

NC COASTAL RESOURCES COMMISSION (CRC)

**November 19-20, 2025
Beaufort Hotel, Beaufort**

Present CRC Members

Renee Cahoon, Chair
Neal Andrew, 1st Vice-chair
Larry Baldwin
D.R. Bryan
Bob Emory
Jordan Hennessy
Robert High (absent 11/19)
Sheila Holman, 2nd Vice-chair
Steve King
Lauren Salter
Earl Smith
Robbie Yates

Present from the Office of the Attorney General

Sarah Zambon

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

Christine Goebel

CALL TO ORDER/ROLL CALL

CRC Chair Renee Cahoon called the meeting to order at 1:00 p.m. on November 19, 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 Hennessy stated he would ask for recusal from the Topsail Beach Beach Management Plan. Commissioners Steve Shuttleworth and Robert High were absent. Based upon this roll call Chair Cahoon declared a quorum.

CHAIR COMMENTS

Chair Cahoon thanked Dr. Laura Moore, CRC Science Panel Chair, for attending the meeting and thanked the entire Science Panel for their continued work. Chair Cahoon welcomed DEQ Secretary Reid Wilson and Assistant Secretary Kathie Dello. Secretary Wilson addressed the Commission and thanked them for their work for the State.

Approval of the August minutes was delayed until the February meeting.

CRAC REPORT

Bobby Outten, CRAC Chair, stated the CRAC agenda included three agenda items, however only two items were discussed. The first was a robust discussion on the Inlet Hazard Areas (IHA) which prompted the question of whether to continue the status quo with regards to setbacks within the IHAs or move forward with the hybrid model the Science Panel is recommending. No conclusion was reached by the Advisory Counsel. The consensus was that the recommendation from the Science Panel would work, with consideration for grandfathering and impacts to existing lots. The CRAC asked staff to come back to the CRAC with rules that consider grandfathering for discussion to bring a recommendation back to the full CRC for discussion. The second agenda item talked about the need for rules for temporary weather monitoring stations on the beach (AKA Sentinels) and enabling scientists to do their work for these unique requests which don't fit within the current permitting process. The CRAC asked staff to bring rules that accommodate the Sentinels. The final agenda item was discussion of the sediment criteria rules and potentially allowing a larger allowable size. There was not time to discuss this in the meeting, but it will be on the February CRAC agenda. In Dare County there have been a lot of issues, but a thank you is in order to Tancred and District Manager Ron Renaldi to find solutions and answer questions.

EXECUTIVE SECRETARY REPORT

DCM Director Tancred Miller gave the following report:

Thank you, Secretary Wilson and Assistant Secretary Dello, for joining us, we all appreciate you taking the time to be with us today. Dr. Moore, thank you for attending and for providing comments at the Advisory Council meeting.

Regulatory

We have issued 35 sandbag permits since June 1st, indicative of a hurricane season that pushed beyond the norm. The vast majority of these permits were in Brunswick and New Hanover Counties. More on these later. Dare County has submitted a request for authorization to repair the southernmost groin at Buxton, which you'll recall visiting in April. That area looks very different today than when you saw it in the Spring. The county's repair request is under review for regulatory and statutory compliance. If the request meets the criteria for repair, they will be exempt from CAMA permitting and can complete the repair provided they receive the federal authorizations. DCM held a 2-day workshop in October for Local Permit Officers (LPOs) in the Northern and Northeastern Districts. These workshops are required annual trainings for LPOs, and attendance is part of the contract between DCM and local governments. DCM issued permit # 105-25 on September 19th to NCDOT and the NC Turnpike Authority for the Mid-Currituck Bridge. DWR and USACE have also issued their permits, with the US Coast Guard permit still outstanding. DCM's permit was challenged by the Southern Environmental Law Center on behalf of their clients No-Mid Currituck Bridge and the Sierra Club. Chair Cahoon granted the 3rd party challenge in part and denied in part. Counsel has included the Chair's decision in your meeting materials. SELC may now file a Contested Case Petition in OAH and/or contest the Chair's decision in Superior Court. DCM received a petition for Rulemaking from Mr. Nelson Paul on November 12th regarding the man-made ditches legislation. The petition was forwarded to OAH as required and public notice has been issued. Under the APA the CRC must grant or deny the petition within 120 days. We will present the staff recommendation at your February meeting.

Policy & Federal Consistency

DCM received the U.S. Army Corps of Engineers' Draft Environmental Impact Statement for the Wilmington Harbor Dredging Project in mid-October for Federal Consistency review. The Corps, working with the State Ports Authority recently completed its Draft EIS evaluating a potential expansion of the federal navigation channel at the Port of Wilmington. The project and its review are being carried out under Section 403 of the Water Resources Development Act of 2020, which authorized navigation improvements at Wilmington Harbor. Because the Draft EIS covers a federal project in state waters, the Coastal Zone Management Act requires DCM to review it to ensure it is consistent to the maximum extent practicable with North Carolina's enforceable coastal policies, including CAMA, Dredge & Fill, and the commission's rules. The project proposes widening and deepening parts of the main channel and anchorage basin within Wilmington Harbor, beneficial placement of the dredged material on beaches and marshes, and mitigation to help balance the project's adverse impacts. DCM has been coordinating its review with several state resource agencies, including DMF, WRC, and DWR, and held a public hearing in Wilmington this past Monday as part of the public comment period. The Draft EIS and project information are available on our website if anyone would like to learn more. Cameron Luck is leading the division's review.

