that study. All facets of the Richmond County community had to be included in order to ensure fairness and equity. Twenty-five people served on the committee ranging from developers, real estate people, farmers, and most importantly -- waterfront property owners.

The Chesapeake Bay Foundation served primarily as an external resource providing the

County with the land use data to be used with the Resource Information System (discussed in detail later in this section). They also provided the Shoreline Advisory Committee with the expertise needed to educate them on the variety of biological, ecological, and technical aspects concerning the overall analysis of the comprehensive plan.

A comprehensive shoreline study completed by the Shoreline Advisory Committee provided the following final recommendations:

1. A better understanding of Richmond County's valuable shoreline resources;
2. Consensus among county citizens, and especially among waterfront landowners, as to the way that Richmond County should develop in the future, with particular emphasis upon the shoreline;
3. A comprehensive planning element that records these desires for the shoreline and serves as a guide for future use of the shoreline;
4. A revised subdivision ordinance that will provide guidelines and regulations for future development;
5. Preliminary zoning ordinance draft, with particular emphasis upon the shoreline;
6. A development revenue/cost relationship study;
7. A Richmond County Geographic Resource Information System (RIS). (Duncanson, Virginia Land Use Digest, 1991)

These accomplishments were not the product of a few meetings; in fact it took two years to produce these recommendations. The cooperation of all parties was crucial to the success of the study and how it would be integrated into the county's comprehensive plan. The process was by no means an easy task. As with most environmentally sensitive issues, especially those dealing with property rights, sides were taken. In order to hammer out any differences, the participants had to be educated on the issues.

CBF organized many workshops which were lead by executives from state agencies, university experts, and their own personnel to provide the committee with the data and information needed to make the correct decisions. Everyone involved made a concerted effort to learn and to help one another understand all phases required to revise a comprehensive plan. The endeavor by CBF, the Shoreline Committee, and the local government proved to be extremely useful in the delineation of Resource Preservation Areas in the county.

ESTABLISHMENT OF RESOURCE MANAGEMENT AREAS

In 1989, many of the Shoreline Committee's recommendations were adopted by the county. The Board of Supervisors hired William (Bill) Duncanson, their first Planner/Land Use Administrator to handle the Bay Act's regulations. The Committee's study revealed a need for a comprehensive computer based resource inventory system. A Geographic Information System, aptly entitled the Richmond County Resource Information System (RIS) was developed.

Grants supplied funds to purchase the system, while CBF and the Information Support Systems Laboratory (ISSL) from Virginia Polytechnic and State University investigated the feasibility and probability of Richmond County being able to accommodate the system. The RIS system provides an important resource base for neighborhood analysis, site plan reviews, and a wide variety of mapping abilities. It did not take long for the decision to be made in favor of the system. Duncanson credits RIS as the biggest help with establishing Chesapeake Bay Preservation Areas, specifically RMAs (Duncanson, William, Director of

Planning for Richmond County, Personal Conversation, 3/12/91). For an example of an RIS Preservation Area output, see figure 5.

The RIS system was used to digitize the pertinent data required by the regulations.¹⁶ Duncanson, with the help of the system, discovered that less than ten percent of the county fell outside the RMA criteria. This land, most of it scattered in the Northwest section of the county, proved to be of inconsequential size and was not significant enough to consider for inclusion in the RMA boundary. With the approval of the Planning Commission and the Board of Supervisors, the county included all areas outside of the Resource Protection Areas (the rest of the county), as a RMA. The transition was not a problem to many of the citizens of Richmond County because they had previously been involved throughout the process.

