

NC COASTAL RESOURCES COMMISSION (CRC)

April 30 – May 1, 2025

Dare County Government Center, Manteo

Present CRC Members

Renee Cahoon, Chair
Neal Andrew, 1st Vice-chair
Larry Baldwin
D.R. Bryan
Bob Emory
Jordan Hennessy
Robert High
Sheila Holman, 2nd Vice-chair
Steve King
Lauren Salter
Earl Smith
Robbie Yates

Present CRAC Members

Bobby Outten, Chair	David Kellam
Daniel Adams	Mike Lopazanski
Daniel Brinn	Megan Morgan
Sandy Cross	Kris Noble
Ryan Davenport	Spencer Rogers
Webb Fuller	John Spruill
David Hewett	Dave Weaver
Ivy Ingram	

Present from the Office of the Attorney General

Mary Lucasse

Present from the Department of Environmental Quality, Office of the General Counsel

Christine Goebel
Dan Hirschman

CALL TO ORDER/ROLL CALL

CRC Chair Renee Cahoon called the meeting to order at 1:00 p.m. on April 30, 2025, reminding the Commissioners of the need to state any conflicts due to Executive Order Number 34 and the State Government Ethics Act. The State Government Ethics Act mandates that at the beginning of each meeting the Chair remind all members of their duty to avoid conflicts of interest and inquire as to whether any member knows of a conflict of interest or potential conflict with respect to matters to come before the Commission. The Chair requested that if any member knows of a conflict of interest or a potential conflict of interest, they state when the roll is called. Commissioner Smith stated he would request recusal from two agenda items related to Ocean Isle Beach. Commissioner Steve Shuttleworth was absent. Based upon this roll call Chair Cahoon declared a quorum.

CHAIR COMMENTS

Chair Cahoon recognized DEQ General Counsel Dan Hirschman and thanked him for his attendance at today's meeting.

MINUTES

Neal Andrew made a motion to approve the minutes of the February 26-27, 2025, Coastal Resources Commission meeting. Sheila Holman seconded the motion. The motion passed unanimously (Cahoon, Andrew, Baldwin, Bryan, Emory, Hennessy, High, Holman, King, Salter, Smith, Yates).

Neal Andrew made a motion to approve the minutes of the February 27, 2025, closed session of the Coastal Resources Commission. Sheila Holman seconded the motion. The motion passed unanimously (Cahoon, Andrew, Baldwin, Bryan, Emory, Hennessy, High, Holman, King, Salter, Smith, Yates).

CRAC REPORT

CRAC Chair Bobby Outten welcomed everyone to Dare County. The CRAC elected officers and re-elected Bobby Outten as Chair and Spencer Rogers and Webb Fuller as co-Vice Chairs. There were three things on the CRAC's agenda, but the sentinel site item was pulled from the agenda and will be rescheduled for the next meeting.

The CRAC discussed artificial turf grass. The history of the buffer rule was discussed and the allowable exceptions. The CRAC also discussed environmental concerns. Jonathan Lucas provided a PowerPoint presentation. The three options for CRAC consideration were to not regulate turf grass in the buffer, to keep the status quo of regulating turf grass in the buffer, or to look at rule amendments to allow turf grass within the buffer. After discussion, a unanimous vote of the CRAC was to recommend keeping the rules as is and not recommend changes to the buffer rules.

The second agenda item was continuing the discussion on Shorelock. Cameron Luck provided an update on the Staff's meetings with resource agencies and Shorelock. The meeting with the agencies resulted in a determination there is little information and science on this product. The next steps will be an additional interagency discussion and provide that feedback to Shorelock. This will provide Shorelock with the information that needs to be provided to the State to consider this product's use in North Carolina. No action was taken on this matter.

Commissioner Bryan stated at the CRAC meeting there were comments received from Brunswick County about LPOs having difficulty with property owners installing artificial turf grass along canal lots in the buffer. The question was raised by Commissioner Andrew whether the CRC should consider the installation in different shoreline types? Chair Outten stated the CRAC was asked to look at artificial turf and its installation in the buffer. The CRAC believes the buffer serves a protective purpose and the artificial turf should not be an exception. There is nothing to keep a property owner from asking for a rule change or a variance to allow this installation on a location by location basis. Chair Cahoon stated that even when permits are denied, there are not enough LPOs to enforce this installation. Chair Outten stated there is

nothing in the rule that states that artificial turf is not landscaping. It could be helpful to explicitly state that in the rule. Chair Cahoon stated an amendment to add this definition to the rule could be one thing to consider. Commissioner Baldwin stated this is similar to what the Division of Water Quality went through with stormwater and the allowance of permeable pavement with infiltration. Commissioner Emory stated his takeaway from the discussion was that artificial grass can be permeable, but it also allows sediments and pollutants into the water. When there are natural plants in the buffer, they can process the pollutants. Chair Cahoon stated if Brunswick County wishes to make changes, they can bring something forward.

EXECUTIVE SECRETARY REPORT

DCM Director Tancred Miller gave the following report:

Good afternoon, Madam Chair and members of the Commission. Good afternoon to the Advisory Council, guests here and online, and DCM staff. As always, our thanks to Dare County for hosting. Before I get into the staff's report, I'm very happy to recognize DEQ's new General Counsel Dan Hirschman who has replaced Bill Lane and invite Dan to come up and introduce himself to you.

Dan Hirschman stated he is excited to work on the issues that affect the coast and has spent the last 18 years at the Department of Justice's Environmental Division, so I am aware of some of the issues and look forward to working with this Commission.

Legislative

DCM Director Miller provided a legislative update on the two bills we are tracking this session.

S665 would amend State permitting for upland basin marinas, allowing for excavation of coastal wetlands with no mitigation for up to 10% of the linear footage of the shoreline and 5% of the area of the basin and requiring no buffer along the newly created shoreline. It would also reduce permitting time for upland basins from 75 days to 60. It also includes procedural changes for EMC/DWR permitting such as an exemption from stormwater runoff requirements and clarifying the standards for water quality protection.

S734 "Clarifying Estuarine Waters AEC Under CAMA." This bill bears some resemblance to the petition for rulemaking and declaratory ruling requests that were submitted to the Commission recently but is much more expansive. It would exempt development in all man-made ditches, canals, ponds, and other constructed, excavated, or altered features from CAMA and Dredge & Fill permitting jurisdiction. As currently written, this would include navigable waterbodies such as finger canals and dredged channels. The statutes and your rules for placement of structures like docks, pilings, bulkheads, and dredging or filling would no longer apply in these areas. As you know we have a man-made ditch discussion on your agenda and we're looking forward to that conversation.