Planning & Resiliency

The Resilient Coastal Communities Program (RCCP) continues to make significant progress across North Carolina's coast. This year we funded 14 contracts with technical service providers to complete planning and vulnerability assessments in 19 communities, including a pilot initiative to help three communities begin integrating resiliency into their CAMA Land Use Plans. We also funded 13 engineering and design contracts to help move community projects closer to shovel-ready status, and 3 construction projects that are scheduled to begin soon. RCCP staff recently had the opportunity to visit Beaufort County Community College to see the county's completed demonstration project. The campus now features a rain garden with permeable pavers that help manage stormwater, while educational signs and materials provide guidance to contractors on low-impact development techniques. This project reduces runoff and serves as a living classroom, demonstrating practical ways to protect water quality and build resilient communities. The Public Beach and Coastal Waterfront Access Grant Program made its awards for the 2025–2026 cycle and funded projects are underway. Applications for the 2026–2027 grant cycle will open in January 2026.

Several access projects were recently completed, including:

- The City of Washington's Wetland Boardwalk Reconstruction. The 1,900-foot elevated boardwalk serves as an extension of the riverfront park and connects residential areas to the NC Estuarium and downtown business district. The reconstruction was completed over three grant cycles (2019, 2021, and 2023) with a total investment of \$2.27 million.
- The Town of Manteo's decking replacement at the popular Roanoke Marshes Lighthouse Pier is complete.
- The Town of Kure Beach completed the installation of an ADA-accessible dune crossover to improve beach access for all visitors.

The division has certified one land use plan since August for the Town of Ocean Isle Beach. Other land use plans are under review for certification.

Coastal Reserve

Moving to the Coastal Reserve, the Coastal Reserve's rules, 15A NCAC 07O, are scheduled to be reviewed by the Rules Review Commission in April 2026 as part of the Periodic Review process. The proposed initial determination, which was presented to you at the August meeting, is currently open for public comment through December 1st. It can be accessed on the DEQ and Reserve's websites. After the comment period the Department will review all comments and make final determinations for submission to the RRC in April 2026. Fall reserve local advisory committee (LAC) meetings wrapped up yesterday. Advisory committees for all 10 sites met and as always we are grateful to our volunteers for their commitment and expertise. The reserve celebrated National Estuaries Week September 20-27 by hosting a variety of activities. Debris clean-ups were held at the Rachel Carson and Masonboro Island Reserves, and we led a public paddle trip at the Zeke's Island Reserve and bioblitzes at the Rachel Carson and Zeke's Island Reserves to document flora and fauna at the sites. Public access at the Bald Head Woods Reserve has been enhanced thanks to a partnership with the Village of Bald Head Island. The golf cart parking platforms were improved, transitioning to a more durable and lower maintenance design that provides additional spaces for golf cart parking. We extend our thanks to the Village of Bald Head Island. The Coastal Training Program, in partnership with DCM's regulatory staff, hosted the ever-popular "*Living on a Barrier Island*" workshop for Cape Fear and Outer Banks realtors. The workshops were well attended and again received excellent reviews. We are very excited to be hosting National Estuarine Research Reserve System training and engagement program coordinators from across the country at a sector meeting in Beaufort the week of December 8. This meeting provides the opportunity for the attendees to plan and evaluate program implementation, learn about some of NC's key projects such as realtor training and resiliency efforts, and to visit the Rachel Carson Reserve. Student opportunities in our Manteo, Beaufort, and Wilmington offices for summer 2026 will be announced soon on our website.

Staff News

Tosha Swinson joined the Wilmington office in October as the new Administrative Assistant. We are very excited to finally have a permanent position for this busy office. Robb Mairs has been promoted to Regulatory Chief and will continue to work out of our Wilmington office. He previously served as DCM's Minor Permit Coordinator and we are currently interviewing for his replacement. Rich Mahoney has moved from being a Field Rep in the Morehead City office to the Major Permits Section, working alongside Gregg Bodnar and Kelsey Beachman. Rich is processing MP applications for the Morehead City, Washington and Elizabeth City districts. We are in the process of recruiting several vacancies, 2 field reps and 1 planner in Morehead City, 1 field rep in Elizabeth City, and our Minor Permits Coordinator. We're also in the process of creating 3 new time-limited positions: a Coastal Wetlands Specialist and 2 NCCR positions focused on resiliency and site management.

Budget

We have no budget news to report other than our budget remains tight. The recently-concluded federal shutdown and furloughs did not affect DCM directly from a budgetary standpoint but did somewhat hamstring our ability to work with some of our federal partners.

Legislative

I have no legislative update today, but I'm sad to inform you of the passing this week of Judge Willis Whichard at the age of 85. Judge Whichard was a former Appellate Judge, Associate Justice at the NC Supreme Court, a former State Senator and Representative, and the Principal House sponsor and champion of the Coastal Area Management Act. You may remember Judge Whichard spoke at the CAMA 50th Anniversary celebration last February. We mourn his passing but celebrate his service and legacy in coastal management.