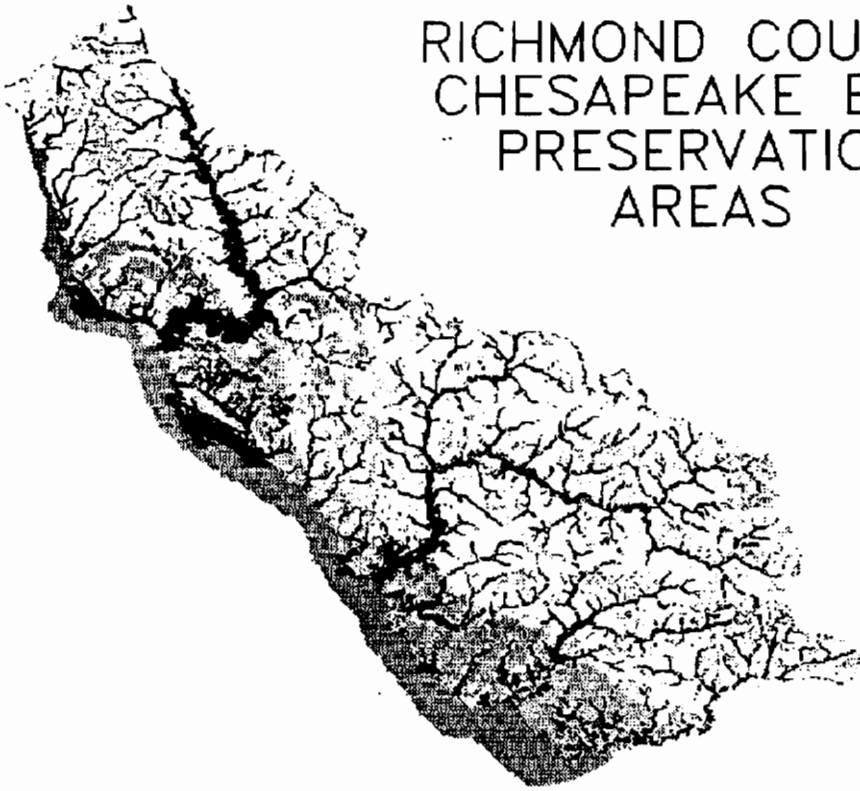
NONGOVERNMENTAL ORGANIZATION'S ROLE

Nongovernmental organizations did not directly participate in the delineation of RMAs in Richmond County: they did however, provide the impetus for the mechanism (RIS system) that helped in the decision-making process. Bill Duncanson, with the help of the RIS system, and the approval of the Board of Supervisors, was responsible for the delineation of the management area's.

During the designation stage of the RMAs, Duncanson had to ward off what he called "scare tactics" of realtors and developers. These groups purchased ads in local publications

¹⁶For example nontidal wetlands. See section 2 of the paper for specific criteria.

RICHMOND COUNTY CHESAPEAKE BAY PRESERVATION AREAS



LEGEND

- RIVER
- STREAMS
- WETLANDS (T)
- WETLANDS (N)
- 100' BUFFER
- PERMEABLE
- ERODIBLE
- OTHER RMA
- FLOODPLAIN

T = TIDAL
N = NON-TIDAL

SOURCE:
RICHMOND
COUNTY
RIS

FIGURE 5

SOURCE: Richmond County's RIS

to tout their point of view to the public concerning how RMAs would economically deprive the county of money, while at the same time cost the county more to enact. Many of these opinions were organized by Hampton Roads organizations since the Northern Neck did not have many established groups to carry any significant impact within the County. This proved to be the limit of participation by the pro-development groups in the county. Duncanson conceded that these scare tactics caused his greatest concerns, because he felt that people would react negatively when they believe that government is trying to tell them how they can use their land. (Duncanson, William, Director of Planning for Richmond County, Personal Conversation, 3/12/91) It proved to be a moot point in the end, mainly because the county involved the citizens from the beginning.

CBF became involved in the county partly because the study was a task that would benefit the Bay, and secondly it provided a model that could be used by other jurisdictions. Their input into the RIS system was extremely beneficial to the finalized land use regulations. The study also provided added publicity and notoriety as well as create a great public relations tool that undoubtedly bolstered the status of the Foundation at the state level. In the long run the results from CBF's involvement with Richmond County could prove useful in gaining additional grants and funds for similar studies involving other localities in Tidewater Virginia.

By far the most important role performed in this process was that played by the Shoreline Advisory Committee. The Committee was the key to the success of the County's efforts to revamp their comprehensive plan. A citizens panel, as Ned Crosby describes, "is an effort to put a representative group of the public in dialogue with public officials so that the officials get the reactions of the people themselves on a particular subject, rather than

simply getting the views of those who are lobbying from a particular point of view." (Crosby, Ned, "Citizens Panels: A New Approach to Citizen Participation," 1986, p. 171) Because the county had enough foresight to include the community, from developers to farmers, they averted what could have been a battle. Forums and hearings open to the public were initiated two years prior to establishing RMAs, ensuring the community would be well educated and that their opinions mattered. Duncanson emphasized that an informed citizenry helped immensely with the acceptance of regulations. (Duncanson, William, Director of Planning for Richmond County, Personal Conversation, 3/12/91)

