



NORTH CAROLINA  
Environmental Quality

ROY COOPER

Governor

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Secretary

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Director

CRC-23-07

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## MEMORANDUM

**TO:** NC Coastal Resources Commission  
**FROM:** Rachel Love-Adrick  
**SUBJECT:** Area of Environmental Concern Nomination and Designation Process

As you are aware, the commission designates areas of environmental concern (AEC), adopts rules and policies for coastal development within those areas. AECs include the Estuarine and Ocean System, Ocean Hazard Areas, Public Water Supplies, and Natural and Cultural Resource Areas.

Estuarine Shorelines are managed as part of an interrelated group of AECs under the broader category of the Estuarine and Ocean System. These AECs include Estuarine Waters, Coastal Wetlands, Public Trust Areas, Coastal Shorelines and Public Trust Shorelines. Coastal Shorelines and Public Trust Shorelines are delineated by the Inland Waters Boundary, a jurisdictional boundary as defined by the Division of Marine Fisheries and the Wildlife Resources Commission.

Public Trust Areas include all waters of the Atlantic Ocean from the mean high-water mark to the three-mile limit of state jurisdiction and all natural bodies of water subject to measurable lunar tides or wind influenced tides to the extent of Normal High or Normal Water Level.

Coastal Shorelines include Estuarine Shorelines to the extent of Normal High or Normal Water Level along non-ocean shorelines to the Inland Waters Boundary. Public Trust Shorelines extend from the Inland Waters Boundary upstream to the limits of navigability in the 20 coastal counties. The landward extent of the Coastal Shorelines AEC is 75 feet from Normal High or Normal Water Level, except where adjacent to waters delineated by the Environmental Management Commission as Outstanding Resource Waters, where the landward extent is 575 feet.

Natural and Cultural Resources Area AECs are defined as "areas containing environmental, natural or cultural resources of more than local significance in which uncontrolled or incompatible development could result in major or irreversible damage to natural systems or cultural resources, scientific, educational, or associative values, or aesthetic qualities" (15A NCAC 07H .0501).

Unique to the Natural and Cultural Resources AECs is that they may be nominated by any person or group at any time for Coastal Resources Commission consideration. Nominations may, for example, be made by citizens, interest groups, local governments, or state and federal agencies. The nomination and designation procedures are outlined below and found in [15A NCAC](#)



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[07H .0503](#) and [G.S. 113A-115](#). The Division has received a nomination for an area within the Town of Beaufort and is in the process of setting up a meeting with all the stakeholders. The last time an AEC nomination was submitted was in 1994 For a site in Brunswick County. Previous nominations have included Buxton Woods at Cape Hatteras and Bird Island in Sunset Beach. The following is a summary of the AEC nomination process. At our upcoming meeting in Manteo, I will review this process and answer any questions you may on how these nominations are handled.

**Preliminary Evaluation:** After receiving a nomination the Division of Coastal Management will notify the landowners, local governments, and the Coastal Resources Commission and Coastal Resources Advisory Council (CRAC) members in whose jurisdiction the site is located of the proposed nomination and meet to discuss the proposed nomination within 60 days after receipt of the nomination. The Division of Coastal Management will then conduct a preliminary site evaluation in which various protection methods will be examined to determine if AEC designation is appropriate.

**CRC Endorsement:** The preliminary report is presented to the CRC at the first CRC meeting after completion of the preliminary report. At this meeting, the CRC will determine whether to endorse the evaluations and proceed with a more detailed analysis of the site.

**Detailed Review:** If the AEC nomination receives the CRCs endorsement DCM will conduct a detailed review of the proposed site. This report will include the development of a management plan, if applicable, or site-specific use standards; and be presented to the CRC for their consideration.

**Public Hearing:** If the CRC decides to consider formal designation of the site as an AEC and adopts the management plan or use standards developed, a public hearing or hearings will be conducted and notice of hearing published and distributed in accordance with the requirements of G.S. 113A-115 (Designation of areas of environmental concern) and [G.S. 150B-21.2](#) (Procedure for adopting a permanent rule).

**Formal Designation:** After consideration of all comments, the Commission will make its final judgment and if the site is designated as an AEC, the CRC will adopt a management strategy or use standards applicable to the AEC.