Conclusion

Madam Chair we're approaching the end of a 2025 hurricane season whose intensity and scale produced unexpectedly large impacts despite no direct hits. Areas of the coast experienced substantial beach erosion, extremely high water levels that persisted for weeks, roadway damage, and 16 house collapses. Many property owners and coastal residents have had their lives and livelihoods significantly impacted. Some of these property owners and residents understandably are looking for solutions that can be implemented quickly and will last a long time. For some this means sandbags. Since June 1st the division has issued 35 new sandbag permits, 31 of those 35 in the Wilmington District to address erosion at Ocean Isle Beach and Figure Eight Island. More than half of the 35 permits were issued under the provision in your rules that allows the division to permit sandbags in cases of accelerated erosion. Other property owners have been able to reinforce their foundations or move their homes away from the water. A few have voiced a desire for further exceptions to, or a repeal of the statutory prohibition on permanent erosion control structures on the oceanfront. There were a couple of instances of property owners going outside of your rules for emergency protection for their properties; we were able to correct those errors and steer them in the right direction. All of these events paint a serious picture. Alarms are sounding in nearly all of our oceanfront counties. Beach nourishment costs continue to rise and the lifespan of many of these projects is painfully short. Infrastructure is increasingly vulnerable, and some communities are very concerned. We must approach these challenges with open minds, innovation, and balanced pragmatism. We must take a critical view of our past and current practices, embrace what continues to succeed, and replace practices that are no longer working. The NC-12 Taskforce and the Interagency Workgroup on Threatened Oceanfront Structures are examples of the collaborative efforts that we need more of. Your Science Panel is an invaluable resource that is up to the challenge. This work is a top priority for Secretary Wilson, Assistant Secretary Dello, and the staff at DCM. We have lots of hard questions and no easy answers, but the people we are privileged to serve deserve our best efforts. We look forward to this week's discussions.

VARIANCE REQUESTS

Krichman (CRC-VR-24-11) Carolina Beach, Artificial Turn in 30' Buffer

Hannah Mitchell, Christy Goebel, Esq./Andrew Krichman, Pro se

Hannah Mitchell provided an overview of the site of the proposed development through a slide deck with photographs of the site. Christy Goebel represented Staff, reviewed the stipulated facts, and stated Mr. Krichman is present and will represent Deep Water Management, Inc., as Incorporator and President of Deep Water Management, Inc., in this variance request. Staff and Petitioner disagree on three of the four variance criteria which must be met in order to grant the

variance request. Mr. Krichman reviewed the stipulated facts which he contends supports the granting of the variance request.

Bob Emory made a motion that Petitioner has not shown that hardships would result from strict application of the development rules, standards, or orders issued by the Commission. Lauren Salter seconded the motion. The motion passed with six votes in favor (Cahoon, Andrew, Holman, Bryan, Emory, Salter) and four opposed (Baldwin, Hennessy, King)(Yates abstained)(Smith absent for vote).

Bob Emory made a motion that Petitioner has not shown that hardships result from conditions peculiar to the Petitioner's property. Sheila Holman seconded the motion. The motion passed with six votes in favor (Cahoon, Andrew, Holman, Bryan, Emory, Salter) and four opposed (King, Yates, Baldwin, Hennessy) (Smith absent for vote).

Bob Emory made a motion that Petitioner has shown that hardships did not result from actions taken by the Petitioner. Sheila Holman seconded the motion. The motion passed with nine votes in favor (Cahoon, Andrew, Holman, Baldwin, Bryan, Emory, Hennessy, King, Salter) and one opposed (Yates) (Smith absent for vote).

Bob Emory made a motion that Petitioner has not shown that the variance request is consistent with the spirit, purpose, and intent of the Commission's rules, standards, or orders; will secure public safety and welfare; and preserve substantial justice. Sheila Holman seconded the motion. The motion passed with six votes in favor (Cahoon, Andrew, Holman, Bryan, Emory, Salter) and four votes opposed (Baldwin, Hennessy, King, Yates) (Smith absent for vote).

This variance request was denied.

Ocean Isle Beach Sandbag Alignment/Size (CRC-VR-25-05 to 25-12)

Robb Mairs, Christy Goebel, Esq./Charles Baldwin, Esq.

Robb Mairs provided an overview of the sites of the proposed development with photos from the sites. Christy Goebel represented staff, reviewed the stipulated facts, and stated Charles Baldwin is present as legal counsel to the Petitioners. Mr. Baldwin reviewed the stipulated facts and exhibits which he contends supports the granting of the variance request.

Neal Andrew made a motion to support the Petitioner's position that an unnecessary hardship will result from the strict application of the development rules, standards, or orders issued by the Commission and public access to the beach should be maintained. Robbie Yates seconded the motion. The motion passed unanimously (Cahoon, Andrew, Holman, Baldwin, Bryan, Emory, Hennessy, King, Salter, Smith, Yates).

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

Neal Andrew made a motion to support the Petitioner's position that hardships do not result from actions taken by the Petitioner. Steve King seconded the motion. The motion passed unanimously Cahoon, Andrew, Holman, Baldwin, Bryan, Emory, Hennessy, King, Salter, Smith, Yates).

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

These variance requests were granted with the condition that there is still public access to the oceanward side of the public beach, parallel to the shoreline.