The Advisory Committee was crucial for another reason as well. Through the Committee, the local government was effectively able to "screen" CBF's participation in a politically astute manner. This process allowed information to be properly assessed and interpreted by local decision-makers. Information was passed through this "filter" so that prudent decisions would be made that reflected the needs and wants of the community. On the other hand, CBF needed the Committee to gain access into the project, as well as to educate, influence, and gain the trust of the citizens involved. The Shoreline Advisory Committee was the stabilizing factor throughout the process allowing both the nongovernmental organization, CBF, and the local government's representatives, the Advisory Committee, to nurture their ideas into plausible solutions to better their community.

CONCLUSIONS

The role that nongovernmental organizations played in Richmond County rested primarily

with the Chesapeake Bay Foundation; however, it was the Shoreline Advisory Committee which provided the forum where the citizens, local government, and CBF could work on solving the problems facing the County. The importance of communication between a locality and its government cannot be over-emphasized. Richmond County had a keen sense which allowed them to establish this relationship early on ultimately accounting for the success of the process.

As to the role nongovernmental organizations played in the actual *delineation* of Resource Management Areas -- it was indirect at best. CBF was instrumental in the initiation of the Shoreline Advisory Committee which eventually recommended that the County purchase the RIS system. The output from the RIS system was utilized by the Director of Planning and the Board of Supervisors to delineate RMAs. Tactics utilized by the development and real estate community had no real bearing on the outcome of any decisions because the community was involved from the start of the process. CBF was the source of the land use data gathered; however, it was the RIS system that local officials used to ascertain the final decisions regarding the delineation of RMAs.

MATHEWS COUNTY: REGULATIONS ON THE HORIZON

INTRODUCTION

Some localities have been more hesitant in implementing the Bay Act's regulations for a variety of reasons. Some feel the Act will adversely affect rural localities which do not have sufficient manpower and technical expertise to properly implement the regulations in a timely way. Other jurisdictions feel their regulations meet and/or exceed those required by the Act. Still, some localities claim that two years are simply not enough time to revamp existing or nonexistent plans to meet the requirements. No matter what the reasons, approximately half of the Tidewater jurisdictions have yet to meet the deadlines imposed by the Commonwealth. Mathews County is included on that list.

Mathews County, located on the Middle Peninsula, juts out into the Chesapeake Bay, where many of the locals, or "Guineamen" as they are referred, harvest shellfish and

oysters for their livelihood. (See figure 6) There are approximately 8,000 people, up almost four percent since 1980, residing in a 105 square mile land area (Uzel, James, Environmental Programs Coordinator, Middle Peninsula Planning District Commission, Phone Conversation, 4/11/91). The county is located less than an hour away from Richmond, Williamsburg, Newport News, and Hampton, making the growth potential for the area very high. The past ten years has seen an outward migration from the Peninsula towards James City County and Mathews County. Mathews County officials want to see this migration continue to their community. They want and encourage growth.

A significant reason the area is so popular is the 200 miles of accessible shoreline to dock sailboats, and the proximity to the Chesapeake Bay. Mathews County has an abundance of prime land for future development. The County also offers the newcomer the ability to be in driving distances from many attractions, including: Virginia Beach (a one hour drive), and the Blue Ridge Mountains (three hours away). These are the amenities new-home owners, retirees, and second-home owners look for, and those the County wishes to boast to the rest of Virginia.

Ted Costin, Director of Planning and Zoning, has stated that growth is already taking place in the county. The area saw a sixty-nine percent increase in building permits prior to the first deadline for local adoption of regulations. A chart that Costin likes to show people is the varying fluctuations of permits issued in correlation with enactment of the Bay Act. It started with the three months surrounding the implementation of the Bay Act in 1988, where permits issued during that time skyrocketed. Following this movement, a cycle can be seen in his chart showing a jump in permits issued whenever a deadline nears. Costin