Regulatory

The Corps of Engineers submitted a federal consistency determination for a proposed long-term maintenance plan for the Hatteras Inlet Navigation System, which includes the Rollinson Channel and the Hatteras Ferry Connecting Channel. The proposal includes a significant

expansion of the dredge corridor footprint to provide flexibility in maintaining approved dredge depths by following natural shifts in deep water. Authorized channel dimensions would remain at widths of 100 feet and depths of 10–12 feet. Dredged material will be placed in both existing and new locations, including nearshore and open water disposal zones. The division is evaluating the proposal and will issue a determination by May 26th.

DCM is still processing the application for the Mid Currituck Bridge, and we held two public hearings in March and April to receive input. We expect to have a final permit decision by the June 6th statutory deadline.

Next week DCM is holding a two-day workshop for Local Permit Officers (LPOs) from the Central and Southern Districts, at Hammocks Beach State Park, including field work at Bear Island. The workshops are critical training opportunities for LPOs where we cover rule updates, hands-on training in the field, as well as informal dialogue & discussions with Division staff and other state and federal agencies' representatives. LPOs attendance at this workshop is part of our contract with the local governments for the CAMA Minor Permit Program.

Planning & Resiliency

The Division has certified four land use plans since February: Towns of Newport, Kitty Hawk, Gatesville, and Onslow County. We certified three LUP amendments: one for Currituck County and two for Morehead City.

In grant programs the pre-application period for the 25-26 Public Beach and Coastal Waterfront Access Grant Program closed last Friday and we received 21 pre-applications totaling \$4.2M – more than double the \$2 million in available funding. We are starting the reviews and will invite full applications that will be due by July 31.

We received 43 local government applications for Resilient Coastal Communities Program (RCCP) grants; 24 for vulnerability assessment & planning, 16 for engineering & design, and 3 for construction. Ten of these local governments are requesting support to incorporate resiliency into their land use plans (new option for RCCP support). Nineteen companies applied to provide services, ten of which are new to the program. The RCCP has roughly \$7.7M available for grants; staff will be reviewing the applications over the coming weeks and announcing awards as soon as possible.

We're inviting the public to submit comments on DCM's draft 2026-2030 Program Assessment and Strategy. The assessment is performed every five years to identify priority issues and enhancement opportunities and follows guidelines outlined in Section 309 of the Coastal Zone Management Act. Proposed program enhancement areas include Coastal Hazards and Wetlands. The Draft is available on our website and public comments will be accepted until May 23rd.

The Coastal Land Trust closed on the South Topsail tract. It is about 124 acres of undeveloped land on the barrier island. The long-term intent of the Land Trust is to transfer the land at no cost to the State to be managed by DCM for public access and environmental protection.

Coastal Reserve

The Coastal Reserve's rules, 15A NCAC 70, are scheduled to be reviewed by the Rules Review Commission in April 2026 as part of the Periodic Review process under G.S. 150B. These rules are administered by the Department, not the CRC. The reserve will be seeking input on the classification of the rules from the Local Advisory Committees and the CRC this spring to inform the Department's classification of the rules for public comment later this summer. The Reserve hosted two workshops earlier this month, a Coastal Explorations educator workshop, and a low impact development training for Realtor Associations in the Cape Fear and Brunswick County. Spring student field trips to the Rachel Carson Reserve and Masonboro Island Reserve are underway, and summer camps at the Rachel Carson Reserve will start in June in partnership with the NC Maritime Museum. Two stops are being planned this year on the "Discover the Coastal Reserve" tour – Masonboro Island and Kitty Hawk Woods. This continues a multi-year campaign spanning 2023-2026 to connect target audiences with the reserve's program and places. CRC and CRAC members should be receiving invitations to attend the events. Please let us know if you haven't.

Staff News

Cole Barrow joined us on March 24th as a new field representative in Morehead City. He came to us from the Carteret County Planning and Development Department, where he worked as a Planner. Hannah Mitchell started in our Wilmington Office on March 28th, after working for the Public Water Supply Section in Wilmington for the last two years. We are still working to hire two more vacant positions in this office and continue to experience extremely heavy workloads this spring. Jennifer Fickler is joining DCM as a Coastal Resilience Specialist on May 12th, joining Mackenzie Todd and Kasen Wally in running the RCCP. Rachel Long transitioned from her temporary role into the Division's Accounting Technician and has been doing a great job for us. Several interns will be working on stewardship and research projects with the reserves in Manteo, Beaufort, and Wilmington this summer thanks to support from Friends of the Reserve, the N.C. Internship Program, and UNCW.

Budget

The State budget process continues to play out and we'll wait to see where it goes. On the federal side we're continuing to operate under a Continuing Budget Resolution passed by Congress last month to fund the federal government through the end of fiscal year 2025 (Sept. 30), including grants to the States for coastal management and the NERRS. For DCM federal funding represents about \$3.8M per year, which is 50% of our annual budget and supports 31 of our 59 staff (52%). The details of how those funds will be allocated are not yet finalized but we should know more in the coming weeks. We also continue to monitor the federal FY26 budget process. Due to budget uncertainty the Division has implemented a number of cost saving measures, including stricter limits on travel and purchases. We may need to consider future in-person CRC meetings from a cost perspective. In-person meetings cost about \$15K each, on average. It could become necessary to transition to a combination of in-person and virtual meetings. Your next meeting is rapidly approaching, scheduled for June 11-12 but with no location identified yet. Potential agenda items include the Science Panel's IHA report and the Oceanfront Erosion Rate Update. If the Commission elects to meet we could consider a 1-day in-person meeting in a central location. We will await the Commission's preference.

VARIANCE REQUESTS

Betty Earnest (CRC-VR-25-01), North Topsail Beach, Oceanfront Setback

Jonathan Lucas, Christine Goebel, Esq./Samantha Hamilton, Esq.

Jonathan Lucas provided an overview of the site of the proposed development. Christy Goebel represented staff and stated Clark Wright, of Davis Hartman Wright LLP, is present and represents Petitioner. Ms. Goebel reviewed the stipulated facts of the variance request and stated staff and Petitioner agree on all four variance criteria. Mr. Wright reviewed the stipulated facts which he contends supports the granting of the variance.

