



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director

CRC-23-16

June 5, 2023

MEMORANDUM

TO: Coastal Resources Commission
FROM: Ken Richardson
SUBJECT: Town of Oak Island Beach Management Plan

The Town of Oak Island (“Town”) submitted a Beach Management Plan (BMP) on April 24, 2023 and is requesting Coastal Resources Commission review and approval under 15A NCAC 7J .1200 Beach Management Plan Approval Procedures. The Town is in the process of implementing a beach and inlet management plan under 15A NCAC 7J 1201(d) and 15A NCAC 7J .1201(e) to achieve a design life of 30 years.

If approved, 15A NCAC 07H.0306(a)(9) would apply to proposed development projects along the affected area of the Town, allowing setbacks to be measured from the Vegetation Line instead of the Pre-Project Vegetation Line defined in Rule 15A NCAC 07H.0305(a)(6).

The approval process defined in Rule 15A NCAC 07J.1204(b) requires that the Commission review a Beach Management Plan (15A NCAC 07J .1203) to approve and/or renew its findings for the conditions outlined in 15A NCAC 07J .1201(d) through (e). Specifically, the Town is required to show the following:

1. A review of all beach fill projects in the area proposed associated with the Beach Management Plan.
2. A review of maintenance plans needed to achieve a design life of no less than 30 years of shore protection.
3. Documentation showing the location and volume of compatible sediment necessary to construct and maintain the project over its design life.
4. Identification of the financial resources or funding sources to fund the project over its design life.
5. Public comments received on the draft plan at the local level.

After the initial BMP is approved, subsequent renewals may be requested every five years. Should the Town choose not to seek a future renewal, the regulatory benefits afforded by a CRC-approved approved BMP, including the ability to measure setbacks from the vegetation line, would expire.

DCM Staff have reviewed the Town’s Beach Management Plan and have determined that all required elements are addressed within the BMP. However, the BMP identifies Frying Pan Shoals as one of the borrow areas to support the nourishment efforts. Frying Pan Shoals has not been previously used as a borrow area for beach nourishment and several state and federal agencies have expressed concerns about the use of this sand source.



North Carolina Department of Environmental Quality | Division of Coastal Management
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It has also come to the Division's attention that the Town has been in discussions with the Bureau of Ocean Energy Management (BOEM) regarding an offshore borrow site that can be used as a backup sand source for their BMP and the Division has requested that the Town include a discussion of this effort during their presentation. While the Division believes the Town's BMP adequately demonstrates a long-term commitment to beach nourishment, there are concerns with the identification of Frying Pan Shoals as a borrow area. For that reason, the Division recommends delaying approval of the BMP until the negotiations with BOEM are completed.

Attachment A: Beach Management Plan Approval Procedures (15A NCAC 07J .1201)

Attachment B: Town of Oak Island's Beach Management Plan ([download link](#))

ATTACHMENT A:

SECTION .1200 – BEACH MANAGEMENT PLAN APPROVAL PROCEDURES

15A NCAC 07J .1201 BEACH MANAGEMENT PLAN APPROVAL

(a) A petitioner subject to a pre-project vegetation line pursuant to 15A NCAC 07H .0305 may petition the Coastal Resources Commission to approve a Beach Management Plan in accordance with the provisions of this Section. A "petitioner" shall be defined as:

- (1) Any local government;
- (2) Any group of local governments involved in a regional beach fill project; or
- (3) Any qualified homeowner's association defined in G.S. 47F-1-103(3) that has the authority to approve the locations of structures on lots within the territorial jurisdiction of the association, and has jurisdiction over at least one mile of ocean shoreline.

(b) A petitioner shall be eligible to submit a request to approve a Beach Management Plan after the completion of construction of the initial large-scale beach fill project(s) as defined in 15A NCAC 07H .0305 that required the creation of a pre-project vegetation line(s). For a pre-project vegetation line in existence prior to the effective date of this Rule, the award-of-contract date of the initial large-scale beach fill project, or the date of the aerial photography or other survey data used to define the pre-project vegetation line, whichever is most recent, shall be used in lieu of the completion of construction date.

(c) A Beach Management Plan applies to all pre-project vegetation lines within the Ocean Hazard Area of the petitioner's jurisdiction.

(d) A complete Beach Management Plan shall consist of a comprehensive document with supporting appendices and data that includes the following:

- (1) A review of all beach fill projects in the area of the Beach Management Plan including the initial large-scale beach fill project associated with the pre-project vegetation line, subsequent maintenance of the initial large-scale project(s), and beach fill projects occurring prior to the initial large-scale projects(s). To the extent historical data allows, the summary shall include construction dates, contract award dates, volume of sediment excavated, total cost of beach fill project(s), funding sources, maps, design schematics, pre-and post-project surveys, and a project footprint;
- (2) A review of the maintenance needed to achieve a design life of no less than 30 years of shore protection. The plan shall include anticipated maintenance event volume triggers and schedules, long-term volumetric sand needs, annual monitoring protocols, an analysis of the impacts or any erosion control structures, and any relevant maps, tables, diagrams, studies, or reports. The plans and related materials shall be designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for said work;
- (3) Documentation, including maps, geophysical, and geological data, to delineate the planned location and volume of compatible sediment as defined in 15A NCAC 07H .0312 necessary to construct and maintain the large-scale beach fill project defined in Subparagraph (d)(2) of this Rule over its design life. This documentation shall be designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for said work; and
- (4) Identification of the financial resources or funding sources necessary to fund the large-scale beach fill project, over the project design life, such as a dedicated percentage of occupancy taxes, special tax districts, or anticipated federal funding.

(e) Public Comment Requirements. The local jurisdiction shall provide an opportunity for public comments on the Beach Management Plan prior to submission to the Coastal Resources Commission for approval. Written comments on the Beach Management Plan shall be submitted by the local jurisdiction to the Division along with the request to approve the Beach Management Plan.

(f) A request to approve a Beach Management Plan shall be submitted to the Director of the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557. Written acknowledgement of the receipt of a completed request, including notification of the date of the meeting at which the request will be considered by the Coastal Resources Commission, shall be provided to the petitioner by the Division of Coastal Management.

(g) The Coastal Resources Commission shall consider a request to approve a Beach Management Plan no later than the second scheduled meeting following the date of receipt of a complete request by the Division of Coastal Management, except when the petitioner and the Division of Coastal Management agree upon a later date.

*History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. March 23, 2009;
Amended Eff. April 1, 2016;
Readopted Eff. September 1, 2021;
Amended Eff. August 1, 2022.*

ATTACHMENT B: Town of Oak Island's Beach Management Plan

[Download: Town of Oak Island Beach Management Plan](#)

<https://northcarolinadeptofenvandnat.sharefile.com/d-s29d8472ee2914f5383b0d1f6a4d571e6>