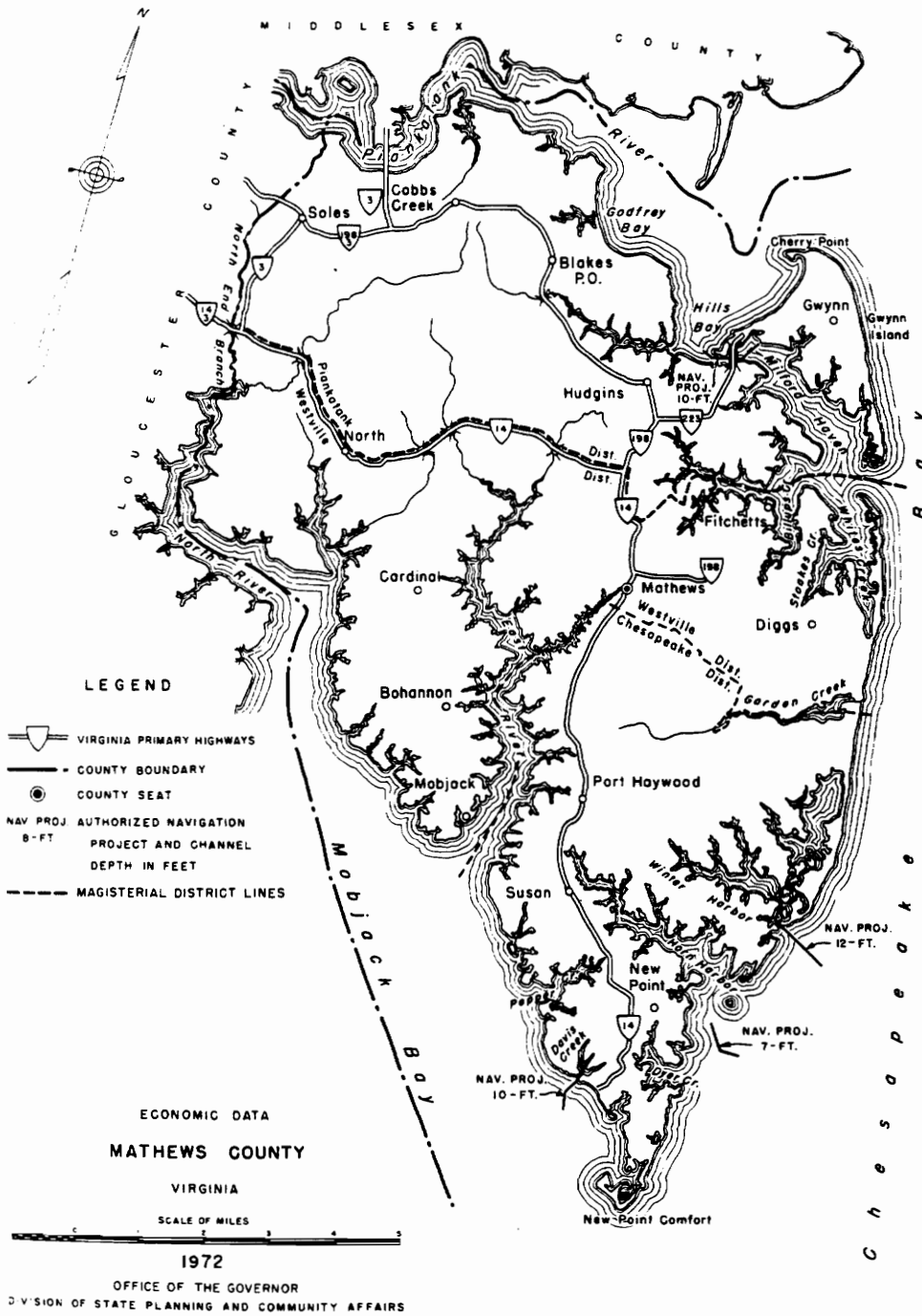


FIGURE 6

SOURCE: Division of State Planning and Community Affairs, 1972

fears that when Mathews County fully complies with the Bay Act the number of permits issued will decrease rapidly. (Costin, Ted, Director of Planning for Mathews County, Personal Conversation, 3/12/91)

SLOW PROGRESS IN DELINEATING RMAs

As of March 11, 1991, the county received maps from the Middle Peninsula Planning District Commission necessary to begin delineating RMAs. Costin explained that the Chesapeake Bay Local Assistance Department has too few people to handle Tidewater's mapping problems. He contends that the lack of maps and technical resources has been the major cause of delays in the public process. While the maps were received late in the game, the county appears to have still made little effort to accelerate the process. Why? First, the Director believes that the entire county will eventually end up designated as a RMA, therefore there is no hurry to delineate the areas at this time; second, Costin gave the impression he would like to see growth and development accommodated in Mathews County which would explain why the county has been moving at a slow pace to implement regulations. This would allow maximum development before further restrictions were put into place.