Larry Baldwin made a motion to waive the requirement that Petitioner first seek a local variance. D.R. Bryan seconded the motion. The motion passed unanimously (Hennessy, Salter, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Robbie Yates made a motion to support Petitioner's position that strict application of the applicable development rules, standards, or orders issued by the Commission cause the Petitioner an unnecessary hardship. Jordan Hennessy seconded the motion. The motion passed unanimously (Hennessy, Salter, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Jordan Hennessy made a motion to support Petitioner's position that hardships result from conditions peculiar to the Petitioner's property. Larry Baldwin seconded the motion. The motion passed unanimously (Hennessy, Salter, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Bob Emory made a motion that Petitioner has shown that hardships do not result from actions taken by the Petitioner. Larry Baldwin seconded the motion. The motion passed unanimously (Hennessy, Salter, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Bob Emory made a motion that Petitioner has shown that the variance request will be consistent with the spirit, purpose, and intent of the rules, standards, or orders issued by the Commission; will secure the public safety and welfare; and preserve substantial justice. Sheila Holman seconded the motion. The motion passed unanimously (Hennessy, Salter, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

This variance request was granted.

Town of Ocean Isle Beach (CRC-VR-25-03), Paving in the Oceanfront Setback

Jonathan Howell & Christy Goebel, Esq./Jonathan Eure, Esq.

Lauren Salter made a motion to recuse Commissioner Smith from this agenda item. Neal Andrew seconded the motion. The motion passed unanimously (Hennessy, Salter, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Jonathan Howell gave an overview of the site of the proposed development. Christy Goebel represented staff and stated the Town's attorney, Jonathan Eure, is present for the Petitioner. Ms.

Goebel reviewed the stipulated facts of the variance request and stated staff and Petitioner agree on three of the four variance criteria which must be met in order to grant the variance request. Jonathan Eure reviewed the stipulated facts which he contends supports the granting of the variance request.

Neal Andrew made a motion that Petitioner has shown that strict application of the applicable development rules, standards, or orders issued by the Commission will cause the Petitioner unnecessary hardships. Sheila Holman seconded the motion. The motion passed unanimously (Hennessy, Salter, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Neal Andrew made a motion that Petitioner has shown that hardships result from conditions peculiar to the Petitioner's property. Larry Baldwin seconded the motion. The motion passed with nine votes in favor (Hennessy, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, King) and two opposed (Salter, Bryan).

Neal Andrew made a motion that the Petitioner has shown that hardships do not result from actions taken by the Petitioner. Sheila Holman seconded the motion. The motion passed unanimously (Hennessy, Salter, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Neal Andrew made a motion that the variance requested by the Petitioner will be consistent with the spirit, purpose, and intent of the rules, standards, or orders issued by the Commission; will secure the public safety and welfare; and preserve substantial justice. The grant of the variance included the condition that no paving regardless of whether it is repair or maintenance shall occur waterward of the first line of stable and natural vegetation (FLSNV). Sheila Holman seconded the motion. The motion passed unanimously (Hennessy, Salter, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

This variance request was granted with conditions.

INFORMATION ITEM ON NC GENERAL STATUTE 150B-19.1(B)

History of Requirement (CRC 25-16)

Mary Lucasse

Mary Lucasse stated this Commission as well as other Commissions spend a great deal of time working on rules. The CRC has completed one decennial review, which ended with 30 of the CRC's rules being removed from the Code and that issue is still ongoing in the courts. As background to the review process, Ms. Lucasse explained that in 2010, Governor Perdue issued Executive Order 70 which required all executive agencies to review their existing rules and submit comments to OSBM. In 2011, the General Assembly enacted a new provision that required an annual review of its rules to identify rules that are unnecessary, unduly burdensome, or inconsistent with the principles set out in the Statute. In 2013, The General Assembly amended the APA to require agencies to review their existing rules using a different process, which is the existing decennial rule review process. While 150B-19.1(b) is still law, the necessity of conducting an annual review within an agency has been overtaken by the decennial review process.

Ongoing Review

Jonathan Howell

Jonathan Howell stated the Division conducted its first decennial review in 2014. Subchapter 07B and 07O are currently under their second decennial review. The rest of the Commission's rules will be reviewed beginning in August 2025. This process requires that the CRC first approve a classification report for its rules, followed by a 60-day comment period, then once Rules Review approves the final classification report, the CRC will begin the readoption process.

AREA OF ENVIRONMENTAL CONCERN-OCEAN HAZARD NOTICE FORM

Updated Form (CRC 25-17)

Cameron Luck

Cam Luck stated at the last CRC meeting, staff provided a review of the rule language in 7H .0306 which was outdated or no longer utilized. The rule requires the property owner to provide written acknowledgement that the property is in an Ocean Hazard AEC. Following review, DCM staff determined that there are a lot of benefits to using the form as a simple education mechanism for communicating why and how rules relate to development a property owner is proposing. Forms also help standardize information to potentially decrease the amount of misinformation. The Ocean Hazard Area form has been widely accepted by Local Permit Officers, staff, and the public. This form should be updated to reflect rule changes since the form was last updated. For example, the current form still states that imminently threatened structures must be relocated or dismantled within two years, but that language was updated to eight years. Other updates needed include permit expiration timelines and information regarding substantial development. With the updated Hazard AEC Notice Form, staff have attempted to maintain the look of the form. Since these forms are signed by property owners, the educational information is located on the first page and the property specific information is located on the back. Most of the rule-specific language has been removed and instead we point the property owner to their local permitting officer for guidance. This should increase the relevance and longevity of the information located on the form. By consensus, the Commission provided staff with the guidance to move forward with the updated form, to continue to use this form as an informational piece for property owners, and to satisfy the requirements in 7H .0306.