Annual Review of Rules Update (CRC 25-36)

Daniel Govoni

Daniel stated this presentation will be the second update provided to the CRC on the annual rules review. G.S. 150B-19.1(b) directs the CRC to conduct an annual review of rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in G.S. 150B-19.1(a). Should the agency find rules that meet this criteria, the agency shall repeal any rule identified by this review. While this General Statute remains in effect, it does not have a statutorily prescribed format and there is no reporting requirement. The agency has discretion on how to conduct the annual review. DCM developed a comprehensive master spreadsheet for staff to use to ensure compliance with the Statute, consistency with recently enacted Session Laws, are necessary, required by law, serve the public interest, are clearly written, and are reasonably necessary to interpret federal or state law. As part of the rule review process, Staff has identified several rules that could have potential amendments as follows:

15A NCAC 07H .0306 – Clarification of requirements for the location of septic tanks seaward of the vegetation line.

15A NCAC 07H .0208 – Consideration of alternative sandbag designs for the protection of public roads.

15A NCAC 07H .0209 – Clarification that artificial turf is not considered landscaping and is not permitted within the 30-foot buffer.

15A NCAC 07H .0200 – Potential reorganization of AEC categories to improve clarity in interpreting rules related to estuarine waters, coastal wetlands, public trust areas, and estuarine/public trust shorelines.

Staff has also identified additional technical corrections and clarifications that will be addressed during the Periodic Rules Review process. Recent legislative action that could affect CRC rules include Senate Bill 734 which proposes to amend the definition of estuarine waters under CAMA to exclude man-made ditches, canals, ponds, and similar features from Areas of Environmental Concern. This Legislation removed such features from CAMA and Dredge and Fill permitting jurisdiction, thereby exempting development activities in these areas from CRC oversight. Senate Bill 665 introduced significant changes to the permitting process for upland basin marinas including the authorization to excavate coastal wetlands for upland basin construction, the elimination of the 30-foot vegetated buffer along newly created marina basin shorelines and

reducing permitting review time from 75 to 60 days. This annual review serves as an important tool to ensure the Commission's rules continue to reflect current law and policy while supporting effective program implementation. Moving forward, Staff will continue to evaluate and refine the rules as needed, coordinating with the Commission to identify priorities.

2025 Hurricane/Storm Update

Robb Mairs

Robb stated the storm season began early in 2025 with the first storm event occurring January 21-22, 2025. The Division received multiple calls from Figure 8 Island retarding significant beach erosion. An accelerated erosion call was authorized on January 29 by DCM Director Miller. Permits were issued in February and sandbags were installed. In late May, DCM responded to a king tide event which resulted in significant beach erosion at The Point in Ocean Isle Beach and staff issued emergency sandbag permits to protect threatened structures and the communities' right of way. Around July, the coast was dealing with Tropical Storm Chantal and then Hurricane Erin in August. NCDOT maintains active CAMA Major Permits for NC-12 on Hatteras and Ocracoke Island and the Division works closely with NCDOT on a routine basis to ensure maintenance and repair of NC-12 to allow for dune reconstruction. Hurricanes Imelda and Humberto swirl in the Atlantic Ocean in September 2025 causing significant storm surge and erosion. DCM issued permits for sandbags along Cape Court in Buxton to protect residential structures. A coastal low-pressure system in October during a king tide resulted in significant beach erosion and damage to buildings on Figure 8 Island. The Director authorized an accelerated erosion call between 5-8 Comber Road following the loss of approximately 25-feet of dune in a 48-hour period. Additionally, NCDOT had repair work to complete along NC-12 between the South Dock Ferry Terminal and Park Service's pony pens which eroded and exposed the road shoulder creating asphalt damage. CAMA Major Permit 24-03 covers the sandbag alignment along with stretch of NC-12. The Town of North Topsail Beach also suffered significant erosion and threatened structures, and a new sandbag revetment was installed at the St. Regis condominium complex authorized by DCM through an accelerated erosion determination by Director Miller. There have also been numerous oceanfront collapses along Hatteras Island in 2025 which required coordination and participation for clean-up and debris removal.

Threatened Structures Discussion

Jordan Hennessy, CRC; Dave Hallac, Cape Hatteras National Seashore; Bobby Outten, Dare County; Brian Harris, Buxton; and Jay Overton, Albemarle & Associates Engineers

Commissioner Hennessy stated across our 300-miles of ocean shoreline, we are witnessing a crisis unfold. Homes are being undercut by waves and roads are being washed out. Infrastructure that once sat safely behind dunes is teetering into the surf. Places like Rodanthe and Buxton have seen houses collapse. These events capture the public's attention but are merely symptoms of a deeper ongoing erosion problem. Erosion rates along North Carolina's coastline vary widely with hot spots experiencing even more rapid shoreline retreat. The increasing intensity of storm events accelerates this loss. What used to be long-term gradual movement of the shoreline is now happening within the span of 30 years or less. When homes fall into the ocean it is not simply a private tragedy, it becomes a public hazard. Debris spreads for miles, septic tanks, fuel tanks, and building materials scatter into the sensitive ecosystems of the beach and coastal shoreline. Beaches are closed and resources are diverted to clean it up. The status quo is not working. For