Plans have been made to begin, by April 1991, public hearings and meetings with interested organizations about how the RMAs will be designated. The Director does not anticipate problems with pro-environmental groups; he does, however, believe that the real estate and development community will challenge the data that the county will use in establishing regulations.

NONGOVERNMENTAL ORGANIZATION'S ROLE

A Study commissioned by the Peninsula's Chamber of Commerce,¹⁷ a report by Old Dominion University,¹⁸ and private consultants, have supplied a wealth of information concerning the economic implications of establishing RMAs in Hampton Roads. Individual real estate agents and developers in Mathews County will likely utilize this data to provide some input in the designation of RMAs. The extent to which they will affect the delineation of RMAs has yet to be determined, but Costin thinks that it will be minute if anything.

Friends of the Piankatank could possibly become an important factor in the process. However, James Uzell of the Middle Peninsula Planning District Commission, explained that most of that group resides in Middlesex County, where a majority of the Piankatank River flows. He was unsure of precisely how influential that group will be because the number of members from Mathews is uncertain. Friends of the Piankatank were active when the Bay Act was enacted, but because the process in Mathews County has taken some time to advance, Costin feels that any movement by the group will be minimal.

¹⁷*Economic and Fiscal Impact Analysis of the Chesapeake Bay Preservation Act on Tidewater Virginia Localities*, SDN Market Research, June 1989.

¹⁸*Fiscal and Economic Impact of the Chesapeake Bay Preservation Act on the City of Chesapeake, Virginia*, Department of Finance, Department of Business and Public Administration, Old Dominion University, October 1990.

CONCLUSIONS

Mathews County's Director of Planning believes the Bay Act is unfair to rural localities. He contends that the Bay Act does not take into account existing ordinances within the counties. Costin believes that Mathews County already provides a stringent zoning ordinance concerning shoreline development. The ordinance calls for two districts. Water-dependant commercial and water-dependant residential districts will prevent development in these sensitive areas to protect existing environmental qualities. More regulations would require additional personnel to relieve the already overburdened staff, which in turn, would increase the financial burdens of the planning department. New regulations would also cause redundancy within county regulations, therefore increasing the time spent to process permits. These reasons constitute what Costin considers an additional burden to the rural locality.

Another contention is that the Chesapeake Bay Local Assistance Department is understaffed to handle the pressures of many counties. Each Planning District has one liaison with the Bay Department. Because PDCs are made up of many counties, extreme burdens are placed on each liaison. Mathews County has cited this as the main reason the county's Planning Department has taken so long to establish RMAs.

Mathews County has not had the resources to begin the process of establishing Resource Management Areas until now. Beginning in April, the county will begin the process of integrating the public's opinion's into the plan. It should be an interesting process to monitor, not only to see what kind of participation local citizens will play, but to see if any outside organizations will make their presence known. Costin believes that

nongovernmental organizations will probably not play a major role in the participation process and the actual designation of RMAs, however, he does not dismiss organizations' ability to rise to the occasion.

One possibility as to the lack of progress in Mathews County could be that local officials want to accommodate as much growth as possible before they initiate the regulations. Although local officials had not received the maps until March of this year, they could have been laying the foundation for what they knew was coming. There have been no attempts to notify the public of the impending process, so one might suspect that the officials want to keep the publicity to a minimum in order to attract as much new development as possible.

The physical characteristics of the county will ultimately be the deciding factor in the designation of the Management Areas. Mathews County is riddled with rivers, streams, and wetlands. This makes the process of designating Preservation Areas much easier because there is not much land that falls out of RPA and RMA requirements. As mentioned previously, Ted Costin confessed that at the end of the public participation process he believes the entire county will be designated a RMA because of that fact alone.

CONCLUSIONS

At the beginning of this paper the question was posed, Do nongovernmental organizations play a significant role in the process of local governments delineation of Resource Management Areas? This question provided the analytical framework that would guide the research methodology. After many interviews and conversations with employees from local, regional, and national nongovernmental organizations, a conclusion from the case studies can be deduced -- *Nongovernmental organizations play an indirect role in the delineation of RMAs.*

In Richmond County, the Chesapeake Bay Foundation, the nongovernmental organization, and the Shoreline Advisory Committee, the local citizens committee, were responsible early on for the ease with which RMAs would eventually be implemented. In the end, with the help of the RIS system, the Planner/LandUse Administrator came up with RMA alternatives to present to the Board of Supervisors.