Discussion Regarding Providing Potential Buyers with Information on Notice Form

Christy Goebel (CRC 25-18)

Christy Goebel stated at the February meeting, the Commission unanimously approved a motion stating that the CRC is in favor of having residential property owners who have signed the Ocean Hazard AEC Notice form provide information regarding coastal hazards to potential buyers and asking the Real Estate Commission to include this information as a mandatory part of residential real estate disclosures. In 1981, CRC counsel concluded that the CRC would require additional statutory authority to require deed restrictions or a bond. In 2022, the North Carolina Real Estate Commission received a petition for rulemaking from the Southern Environmental Law Center seeking to revise the rules regarding residential real estate disclosure form to require an owner to make disclosures about a property's flood history and risk. At that time, the CRC submitted comments to the Real Estate Commission requesting that disclosures also include information regarding coastal hazards that might impact property. Despite the CRC's request, only information regarding flooding was added to the Disclosure Form. The NC Real Estate

Commission and NC Sea Grant currently offer an informational brochure titled Purchasing Coastal Real Estate in North Carolina on their websites. Three recommendations are offered for discussion: contact the NC Sea Grant Program and NC Real Estate Commission to see if they are willing to update their brochure; contact the NC Real Estate Commission to see if the link to the brochure could be made more visible on their website; and have DCM staff provide training for realtors, including an option for continuing education credits, on the issues addressed in the brochure.

Jordan Hennessy made a motion that the CRC accept all three recommendations as provided in CRC Memo 25-18. Steve King seconded the motion. The motion passed unanimously (Hennessy, Salter, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Consideration of Approval of Fiscal Analysis 15A NCAC 07H .0309 Use Standards for Ocean Hazard Areas Exceptions (CRC 25-19) Ken Richardson

Ken Richardson stated CRC rule 7H .0309 lists the types of development currently allowed in the oceanfront setbacks defined in 7H .0306. Currently, 7H .0309 defines conditions which allow for a smaller structure to be constructed when it cannot meet the required setback but can meet the minimum setback of 60-feet. However, 7H .0309 only applies to lots platted before June 1, 1979. This rule is commonly referred to as the small structure exception. Beginning in 2023 and through February 2025, the CRC has made several amendments including the removal of the June 1, 1979 condition, the 1,000 square-foot footprint condition, and increasing the maximum square footage from 2,000 to 2,500 square feet. In preparing the fiscal analysis, based on 2024 vegetation data, DCM estimates that there are currently 354 vacant lots along the oceanfront. Of these lots, 144 could likely not meet the required setback while 29 potentially could meet the minimum setback of 60-feet. Based on a one-day market search, the addition of a structure added an average of \$466,000 to the sales price for a vacant lot. If a structure were to be built on all 29 lots, it is estimated that the annual tax revenue would increase an average of \$69,000 per year. While property owner intentions cannot be predicted, it can be anticipated that there would likely be a net benefit to the owners of the vacant lots that were platted after June 1, 1979, by potentially allowing them to construct homes on these lots. While not substantial, local government could see an additional tax revenue from developed vacant lots, state government could see additional permit fees for new development, and no impact would be felt by NCDOT or the federal government. The fiscal analysis was approved by DEQ on April 2 and by OSBM on April 5. Staff is asking the Commission to consider approval of the fiscal analysis for public hearing.

Neal Andrew made a motion to approve the fiscal analysis for 15A NCAC 07H .0309 for public hearing. Sheila Holman seconded the motion. The motion passed with eleven votes in favor (Hennessy, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King) and one opposed (Salter).

Consideration of Approval of Fiscal Analysis 15A NCAC 07H .0209 Urban Waterfront (CRC 25-20)

Cameron Luck

Cameron Luck stated current rules limit new non-water dependent structures to pile-supported, single-story decks and boardwalks that may extend up to 20 feet from normal high or normal water levels and may be roofed but not enclosed. At the August 2024 CRC meeting, a variance was granted for a restaurant that had received a Notice of Violation for the installation of removable plexiglass panes that had been installed on their covered deck. Following that variance, the CRC requested that staff propose rule language that would allow removable enclosures to be installed on structures within the urban waterfront. The CRC approved those amendments in November 2024. The fiscal analysis reviews how these rule changes would financially impact all parties typically involved in permits. After consideration of these rule amendments, there is no impact to either NCDOT or local governments, although staff believe this rule change will provide local governments with clarity regarding the State's position should they choose to implement standards that meet or exceed State regulations. When considering the impact on private property owners, staff believe the impact is positive. Allowing these structures will allow increased seasonal usability of outdoor spaces which should increase revenue capacity. This also reduces the likelihood of the need to go through the variance process and the costs associated with that. This amendment is not anticipated to have a significant impact on the Division. There is the potential for existing businesses to submit permit requests to retrofit their existing structures, but in general staff expect most removable enclosures to become a line-item in project proposals moving forward. The fiscal analysis was approved by OSBM on April 15 and staff is requesting the Commission's consideration of approval for public hearing.

Lauren Salter made a motion to approve the fiscal analysis for 15A NCAC 07H .0209 for public hearing. D.R. Bryan seconded the motion. The motion passed unanimously (Hennessy, Salter, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Consideration of Adoption 15A NCAC 07H .0314 Installation and Maintenance of Wheat Straw Bales for Sand Fencing (CRC 25-21) Heather Coats

Heather Coats stated due to lack of information on the efficacy and impacts from wheat straw bales, this rule was drafted to limit their use by local, state or federal governments, or a homeowner's association 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. The rules are also similar to traditional sand fencing rules and are subject to review by the Wildlife Resources Commission and US Fish and Wildlife Service in order to determine whether the proposed design or installation would have an adverse impact on sea turtles or other threatened or endangered species. Public hearings were held in October 2024 and February 2025 to accept comments. Seven comments were received all objecting to the proposed rule. Objections were received from the NC Wildlife Resources Commission, Southern Environmental Law Center, NC Audubon, NC Wildlife Federation, two members of the Ocean Isle Beach Sea Turtle Protection Organization, and one private citizen. All comments received have been provided to the CRC for consideration.

Commissioner Hennessy spoke against the rule and questioned the constitutionality of not allowing private property owners to request a permit to use straw bales as sand fencing. Commissioner Bryan asked Commission Counsel to weigh in on constitutionality. Mary Lucasse stated there does not appear to be anything unconstitutional about this rule as drafted. Commissioner Salter reminded the full Commission about the comments received by Southern Environmental Law Center and the possibility of legal challenges. Commissioner Yates spoke against the rule. Commissioner Emory stated the reason this rule was drafted was due to the lack of supplies available for traditional sand fencing, and that issue appears to have resolved itself.

Neal Andrew made a motion to approve 15A NCAC 07H .0314 to be submitted to RRC. D.R. Bryan seconded the motion. The motion passed with seven votes in favor (Salter, Smith, Baldwin, Emory, Andrew, Cahoon, Bryan) and five opposed (Hennessy, Yates, Holman, High, King).