many years, North Carolina has relied on beach nourishment, pumping sand onto the beach to hold the line. Nourishment is valuable and when properly sustained, can protect infrastructure and preserve our recreational beaches, but nourishment is expensive, temporary, has a cycle of two to five years, and is limited by offshore sand supplies. Nourishment should remain a tool but cannot be the only tool. Sandbags were intended as a short-term solution to remain in place for up to eight years. Today there are some sandbag structures that are older than 20 years that form large degrading walls that no longer function effectively. Sandbags can break open, scatter plastic, and worsen erosion in some areas. North Carolina has long taken the position in maintaining one of the most restrictive policies in the nation regarding hardened oceanfront structures. Since the '80s, the State has prohibited the construction of new seawalls, revetments, and groins along the oceanfront. Rigid, mid-century walls are not the only form of coastal armoring available today. Modern systems can be designed to minimize the impacts that earlier structures created. Our coast has changed drastically, and we should revisit these restrictions. We are now faced with far higher erosion rates, more frequent storm damage, and a growing number of homes and public buildings about to fall into the ocean. We cannot maintain a blanket ban on hardened structures while simultaneously telling coastal homeowners and local governments that they must protect their communities. Modernized law or rule could allow controlled, case-by-case approval. It is time for the State to provide the flexibility needed to explore options. South Carolina, Florida, Virginia and New Jersey provide options that are not allowed in North Carolina. The lesson from other states is clear. Hard armoring is a standard part of a comprehensive coastal strategy. We need a North Carolina path forward that is balanced and practical. A revised policy for North Carolina should not mean unregulated seawall construction. Instead it should mean smart, case-specific, engineered, and informed use of structure for protection. North Carolina has a special responsibility to protect public beaches and structures must be designed so they do not eliminate public access. When homes are imminently threatened the State needs more flexibility in long-term solutions and not endless sandbags. We cannot allow houses to collapse into the ocean and call it natural. We cannot ask coastal homeowners and local governments to cope with the consequences of erosion without modern tools. Bobby Outten stated we have two extremes. You have a hardened option to make the beach stay or the other extreme which is do nothing and let nature take its course. For the people in my community, it seems as though neither of those extremes is the right answer. Our five northern towns all do beach nourishment, and they do well, but the same is not the case for the southern towns like Buxton. We need to be able to protect highways and infrastructure that we cannot move. In Rodanthe there isn't enough money to solve the problem with beach nourishment. We need to talk about interim solutions, and the hardened structure ban prevents us from looking at anything other than beach nourishment. We should be having conversations, thinking about solutions, and determining what the consequences will be and then start doing something somewhere to see if the ideas work.

Dave Hallac stated there are a lot of people in this room that worked on the Threatened Oceanfront Structures workgroup. I would encourage you to read that report if you have not. Additionally, the Hwy-12 Task Force provided a lot of information in their work. The number one question that I get is, how many threatened oceanfront structures are there? Today, there are 52 threatened oceanfront structures in Buxton and 48 in Rodanthe. If every one of those structures falls in, there would be another 100 right behind them. The collapse of the structures is not the only problem, failed septic tanks spilling raw sewage, and houses on the public trust

beach and their effect on habitat are real problems. Because of safety issues, the entire beach in front of the Village of Buxton is closed. Over the last six weeks, my staff has picked up nearly 500 full-size pickup truckloads of debris off the beach. These people are supposed to be monitoring sea turtle nests, repairing visitor's centers, and giving educational talks but are gathering debris off the beach. We need to bring the scientists that understand these barrier island and natural processes to the table for discussion. Let them show us what the options are and what the consequences would be for those options.

Jay Overton stated we looked at a house that was about to fail in Rodanthe. A structural analysis was completed, and it was determined that it was irreparable. The original engineering report did not satisfy NFIP initially. The NFIP wanted its engineering firm to complete a report. That firm's report found that the structure was repairable, but what would be the cost associated with that repair? That repair estimate was \$1.2 million. The homeowner was then able to remove the house from the beach and receive the payout. Many of these homes have exceeded their 30-year erosion rate projections.

Brian Harris stated the idea of hardened structures and what happened in Buxton is an easy conversation. We had a jetty and it wasn't maintained and now the coast is aligning. I can't say what the rest of the beaches in North Carolina need as far as hardened structures, but we use structures to protect the sounds and we need to think about other options on the oceanfront. The hardened structure ban in the Buxton area is outdated.

Chair Cahoon called up CRC Science Panel Chair Laura Moore. Dr. Moore stated the Science Panel has seen the changes in the shoreline and has heard the conversations about using hardened structures on the oceanfront in certain situations. The Science Panel would be willing to provide some insights and perspectives on this issue and provide an analysis that could be used. The ban has been in place for a lot of reasons and conditions have changed, but there are major tradeoffs associated with using hard structures. Commissioner Hennessy asked Dr. Moore to consider some thresholds and recommendations of when to consider certain options. Dr. Moore stated the Science Panel can provide the disadvantages and gains of approaches for the CRC's consideration. For the next CRC meeting an outline could be provided on what the Science Panel is working on and what will be provided to the CRC in their report.

Jordan Hennessy made a motion to direct the Science Panel to look at alternatives for oceanfront erosion management and to provide a timeline and scope of work for the February meeting. DR Bryan seconded the motion. The motion passed unanimously (Cahoon, Andrew, Holman, Baldwin, Bryan, Emory, Hennessy, King, Salter, Smith, Yates).

PUBLIC INPUT AND COMMENT

Michael Powell, Ocean Isle Beach resident spoke in opposition to the erosion rates and setbacks in Ocean Isle Beach.

ACTION ITEMS/RULEMAKING

Consideration of Approval of Topsail Beach Management Plan (CRC 25-38)

Ken Richardson, Chris Gibson

Jordan Hennessy requested recusal from this agenda item. Bob Emory made a motion to approve Commissioner Hennessy's request for recusal. Sheila Holman seconded the motion. The motion passed unanimously (Cahoon, Andrew, Holman, Baldwin, Bryan, Emory, High, King, Salter, Smith, Yates).