The primary lesson from the Richmond County case study is that a local appointed citizen's committee can play a key role in facilitating the involvement of NGOs, in this case the CBF. First, for the NGO, the committee is a point of access the NGO can talk to, meet with, and hopefully influence. Second, for the local decision-maker, the committee can act as a "filter" or "screen" to assess and interpret information provided by NGOs. The information provided by both the CBF and the Shoreline Advisory Committee enabled the local decision-makers to delineate RMAs for the county.

Because the process has not yet taken place in Mathews County, it is difficult to ascertain what will happen. However, the case study demonstrates the important role played by local officials in accommodating NGO involvement. In Richmond County, authority was delegated to the Shoreline Advisory Committee; in Mathews, the authority is held by the Planning Director. While the Director of Planning maintains that all voices will be heard when the process begins, several factors suggest that the perceptions of the local government will have a dominant influence on the designation of RMAs. These factors include: (a) the County is not yet ready to concede to RMAs being designated throughout the county because they fear it will hamper their development plans for the future; (b) officials have stated that they do not think citizens' groups will be influential; and, (c) there have not been any efforts thus far to inform the community of the facts surrounding Resource Management Areas.

Informed decision making is the key to resolving environmental management problems. Local governments need to educate their planners, administrators, and Board of Supervisors' about the implications of environmental measures taken in their community. Most would find the information invaluable because they could then solve potential

problems rather than react to crisis situations. Local governments cannot be expected to carry all of the weight; the community needs to become educated as well. Developers, homeowners, and business leaders, all need to become aware of environmental problems the Chesapeake Bay is experiencing.

These entities need each other if positive results are going to materialize. Local governments are busy with other responsibilities and need community support to deal with a variety of issues in a timely fashion. Many times, citizens provide elected officials with relevant and important information that aids in the development of a program. The Richmond County case study exemplifies what can happen when a friendly dialogue is present between the community and local officials.

Likewise, nongovernmental organizations need local government action if they are to be successful in the pursuit of their ideals. Both sides must learn to cooperate with each other in order to find a happy medium. Sharing information, rationally discussing the issues, and actively planning to reach a compromise that will satisfy both parties, cultivate the components for a successful program.

Local governments will not always find the requests of citizens and nongovernmental organizations reasonable. The community and nongovernmental organizations will not always concur with the policies of the local government. However, the relationships between these entities must be cultivated for positive results to occur with programs and policies. With the cooperation between all entities, the delineations of RMAs and other ecologically important issues as well as economic issues, will be more conducive to all parties.

Interviews

Cagan, Rick, Rural Virginia Incorporated, Phone Conversation, 4/4/91.

Costin, Ted, Director of Planning for Mathews County, Personal Conversation, 3/12/91.

Dean, Robert, Southeastern Association of Virginia's Environment (SAVE), Phone Conversation, 4/2/91.

Duncanson, William, Director of Planning for Richmond County, Personal Conversation, 3/12/91.

Friday, Rupert, Natural Resources Planner (Rappahanock Region), Chesapeake Bay Foundation, Phone Conversation, 4/5/91.

Guthridge, Charley, Lobbyist (Richmond) representing The Coalition for Responsible Development, Phone Conversation, 4/8/91.

Hershner, Carl, Virginia Institute of Marine Science, Personal Conversation, 3/13/91.

Hill, Rick, Environmental Program Planner, Council on the Environment, Phone Conversation, 4/17/91.

Johnson, John, Farm Bureau, Phone Conversation, 3/7/91.

Mack, Kevin, Virginia Environmental Network (VEN), Phone Conversation, 4/2/91.

Pope, Jill, Government Affairs Representative for the Peninsula Housing and Builders Association, Phone Conversation, 3/25/91.

Utz, Ray, Senior Environmental Planner, Chesapeake Bay Local Assistance Department, Personal Conversation, 3/13/91.

Uzel, James, Environmental Programs Coordinator, Middle Peninsula Planning District Commission, Phone Conversation, 4/11/91.