Man-Made Ditches Discussion (CRC 25-22) Daniel Govoni

Daniel Govoni stated the Commission received a Petition for Rulemaking on December 6, 2024, requesting amendments to the definition of Estuarine Waters in 15A NCAC 07H .0206(a) to include all man-made ditches. The Petition was withdrawn, and the Petitioner submitted a request for Declaratory Ruling to the Commission on February 27, 2025, requesting a ruling regarding the applicability of the CAMA statute and the rules adopted by the Commission to man-made ditches, and seeking a ruling as to how these authorities should be applied by the Division. Chair Cahoon denied the request on the grounds that it was incomplete and informed the Petitioner of his right to resubmit the necessary information or to appeal this decision by filing a Petition for Judicial Review in Superior Court within thirty days of the Chair's decision. 15A NCAC 07H .0206 establishes the Estuarine Waters AEC and describes its importance in North Carolina's coastal areas but does not apply to man-made ditches. General Statute 113A-113(b)(2) does not include man-made ditches within its description and therefore, man-made ditches are not included in the Estuarine Waters AEC as they are not a bay, sound, river, or tributary of fishing waters. Other AECs may apply with possible exemptions. The Commission's rules that are relevant to man-made ditches include 07H .0205 (Coastal Wetlands), 07H .0207 (Public Trust Waters), and 07H .0209 (Coastal Shorelines). The Coastal Wetland AEC is identified in the field by the presence of one or more coastal wetland plant species and regular or occasional flooding by tides which can reach coastal wetlands through natural or artificial watercourses. Field indicators are used to determine regular or occasional flooding and can include observations of tidal water presence, elevation changes, evidence of appropriate species such as periwinkle and crab burrows, vegetation staining, or wrack lines. NC case law has upheld the use by DCM of field indicators for regulatory purposes. The Public Trust AEC is bound by the high-water mark or normal water level in natural or artificially created waterbodies and requires staff to conduct a site visit or for the applicant to provide a stamped survey to identify this high water line location on site. This rule includes six factors to be considered by staff when determining whether the public has acquired rights in artificially created water bodies which include: the use of the body of water by the public; the length of time the public has used the area; the value of the public resources in the water body; whether the public resources in the waterbody are mobile to the extent that they can move into natural bodies of water; whether the creation of the artificial body of water required permission from the State; and the value of the body of water to the public for navigation from one public area to another public area. The

Commission has established use standards within the Public Trust AEC (07H .0208). The area to be filled cannot have been created by excavating lands which were below the normal high water or normal water level. Filling shall not adversely impact any designated primary nursery area, shellfish bed, beds of submerged aquatic vegetation, coastal wetlands, public trust rights, or public trust usage. Any filling shall not adversely affect the value and enjoyment of property of any riparian owner. To establish navigability in the Public Trust AEC, staff rely on case law. Specifically, the decisions in *Gwathmey v. State of North Carolina* affirmed the rights of the public in waters subject to the Public Trust Doctrine are common law. *Bauman v. Woodlake Partners* affirmed the test for navigability is if it is navigable by a watercraft such, as a kayak, in its natural condition. *Fishhouse v. Clarke* affirmed navigability in man-made canals connected to a natural waterbody would be subject to the Public Trust Doctrine. If a man-made ditch is classified as Public Trust AEC, then the Coastal Shoreline AEC applies. This AEC is broken into two subcategories, the Estuarine Shorelines AEC and the Public Trust Shorelines AEC. The AECs are similar in that both require new development to be located 30-feet landward of high water and the Commission has established use standards that provide criteria for development, including impervious surface limitations. Not all man-made ditches will be considered within DCM's jurisdiction, and jurisdictional determinations are made in accordance with legal definitions and site-specific evaluations.

Commissioner Emory asked if this was a topic that comes up often for the Division or whether this was an issue for one person. Daniel responded this has not been an issue. Commissioner Andrew stated these rules may impact Oak Island which has a system of canals and drainage ditches. Commissioner Hennessy asked if the State's definition of wetlands was more stringent than the federal standard and cited the US Supreme Court's ruling on wetlands in 2023 (*Sackett v. EPA*). Christy Goebel stated the definition of coastal wetlands within its statutes is different than the Corps' definition of wetlands. Jonathan Howell stated the locations of wetlands for man-made ditches would be different than isolated wetlands. Commissioner Baldwin stated there are different types of wetlands and the current General Statute for North Carolina defines and protects coastal wetlands.

PUBLIC HEARING

15A NCAC 07H .0508 Jockey's Ridge Area of Environmental Concern

Daniel Govoni stated the public comment period closes on June 2, 2025. Written and oral comments are considered equally. Staff will compile all comments received and provide them to the full Commission for their consideration.

Robert Muller, Friends of Jockey's Ridge, spoke in favor of reinstating and readopting the designation for Jockey's Ridge as an Area of Environmental Concern. (written comments provided). Ben Cahoon, Mayor Town of Nags Head, spoke in favor of the re-designation of Jockey's Ridge as an Area of Environmental Concern. Michael Basnight, Manteo Town Commissioner, spoke in favor of reinstating the protection and designation of Jockey's Ridge as an Area of Environmental Concern.

CHAIR COMMENTS

Chair Cahoon thanked the DCM staff and attorneys for their work and thanked Commissioner King for hosting the Commission's reception.

PUBLIC INPUT AND COMMENT

Nelson Paul provided a photo of a ditch located in the coastal plain. He claimed that DCM would assert jurisdictional authority over the ditch pictured in his illustration even though it is entirely high ground on private property. Mr. Paul explained why he thought the pictured ditch was not under CAMA jurisdiction.

Micheal O'Brien stated I have been a resident of Nags Head for 38 years and was speaking in support of re-designating Jockey's Ridge as an Area of Environmental Concern. When I heard the designation was removed, I knew someone wanted to build on it. Jockey's Ridge State Park is the most visited state park in North Carolina. This is also an area of economic concern. We need to protect our natural resources. Saving the planet is saving the people.