Ken Richardson stated new construction setbacks within the Ocean Hazard Area are measured from one of three landforms described in 15A NCAC 07H .0305. The first line of stable and natural vegetation line is used when no beach nourishment has occurred, or only small-scale projects have been installed. The pre-project vegetation line is used once a large-scale project has been installed unless the actual vegetation line is farther landward. The measurement line has historically been established by DCM staff when the CRC temporarily designates an area as an Unvegetated Beach AEC following a major storm event that destroys all vegetation. Setbacks are measured from this line until vegetation becomes re-established. A large-scale beach nourishment project is defined as one that places more than 300,000 cubic yards of sand on the recipient beach. Before the start of a large-scale project, the existing vegetation is mapped in coordination with DCM. This line never expires, and setbacks are measured from it unless the actual vegetation line is farther landward. In conjunction with a project, a community may also include planted vegetation. The CRC has long recognized that the vegetation on a nourished beach 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 using the pre-project vegetation line. When a community maintains its initial project for an extended period it leads to seaward vegetation growth and the development of stronger dune systems. This outcome requires time, commitment, sand resources, and financial investment. Realizing this benefit, communities approached the Commission seeking regulatory relief from the pre-project line. The CRC agreed that some had demonstrated a long-term commitment, resulting in stable vegetation that had migrated seaward of the pre-project vegetation line. In 2009, the CRC introduced the State Vegetation Line Exception procedures as a way of supporting local government initiatives aimed at reducing erosion through sustained beach nourishment efforts. This initiative later evolved into the Beach Management Plan rules in 2022. The CRC's Beach Management Plan rules are based on the findings that nourished beaches have higher erosion rates than natural ones, no assurance that funding for future projects would be available, and structures could be more vulnerable to erosion damage if its siting was tied to an artificially forced system. Having a CRC approved Beach Management Plan enables new construction setbacks to be measured from the first line of stable and natural vegetation rather than the pre-project line, subject to specific conditions. DCM staff have reviewed the Topsail Beach Beach Management Plan and have determined that all required elements are addressed within the Plan and are recommending that the CRC approve the Town's Plan. Chris Gibson of TI Coastal Services presented the Town's Beach Management Plan with a review of all beach fill projects, review of maintenance plans for a period of no less than 30 years, review of the sediment sources identified, and financial resources.

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

Commissioner Hennessy rejoined the meeting.

15A NCAC 07B Periodic Review Readoption Timeline (CRC 25-39)

Rachel Love-Adrick

Rachel stated in February 2025, the CRC approved the final report of the Periodic Review classifications for submission to the Rules Review Commission (RRC). On June 26, 2025, the report was approved by the RRC. The rules in 7B are now eligible for readoption. No amendments are proposed. Staff are conducting a pilot project with Hyde County, Pamlico County, and Elizabeth City to integrate the Resilient Coastal Communities Program's Resilience Plans into the CAMA Land Use Planning process. The results of this project will inform future changes to the Land Use Planning rules. Because the current readoptions do not include substantive changes, no fiscal note is required. Staff is requesting the CRC's approval of the readoption schedule and to initiate the rulemaking process for these readoptions.

Neal Andrew made a motion to approve the schedule for the readoption of 15A NCAC 07B and initiate rulemaking. Lauren Salter seconded the motion. The motion passed unanimously (Cahoon, Andrew, Holman, Baldwin, Bryan, Emory, Hennessy, High, King, Salter, Smith, Yates).

Proposed Amendments to 15A NCAC 07H .0306 Septic Tanks Seaward of the Vegetation Line (CRC 25-40) Cameron Luck

Cameron stated many of these amendments were originally approved by the Commission in April 2023, but the rulemaking process was delayed while staff prioritized addressing the rules pulled from the Administrative Code by the RRC. The NC Coastal Federation requested that the Commission return to this discussion. Projects that involve septic systems are covered under the same rules that regulate structures. This includes 07H .0306, which are the General Use Standards for the Ocean Hazard Area and provides structure setbacks, limits on development in high-hazard areas, and standards for relocating or removing imminently threatened structures. 15A NCAC 07H .0308 includes erosion control activity limits and includes allowances for sandbags to be used to protect both imminently threatened buildings and their septic systems. 15A NCAC 07J .0210 includes criteria for when repair of a structure becomes significant enough to be considered replacement and require a CAMA permit. With septic systems, staff utilize each of these to guide regulatory decisions. Systems that meet the criteria for repair found in 07J .0210 can be done in place without requiring a permit. 15A NCAC 07H .1700, the Emergency Work General Permit, mirrors language in 07H .0308 for allowing temporary erosion control structures to protect septic systems and primary structures. Under current rules, when a property owner wants to replace their septic system, it is considered a repair and does not require a permit because DEQ policy considers the primary building, its HVAC system, and septic system to be one contiguous unit that makes up the actual regulated structure. In communities which have experienced significant and rapid erosion events, septic systems can and often are replaced in their current location even when they would otherwise not meet the setback requirement. While many houses that have become imminently threatened and their septic systems have failed, the property owners still have the option to wait up to eight years for natural accretion, beach nourishment, a temporary erosion control solution, or the house itself to fall before taking remedial action under current rules. During the initial rulemaking process, the CRAC voiced concerns over the strictness of CRC rule when an applicant considered using public funds for relocating a structure. CRC rules currently require full compliance when using public funds.