Bibliography

- Chesapeake Bay Foundation, *Save the Bay, 1990 in Review*, 1991.
- Chesapeake Bay Local Assistance Board, *Local Assistance Manual*. November, 1989.
- Chesapeake Bay Local Assistance Board, Final Regulation: *VR 173-02-01. Chesapeake Bay Preservation Area Designation and Management Regulations*. September 20, 1990.
- Clavell, Pierre, *The Progressive City: Planning and Participation, 1969 - 1984*. Rutgers University Press, 1986.
- Cole, Richard L., *Citizen Participation and the Urban Policy Process*. D.C. Heath and Company, 1974.
- Costin, Ted, "Rural Response: Mathews County," *Virginia Land Use Digest*, January 1991.
- Crimmins, James C. and Mary Keil, *Enterprise In The Nonprofit Sector*. Partners For Livable Places, 1983.
- Crosby, Ned, Janet M. Kelly, and Paul Schaefer, "Citizens Panel: A New Approach to Citizen Participation," *Public Administration Review*. March/April 1986, pp. 170 - 178.
- Duncanson, William, "Rural Response: Richmond County," *Virginia Land Use Digest*, January 1991.
- Federal Interagency Committee for Wetland Delineation, *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, Washington, D. C., 1989. U. S. Army Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service, and the Soil Conservation Service.
- Freeman, A. M. III, et al., *The Economics of Environmental Policy*. John Wiley and Sons, 1973.
- General Assembly, *Chesapeake Bay Preservation Act*. Chapter 21. 1988.
- Hirschman, David J., *Case Studies of Local Water Resources Management in Virginia*, Major Paper, Master of Urban and Regional Planning, VPI&SU, 1990.
- Hirschman, David J., and Richard Roth, *Case Studies of Local Water Resources Management in Virginia*, "Richmond County: Building Support for Environmental Protection." A Public Service Research Project of the College of Architecture and Urban Studies, VPI&SU, March 1991.

- Kirk, W. Astor, *Nonprofit Organization Governance: A Challenge in Turbulent Times*. Carlton Press, Inc., 1986.
- Logan, John, "Neighborhood Associations and the Politics of Development," *Urban Land*. May 1991, pp. 32 - 33.
- The Ledger-Star*, Norfolk, Virginia: "Beach planners weaken Bay Act proposal," September 13, 1990; "Beach restricts development in Bay buffer areas," November 7, 1991 (by Alex Marshall).
- O'Riordan, Timothy and W. R. Derrick Sewell, *Project Appraisal and Policy Review*. John Wiley and Sons, 1981, p. 4.
- The Peninsula Coalition for Environmental and Economic Stability, *Policy Paper Concerning Local Implementation of the Chesapeake Bay Preservation Act*, July, 1990.
- Randolph, John, *Water Resources Management in Virginia and the Role of Localities*, A Public Service Research Project of the College of Architecture and Urban Studies, VPI&SU, March 1991.
- Real Estate Center, *Fiscal and Economic Impact of The Chesapeake Bay Preservation Act on the City of Chesapeake, Virginia*, Department of Finance, College of Business and Public Administration, Old Dominion University, October 24, 1990.
- Ross, Murray G. *Community Organization: Theory, Principle, and Practice*. Harper & Row, 1967.
- Salvesen, David, *Wetlands: Mitigating and Regulating Development Impacts*, Washington, D. C. The Urban Land Institute, 1990.
- Strange, John, H., "The Impact of Citizen Participation on Public Administration," *Public Administration Review*. Volume 32, September 1972, pp. 457 - 470.
- Waldo, Charles N., *A Working Guide For Directors Of Not-For-Profit Organizations*. Quorum Books, 1986.
- The Washington Post*, Washington, D. C., "Virginia tests the waters on bay rules; debate pits goals for Chesapeake growth," September 11, 1989 (by D'Vera Cohn).
- Wetlands and Geological Oceanography Departments of the Virginia Institute of Marine Sciences, "Vegetated Wetlands and Shoreline," (handout) June, 1990.
- Wolf, Thomas, *The Nonprofit Organization: An Operating Manual*. Prentice-Hall, Inc., 1984.
- Yin, Robert K., William A. Lucas, Peter L. Szanton, and J. Andrew Spindler, *Citizen Organizations: Increasing Client Control Over Services*. Rand Corporation, April 1973.