ACTION ITEMS

Ken Richardson reviewed the approval procedures for Beach Management Plans and stated as defined in the CRC's rule 07H 0306, setbacks are calculated based on structure size and erosion setback factors. The minimum setback is 60-feet or 30 times the setback factor for a structure less than 5,000 square feet and the maximum is 180-feet or 90 times the setback factor as defined in 07H .0304. Both setbacks and landward limits of the Ocean Erodible Area are driven by erosion rates. Setbacks and the Ocean Erodible Area are measured from one of three features: the first line of stable and natural vegetation if there has been a nourishment project with less than 300,000 cubic yards of sand; the pre-project vegetation line if there has been a nourishment project over 300,000 cubic yards; or the measurement line which is usually associated with the Unvegetated Beach AEC. Currently, the primary erosion mitigation tool is beach nourishment. When a community plans a project that places more than 300,000 cubic yards of sand on the beach, a pre-project vegetation line is established. This line never expires and both setbacks and the Ocean Erodible Area are measured from it, unless the actual vegetation line is farther landward. In conjunction with a nourishment project, the community may also include planted vegetation. However, the CRC has long recognized that the vegetation on nourished beaches is not stable and natural and should not be used for measuring oceanfront setbacks. In 1995, the CRC codified a method of measuring setbacks on nourished beaches that utilizes the pre-project vegetation line. The CRC's Beach Management Plan rules were based on three primary findings: evidence that nourished beaches can have higher erosion rates than natural ones; the need for assurance that funding for future nourishment projects would be available for maintenance work as the original project erodes away; and a finding that a structure could be more vulnerable to erosion damage if its siting was tied to an artificially-forced system. The intent of the pre-project vegetation line provisions has been to recognize that beach nourishment is an erosion response necessary to protect existing development but should not be a stimulus for new development on sites that are not otherwise suitable for building. Without regular maintenance of the initial project, erosion will return the beach to pre-project conditions and continuing landward. In North Carolina, numerous examples have shown that large-scale project installations, paired with consistent maintenance and effective planting, have resulted in seaward vegetation growth and the formation of stronger dune systems. As communities began to realize the benefits of sustained beach nourishment efforts, they approached the Commission seeking regulatory flexibility. The CRC recognized that certain communities had shown a consistent, long-term commitment to nourishment and maintaining their beaches, resulting in stable vegetation that

had migrated seaward of the pre-project vegetation line. Although proposed development on some lots could meet setback requirements from the new vegetation line, projects were often not permitted because they did not comply with setbacks from the pre-project line. In 2009, the CRC introduced the Static Vegetation Line Exception Procedures as a means to acknowledge and support local government initiatives aimed at reducing erosion through sustained beach nourishment efforts. This initiative later evolved into the Beach Management Plan rules in 2022. Under these procedures, local communities were required to formally request an exception to the static line from the CRC. A CRC approved Beach Management Plan enables property owners within the community to establish construction setbacks based on the first line of stable and natural vegetation rather than the pre-project line, subject to specific conditions. Beach Management Plan relief allows setbacks to be measured from the first line of stable and natural vegetation, but limits development to the landward-most adjacent neighbor. Structures greater than 5,000 square feet have a minimum setback of 120-feet or 60 times the SBF. Grandfathering applies to all structures no greater than 10,000 square feet for structures built before August 11, 2009, without a Beach Management Plan. While having a beach management plan in place is certainly a crucial step, its effectiveness hinges on proper implementation. Without actively carrying out the measures outlined in the plan, the shoreline will regress to its pre-project state, leaving existing structures vulnerable to continued erosion. Consequently, failure to implement the plan can not only undermine the initial investment in erosion mitigation, but also potentially result in significant environmental and economic consequences for the affected area. Therefore, it is imperative for coastal communities to not only develop robust beach management plans but also identify resources and ensure consistent execution of the plan. With the formulation of these rules and procedures, the CRC has taken on the substantial responsibility of reviewing Beach Management Plans. This entails not only examining the specified criteria laid out in the Plans but also conducting comprehensive evaluations of their effectiveness. Furthermore, the CRC has tasked itself with assessing the success of previous beach nourishment efforts based on the data and information presented to the Commission. This multifaceted approach ensures that Beach Management Plans are not merely superficial documents, but robust strategies geared towards effectively addressing erosion challenges and helping to safeguard the oceanfront. Approval of a Beach Management Plan requires the Commission to consider all of the beach fill projects, maintenance plans for a period of no less than 30-years, sediment sources, financial resources, and public comments received by the Town. DCM staff have reviewed the Beach Management Plans for the Towns of Ocean Isle Beach and Carolina Beach and recommend that the Commission consider approval of both plans.

Consideration of Approval of Ocean Isle Beach – Beach Management Plan (CRC 25-23) **Justin Whiteside**

Sheila Holman made a motion to recuse Commissioner Smith from this agenda item. Neal Andrew seconded the motion. The motion passed unanimously (Hennessy, Salter, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Justin Whiteside stated the Town is part of a plan for the Brunswick County Beaches which was authorized by the 1966 Flood Control Act. The first project was not constructed in Ocean Isle until 2001 with planned projects approximately every three years. This authorization extends through 2051. The Town plans to extend past this point. In 2022, the terminal groin was

completed. It consists of 750-feet of rubble mound, a 300-foot long shoreline sheet pile anchorage system, and included 3,214 foot long accretion fillet along the oceanfront shoreline. The Town also just installed an east-end dune project that consisted of 11,000 cubic yards of beach compatible sand and covered 3,500 linear feet of shoreline. It included a 10-foot wide berm crest with elevations varying from 11.5' to 12.5'. This project also included the installation of sand fencing and vegetation. This sand was trucked in from an upland mine located in Brunswick County. The Corps provides beneficial placement of sand from the Atlantic Intracoastal Waterway Maintenance. The Corps has identified compatible sediment from Shallotte Inlet Borrow Area and the Atlantic Intracoastal Waterway. Financial resources for the projects are 65% federal government, and 35% non-federal funds split evenly by the Town and State at 17.5%. Session Law 1997-364 provided that the room occupancy tax and tourism development tax provide 2% of its gross receipts to be used for beach nourishment and shoreline protection. The current beach nourishment fund balance is \$9,365,098.11 with a projected FY 25/26 contribution of \$1,575,000 and an additional \$500,000 from the accommodations fund. On March 21, 2025, the Town of Ocean Isle Beach posted its Beach Management Plan on the Town's website and provided for a 30-day commenting period. Simultaneously, an email was sent to those who have registered for e-notifications from the Town with a link to the report. One comment was received.