Although this discussion was initially considering National Flood Insurance Program fund availability, there was still concern that many property owners would not be able to reach full compliance should local, state, or federal dollars become available. Proposed amendments to 07H .0306 include clarifying language for the types of development within the Ocean Hazard Area that cannot extend oceanward of the ocean hazard setbacks to include septic tanks and their components. Staff suggest maintaining the CRC permit requirements if a structure needs to be elevated or relocated. These amendments would require a CAMA permit any time a septic system requires replacement. For systems that must be relocated or replaced, the use of public funds would still require the applicant to meet all setbacks. Staff have also kept the previous allowances for private funded projects that cannot meet the setbacks to at least move structures the maximum feasible distance landward instead of meeting setback requirements and have also added language which would prohibit the relocation of septic systems waterward of the vegetation line. This is more restrictive than what is in the current rule and would pull the systems back behind homes that are now on the beach but also require them to be relocated at least behind the vegetation line.

Following discussion, Commissioner Holman asked the full CRC to review the four questions posed during the presentation to be prepared for further discussion in February and to see if someone from public health would be available at the February meeting to provide information. Commissioner Hennessy requested a washout inventory for septic systems on the oceanfront.

Proposed Amendments to 15A NCAC 07H .0308 Sandbags, Alternative Sandbag Design Use for Protection of Public Roads (CRC 25-41) Gregg Bodnar

Gregg stated these proposed amendments are based on a request from NCDOT. The CRC's temporary erosion control structure guidelines for the Ocean Hazard AEC are for imminently threatened roads, right of ways, buildings and associated septic systems and are limited to sandbags at the mean high water line and parallel to shore. Sandbags are limited in dimension and color. When DOT staff approached DCM staff they referenced three recent variance requests granted by the CRC for alternative sandbags. Each example of alternative sandbags was the same design, though there would be the potential for other makes and manufacturers. NCDOT has requested revised rule language to allow more flexibility for the protection of public roadways and indicate that alternative designs will provide better options to meet the needs. Staff has made an amendment to 15A NCAC 07H .0308 to address this request.

Neal Andrew made a motion to approve the amendment to 15A NCAC 07H .0308 to allow for alternative sandbag design to protect public roads. Sheila Holman seconded the motion. The motion passed unanimously (Cahoon, Andrew, Holman, Baldwin, Bryan, Emory, Hennessy, High, King, Salter, Smith, Yates).

Rules Review Objection and Proposed Amendments to 15A NCAC 07H .0508 Jockey's Ridge AEC (CRC 25-42) Daniel Govoni

Daniel stated the RRC has objected to 15A NCAC 07H .0508 on the basis that the description is unnecessary and is not the same as a designation as required under NCGS 113A-113. The CRC must respond to the RRC by December 1, 2025, and either address the RRC's concern and submit a revised rule for review or submit a written response indicating that the CRC will not

make additional amendments to the rule. Staff is providing amendments to the rule for the CRC's review which we believe will satisfy the objection.

Sheila Holman made a motion to accept the amendment to address the Rules Review Commission's objection. DR Bryan seconded the motion. The motion passed unanimously (Cahoon, Andrew, Holman, Baldwin, Bryan, Emory, Hennessy, High, King, Salter, Smith, Yates).

Inlet Hazard Area Boundary (CRC 25-43)

Ken Richardson

Ken stated that since the last CRC meeting, DCM staff received comments and questions from Commissioners pertaining to the IHA boundary and erosion rate updates and have included responses in the memo. First, I will review the IHA boundaries and necessary rule amendments. Then I will transition into erosion rate updates for both the Ocean Erodible Areas and Inlet Hazard Area and setback updates. This will include necessary rule amendments and discussion on the hybrid vegetation line for measuring setbacks. Since 7H .0304 is one of the primary rules requiring amendments, Staff will also be recommending that the CRC consider removing the temporary Unvegetated Beach AEC designations at specific sites located within Oak Island, Surf City, and North Topsail. At the August meeting CRC Science Panel Chair, Dr. Laura Moore, presented the methodologies and findings from the most recent study to provide the CRC with updated Inlet Hazard Area boundaries. Consistent with the previous studies, the analysis focused on developed inlets as the CRC's rules apply specifically to development. At this time, Ken showed maps with current and updated IHA boundaries for each developed inlet. Updating in the IHA boundaries requires rule amendments. 15A NCAC 07H .0304 defines AECs within the Ocean Hazard Areas and 07H .0304(2) defines the IHAs. To only update boundaries, this rule would need to reference the new reports and maps.

Chair Cahoon requested a subcommittee be formed to look at the questions raised by the CRAC and asked CRAC Chair Bobby Outten, Bob Emory, and Earl Smith to be members of that subcommittee. The charge to the subcommittee is to meet to answer the CRAC's questions and provide a report for discussion to the CRAC at the February meeting. The CRAC can then bring forward a recommendation to the full Commission.