Neal Andrew made a motion to approve the Town of Ocean Isle Beach's Beach Management Plan. Larry Baldwin seconded the motion. The motion passed unanimously (Hennessy, Salter, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Consideration of Approval of Carolina Beach – Beach Management Plan (CRC 25-24) Jeremy Hardison

Jeremy Hardison stated from 1925-1962, there was no vegetation, no berm, and no clear regulations on where development could take place. In 1952, Carolina Beach Inlet opened and at that time the beach began to experience additional erosion. In 1954 we experienced Hurricane Hazel. This made the Town think more about placement of structures. In 1962, the Flood Control Act was passed which provided funding and authorized a federal storm damage reduction project which allowed the Town of Carolina Beach to construct its first beach berm and nourishment project. In 1963, the Town created a building line and in 1964, the federal beach berm project with vegetation was completed. In 1966 the Town installed a temporary timber groin. In 1970, the Corps constructed a rock revetment which included the construction of a 1,100-foot stone seawall and extensions of 500 feet north and 450 feet south, totaling 2,050 feet. In 1974, the Coastal Area Management Act (CAMA) was created. In 1979, oceanfront setback rules were established from the first line of stable and natural vegetation and in 1980 a static vegetation line was established where the natural vegetation was at that time. For 30 years that is how the Town was developed and re-developed. In 2009, the CRC introduced graduated setbacks. A static vegetation line exception was utilized beginning in 2009 and reauthorized by the CRC in 2014 and 2020. In 2022, the Beach Management Plan rules became effective. It is 2025 and the Town is now seeking approval of its fourth request for its Beach Management Plan. The primary borrow source is Carolina Beach Inlet with an offshore backup site. Carolina Beach Inlet has been used since 1967 with a recharge rate of 300,000 cubic yards per year. It was last surveyed in 2024. The USACE surveys annually or more depending on storm activity. The financial resources come from a local beach nourishment fund and room occupancy taxes. The federal

share is 65% federal, and equal split between local and state funds of 17.5%. The current fund balance is \$51.3 million. The Plan was advertised in the local paper and on social media. The Town also held a public meeting to solicit comments. The Town Council approved the Plan on February 11, 2025.

Steve King made a motion to approve Carolina Beach's Beach Management Plan. Neal Andrew seconded the motion. The motion passed unanimously (Hennessy, Salter, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

LEGAL UPDATE

Update on Litigation of Interest to the Commission (CRC 25-25)

Mary Lucasse

Mary Lucasse stated this will be her last CRC meeting as she has accepted a position as Counsel for the Board of Elections. The North Carolina Department of Justice will assign a new Counsel for the CRC.

Mary Lucasse provided an update since memo CRC 25-25 was provided. In transferring ongoing litigation, CRC v. RRC will be led by Elly Young who has been working on this case and will continue to represent the CRC. After this record has been filed, the appeal will be briefed to the Court of Appeals. In working with the Petitioners for the current Petitions for Judicial Review, Petitioners Clifton have withdrawn their request and file will be closed. Phillip Reynolds has entered his appearance representing the CRC in both the Elliott and Ready petitions for judicial review. Mary Lucasse stated the Final Agency Decisions on variance requests from this meeting will be finalized before her departure. Attorney Sarah Zambon will monitor the Griswold third party hearing request and draft the Final Agency Decision once the Chair has ruled on that request.

Chair Cahoon thanked Ms. Lucasse for her support, guidance, and representation of the CRC.

OLD/NEW BUSINESS

Chair Cahoon stated the plan is for a one-day meeting in a central location, potentially New Bern, for the June CRC meeting due to budgetary concerns. More information will be provided as soon as it is available.

Commissioner Hennessy thanked Ms. Lucasse for her service to the CRC and the State. Commissioner Hennessy stated there has been ongoing dialog with the Chair and CRC Counsel regarding the CRC v. RRC litigation. Commissioner Hennessy asserted that he was not aware of any formal motion, second, or vote to file a suit against the RRC. Something of this significance should have had a full vote of the CRC to file against another State agency that we have to continue to work with. We have run into problems with notices, and they were rejected because there was not a proper email list to provide notice. Commissioner Hennessy stated that he would like the CRC Counsel to withdraw this lawsuit.

Jordan Hennessy made a motion to request CRC Counsel to withdraw the lawsuit against the Rules Review Commission. Robbie Yates seconded the motion.

Commissioner Emory stated he can't recall information about when a vote was taken but the CRC has been defending itself and he will vote against that motion. Ms. Lucasse stated Commissioner Hennessy has been provided with the public records on the Commission's actions to authorize the filing of the lawsuit including the November 2022 CRC meeting in which the Commission went into closed session and gave directions to proceed with negotiations with the RRC and if that failed, up to and including judicial review of the RRC's actions. This authorization was reaffirmed in February and November 2023, and those minutes have been provided as well. In addition, information has been provided on this lawsuit at every Commission meeting during the legal update. The full Commission has been advised and continued to approve the steps that have been taken in the litigation. Commissioner Salter stated the CRC did not pick a fight with RRC, DCM staff repeatedly tried to work with RRC to address the issues raised by RRC staff and the full CRC authorized Commission Counsel to file a lawsuit. The RRC continues to over-reach on their authority and scope. Commissioner Baldwin stated he recalled authorizing this process including litigation. Chair Cahoon stated it is unprecedented to have these rules returned to the CRC. RRC staff provided a list of objections, which DCM staff corrected and resubmitted. RRC staff then requested additional changes and objections. The CRC did authorize Counsel to file the lawsuit and Commissioner Hennessy has been provided the records to support this action. Commissioner Hennessy stated pursuant to the November 2022 CRC meeting minutes, Commissioner Andrew made a motion to go into closed session to consult with its attorney to discuss possible legal options seeking judicial review to respond to the RRC's September 17, 2022, objections to the CRC's rules adopted during the Periodic Review. Sheila Holman seconded, and the motion passed unanimously. The November 2022 minutes further state after returning to open session, Commissioner Andrew made a motion authorizing CRC Counsel to send a letter to RRC responding to objections and to undertake all actions including pursuing judicial review of the RRC's objections. Commissioner Emory seconded the motion, and the motion passed unanimously. Commissioner Hennessy stated that in his opinion, there was no motion made, nor a second, nor a vote authorizing to file a lawsuit against the RRC. The motion and vote taken simply authorized a letter to the RRC including the potential for judicial review, which does not direct a lawsuit against RRC and its Codifier. Commissioner Hennessy also asked, even if it did authorize a lawsuit, why did the February 2023 meeting include a motion to go into closed session regarding possible legal options in response to RRC's objections? Commissioner Hennessy read from the February 2023 closed session meeting minutes, and noted they state that to break the impasse, the CRC will need to file a complaint for Declaratory Judgement against the RRC in Superior Court. He feels this contradicts the notion that the CRC authorized the lawsuit against RRC roughly three months prior in November 2022 and there was no motion, second, or recorded vote during that meeting. A March 2024 memo states after the Codifier returned the CRC's 30 rules in October 2023, the Chair in discussion with DCM staff determined a special meeting was not yet required. The CRC's November meeting, the first after the Codifier had taken the unprecedented action of returning the rules, the CRC received information on the lawsuit filed and considered next steps. Commissioner Hennessy asked, why, if the action was truly unprecedented, was a special meeting not called to consider next steps? If it was the desire of the Commission's majority, a motion, second, and vote authorizing such action of this level should have occurred. It wasn't until the rules were decodified that abruptly triggered the lawsuit to be filed which was the result of a provision included in the 2023 State Appropriations Act which had an effective date of October 3, 2023. On November 3, 2023, a lawsuit was filed against the RRC, which is 351 days

after the November 17, 2022, meeting. Commissioner Hennessy stated that he believes the lawsuit creates an adversarial relationship with a body that the CRC has to work with. The RRC reviews all State agency Boards' and Commissions' rules. There are a lot of State agencies that don't like what the RRC says, but they try to work with them and not file a lawsuit against them. Commissioner Emory stated we tried really hard to work with the RRC, over not months, but years, to address their objections to our rules. We authorized our Counsel to go back to RRC with a proposal and if that was unsuccessful, then go into litigation. Commissioner Holman stated I would echo the comment from Commissioner Emory and the reality is that we continued to consult with our attorney as she attempted to work to resolve issues with the RRC and the filing of the lawsuit was a last resort because we felt as a Commission that we had exhausted all other options. Neal Andrew stated he agreed with Commissioners Emory and Holman, and I support what we have done to try to work with the RRC then by giving instruction to our Counsel that if we cannot reach a reasonable solution then we should pursue legal action and will continue to support that effort now. Commissioner Yates stated he was not on the Commission when this began, but there is a new Codifier on staff at OAH. Commissioner Yates stated, "I am not saying that the lawsuit wasn't appropriate at that time, but my question to the Commission is, is this working and are we getting the cooperation that we are asking for?". Chair Cahoon stated this came about because we had been working with RRC for a long time to address their concerns and a provision was inserted into the State Budget Bill that allowed the Codifier to withdraw the rules. That was unprecedented and the rules were removed from the Code. The 30 rules that were removed from the Code had a major impact on the people we serve in the 20 coastal counties. This was a decision that was not taken lightly. It was taken in response to the removal of the rules from the Code. A Superior Court judge has ordered the rules back into the Code and that has been appealed by the RRC. Commissioner Hennessy stated if going to RRC is something the CRC doesn't like then take it up with the Legislature. Specifically, Commissioner Hennessy stated, "It is by law that we have to go through the RRC, if you don't like it ask the Legislature to change the law. The Legislature has had to appropriate a quarter of a million dollars to RRC to defend its lawsuit against us and that is wrong. After the rules were decodified, that is when the lawsuit was filed. If the authorization was given to file a lawsuit in 2022, why did it take 350 days to file a lawsuit?" Commissioner Salter stated, "Commissioner Hennessy has provided the evidence that the CRC had tried everything else and that is why it took over 300 days to file because every attempt was made by the CRC to satisfy the RRC and then the rules were removed from the Code overnight, leaving the people of North Carolina left in a vacuum and not knowing how to operate. The CRC fought for the people of North Carolina to maintain the rules in the Code while we worked with RRC."

Neal Andrew made a motion to call the question. D.R. Bryan seconded the motion. The motion passed unanimously (Hennessy, Salter, Smith, Yates, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan, King).

Jordan Hennessy made a motion to request CRC Counsel to withdraw the lawsuit against the Rules Review Commission. Robbie Yates seconded the motion. The motion failed with three votes in favor (Hennessy, Yates, King) and nine opposed (Salter, Smith, Baldwin, Emory, Andrew, Cahoon, Holman, High, Bryan).

Commissioner Baldwin stated he received a call from a private property owner in Atlantic Beach, Carteret County that there had been authorization given to level frontal dunes on a public area for volleyball courts. He stated that after looking at aerial imagery, the location is leveled and void of vegetation. It doesn't seem like this follows the CRC's goals to make these areas more resilient. Director Miller stated this is at the Circle in Atlantic Beach which is a very popular if not most popular beach access, recreational area. In the past, they maintained a frontal dune system and provided amenities for the public. Generally, they are just redistributing sand that has blown up against the seawall, but we will look at what the most recent action has been.

Chair Cahoon stated the Commission will be attending a field trip following the business meeting and invited CRC and CRAC members to provide any points of interest that may be in the area in addition to the scheduled stops in Buxton and Rodanthe. Commissioners were reminded that the field trip is considered "in session" and no CRC business should be discussed on the transportation to the sites. Director Miller stated this field trip was requested by the Buxton Civic Association for the CRC to see the Formerly Utilized Defense Site (FUDS) restoration and the old groins in Buxton. Another stop is planned in Rodanthe to see the houses on the public beach. Superintendent Hallac will join the Commission at both sites.

Commissioner Hennessy asked Director Miller to provide a summary of the Threatened Oceanfront Structures Workgroup Report. Director Miller stated this report was a joint effort between the Park Service and DEQ that asked DCM to work with State, Federal, and Local agencies to think about whether there are any financial, regulatory, or policy options that would allow property owners to get insurance pay-outs prior to their structure collapsing. Most of the funding that is available for moving or removing structures is not applicable to second homes or investment properties, solely primary residences. There was no immediate funding stream that could be utilized. On the Federal side, FEMA would need to change its approach to allow for early payouts which will require Congressional action. Congressman Murphy has introduced a bill to try to get the authority for the agency to allow early payments. There is no immediate solution to this issue.

The Commission proceeded to Buxton at the south end of Old Lighthouse Road for an informational session on the Buxton Formerly Used Defense Site, the existing groins, and view nearby threatened oceanfront structures. The Commission then proceeded to the end of East Point in Rodanthe to receive information and view nearby threatened oceanfront structures. Commissioners Andrew, King, and Yates did not attend the field trip.

With no further business, the CRC adjourned at 3:50 p.m.

Respectfully submitted,


Tancred Miller, Executive Secretary


Angela Willis, Recording Secretary