Oceanfront and Inlet Erosion Rates and Setback Factors (CRC 25-44)

Ken Richardson

Ken stated erosion rates are calculated long-term trends based on the relative location of historic shorelines. Long-term is defined as 50 years or more. Erosion rates are not predictions, nor do they always reflect short-term trends. Short-term is defined as 20 years or less and these short-term erosion rates can be very different when you consider these rates are not calculated using post storm data. When we plot relative shoreline position over time starting in 1970, and then draw a line through these data points, based on the orientation of the line the data will show erosion with a downward slope and accretion with an upward slope. Since 1979, North Carolina has routinely updated oceanfront erosion rates approximately every five years. This is done to update erosion rate setback factors based on current data. It also updates the landward boundary of the Ocean Erodible Area based on current data. Communities in the Community Rating System (CRS) program can receive 50 additional credits under FEMA's National Flood

Insurance Program if North Carolina maintains five-year updates to its erosion rates which can serve to reduce flood insurance premiums. The reason we are talking about updated IHAs even though the 2019 proposal did not become effective, is because one of the recommendations that came out of the last study was that IHA boundaries and erosion rates should be reevaluated to coincide with oceanfront updates. The latest update compared two methods, the end point method which measures the distance between two shorelines along each transect and then divides that distance by time to get the rate. The second method is the least squares regression which uses multiple shorelines. While the CRC has seen this method applied in 2010, 2018, and 2025 Inlet Hazard Area studies, this marks the first for an oceanfront update. This method is statistically more robust. In October 2023, the Science Panel recommended the transition to the least squares regression given the growth of shorelines in the current database. Raw erosion rate data are statistically processed to smooth and block transects that have similar erosion rates. Statistical smoothing effectively filters out short-term dynamic shoreline phenomena such as beach cusps and potential mapping errors. In this study, approximately 318 miles of oceanfront shoreline was mapped and analyzed at 10,232 transects. Statewide, the average erosion rate is 1.9 feet per year which is consistent with earlier studies. For the Inlet Hazard Area erosion rate results, the Science Panel and DCM analyzed the State's developed inlets, not including the Cape Fear or Beaufort Inlets since these are designated as State Port Inlet Management AECs. Updating the IHAs requires rule amendments. 15A NCAC 07H .0304 will be updated to reference the current report and maps, and needs to reference the IHA erosion rate report and maps and update the IHA boundary report and maps, 07H .0310 will reference the inlet erosion rate and not the adjacent Ocean Erodible Area and will include the reference to the hybrid vegetation line if used to measure setbacks and will also clarify that existing grandfathering rules apply within the IHAs. The hybrid vegetation line is the landward-most position of all the vegetation lines for the period of study. The Science Panel is recommending the Commission require setbacks to be measured from the hybrid vegetation line instead of the vegetation because like the pre-project vegetation line, the hybrid vegetation line demonstrates where the erosion hazard was before accretion occurred. Without regular beach nourishment, erosion will continue putting the shoreline and vegetation lines back to pre-project conditions before continuing even more landward. Lastly, while this rule is being amended, DCM staff has confirmed that vegetation has recovered sufficiently to no longer warrant the CRC's temporary Unvegetated Beach AEC designations at North Topsail Beach, Surf City, and Oak Island. Setbacks can be measured from the vegetation line or pre-project vegetation line.

Chair Cahoon stated this issue should be discussed by the subcommittee as well for presentation to the CRAC. The CRAC will then provide a recommendation to the Commission.

LEGAL UPDATE

Sarah Zambon provided an update to the Commission based on memo CRC 25-45 that was provided. One clarification for Mid-Currituck Bridge was that the third party hearing request was granted in part and denied in part.

OLD/NEW BUSINESS

Sarah Zambon opened the meeting for nominations for Chair.

Neal Andrew nominated Renee Cahoon as Chair of the Coastal Resources Commission.

Larry Baldwin and Sheila Holman seconded the nomination. The nomination was

approved with 10 votes in favor (King, Bryan, High, Baldwin, Andrew, Cahoon, Holman, Emory, Salter, Smith) (Yates, Hennessy abstained).

Renee Cahoon nominated Neal Andrew as First Vice-Chair. Lauren Salter seconded the nomination. The nomination was approved with 10 votes in favor (King, Bryan, High, Baldwin, Andrew, Cahoon, Holman, Emory, Salter, Smith) (Yates, Hennessy abstained).

Neal Andrew nominated Sheila Holman as Second Vice-Chair. Lauren Salter seconded the nomination. The nomination was approved with 10 votes in favor (King, Bryan, High, Baldwin, Andrew, Cahoon, Holman, Emory, Salter, Smith) (Yates, Hennessy abstained)..

Renee Cahoon proposed the following dates for the 2026 CRC meetings:

February 25-26

April 15-16

June 17-18

August 26-27

October 28-29

Sheila Holman made a motion to approve the schedule as proposed. DR Bryan seconded the motion. The motion passed unanimously (King, Yates, Bryan, High, Baldwin, Andrew, Cahoon, Holman, Emory, Salter, Smith) (Hennessy abstained).

DR Bryan asked about the monitoring of the terminal groin installed at Ocean Isle Beach. Chair Cahoon stated the Commission will return to Ocean Isle Beach in 2026 and a field trip will be scheduled to visit the site.

Jordan Hennessy requested the Commission be notified prior to RRC actions on CRC rulemaking. He additionally requested the meeting materials be provided as early as possible or sent to the Commission in a staggered manner.

Sheila Holman asked about the septic tank rules and communities that have a central sewer system. It would be helpful to have an inventory of communities that have central sewer versus septic tanks.

With no further business, the CRC adjourned.

Respectfully submitted,

Tancred Miller, Executive Secretary

Angela Willis, Recording Secretary