

**COASTAL RESOURCES COMMISSION MEETING
JANUARY 27-28, 2005
BLOCKADE RUNNER, WRIGHTSVILLE BEACH, NC**

CRC MEMBERS

Courtney Hackney, Co-Chairman

Bob Wilson
Lee Wynns
Bob Emory
Peggy Griffin

Renee Cahoon
Joan Weld
Bill Peele

CRAC MEMBERS

Bob Shupe, Chairman
Bill Morrison, Co-Chairman

Wayne Mobley
Ann Holton
Frank Alexander
Ginger Webster
Angie Manning
Rick Gardner
Beans Weatherly

Gary Mercer
Dara Royal
Lester Simpson
Joe Beck
Webb Fuller
Joe Lassiter
Harry Simmons

ATTORNEY GENERAL'S OFFICE

Jill Hickey
Christine Goebel

PRESENTATIONS

Science Panel Sediment Criteria Recommendation

Dr. John Fisher, NC State and the Chairman of the CRC Science Panel on Coastal Hazards, discussed recommendations from the Science Panel regarding sediment criteria. Dr. Fisher stated that the rule language is vague and therefore ineffective. He presented the recommendations, which included a section on post-nourishment monitoring and mitigation. The goal, Dr. Fisher stated, is to develop a better understanding of the biological and physical responses to nourishment activities in order to increase the knowledge and decrease the adverse impacts and costs. Dr. Fisher stated the Science Panel also developed a set of informal recommendations. He stated the relevant state agencies were encouraged to continue conducting and sponsoring active research, compiling and analyzing these data, and provide open public access to these data and results. They should also engage qualified parties from academia, private industry or other state, county, local land/or federal agencies to review and advise the decision and policy making process when addressing issues that are out of an agencies.

Florida and the Effects of Hurricane Season 2004

Spencer Rogers, NC Sea Grant, presented an overview of the effects of hurricanes in the state of Florida. He stated that several of these storms were fairly large storms with higher wind speeds. Due to some of the hurricanes hitting Florida back to back there was noticeable damage along the shoreline and the beaches have not yet recovered. One of the problems, Mr. Rogers stated, was that the roads were built high and therefore extensive parts of the roads were damaged in the storms. He stated that higher roadbeds have to be replaced versus just being repaired.

Overview of Civil Works Project

John Morris, Director of Division of Water Quality, presented an outline of the Water Resources Project Funding. Mr. Morris stated the Federal project purposes include navigation, flood control, and environmental restoration. On a State level, Mr. Morris stated that the purposes are stream restoration, beach protection, water-based recreation and aquatic weed control. Mr. Morris stated that the President's budget eliminated funding for beach protection and shallow draft navigation channels in fiscal year 2004-2005. Mr. Morris stated that though Congress added back about \$7 million, there are still many projects that remain unfunded. He stated that NC communities need assistance with beach protection and regular maintenance. Mr. Morris also stated that there is currently no money in the budget to maintain the navigation channel of several shallow draft inlets.

EXECUTIVE REPORT

Charles Jones gave a brief update on the following issues:

New CRC appointments

The Governor's office still has not appointed any new members of the CRC. There will be at least two new commissioners to replace Bob Barnes, who resigned from the CRC in December, and Pricey Harrison, who won a seat in the NC House of Representatives in the last election. Mr. Jones expressed appreciation to those members who are continuing to serve several months past the end of their terms.

NERR Review

NOAA conducted its annual review of the four North Carolina sites that are part of the National Estuarine Research Reserve program during the week of Dec. 6. At the end of the week, the team of four reviewers gave some good feedback on how the sites are being managed, including compliments for the education and coastal training programs, research partnerships and the SWMP program. A formal report should be received in the next few months.

Beach access awards for 2004

During 2004 DCM awarded a record \$1.8 million in grants for 23 projects in 21 local communities for public access projects. The grants help pay for a variety of projects to improve access to coastal beaches and waters, including walkways, dune crossovers, restrooms, parking areas and piers.

CHPP

All three commissions voted to adopt the Coastal Habitat Protection Plan in December. The Divisions and the Department are currently working on preliminary implementation plans for each set of recommendations. More detail will be discussed at the April CRC meeting. A formal signing ceremony will likely take place in February.

Upcoming Workshops

The Rachel Carson National Estuarine Research Reserve staff and the NC Wildlife Resources Commission will conduct a workshop focusing on winter wildlife on the barrier islands on February 18th from 9-4pm.

Coastal Management, NC National Estuarine Research Reserve, NOAA and Duke University Marine Laboratory are hosting a Stormwater and Aquaculture Effluent Technology Fair on Piver's Island in Beaufort March 8 and 9. The fair will allow various companies to highlight innovative methods for controlling stormwater runoff and aquaculture effluent for coastal North Carolina.

DCM is also conducting a series of Clean Marina Workshops along the coast. The next one is scheduled for February 1 at the Roanoke Island Aquarium in Manteo.

C-DAITS rollout

The Coastal Development Activity and Impact Tracking System, or C-DAITS, is being started in February. C-DAITS is a permit tracking system, and is part of the strategic plan for assessing and managing the cumulative impacts of development in the twenty coastal counties.

OLF

In Raleigh several opponents of the proposed OLF in Washington had their day in court with the Navy. Three environmental groups and Washington and Beaufort Counties are suing to stop the landing field from being built. Based on the hearing, U.S. District Judge Terrence Boyle will decide whether to allow the Navy to build the \$185 million outlying landing field or require another round of site selection.

National News

President Bush has signed an executive order to create a new Cabinet-level committee to coordinate federal ocean policy in response to the U.S. Commission on Ocean Policy report released in September. The executive order would direct Cabinet secretaries and officials ranging from the Commerce secretary to the National Intelligence director to coordinate ocean-related matters and provide advice on ocean policies. The group, to be led by the chairman of the White House Council on Environmental Quality, is similar in concept to the Commission's proposal for an Executive Branch National Oceans Council.

The 109th Congress will likely see several oceans bills introduced during this session, including a reauthorization of the Coastal Zone Management Act. And members of the House Oceans Caucus are planning to reintroduce a bill titled "Oceans-21" that would implement many of the Commission's recommendations.

Staff News

- John Fear joined DCM in December as the new Coastal Reserve Research Coordinator. John has a PhD from the University of North Carolina, and has extensive water quality monitoring experience, particularly in the Neuse River and Pamlico Sound areas. John is currently working out of the Morehead City Office.
- Jon Giles is a new Field Rep. in Wilmington. Jon was previously employed by the Town of Wrightsville Beach as a Development Code Administrator and CAMA Local Permit Officer. He also has experience as a land planner for both Pender and Brunswick Counties.
- On February 28, Rebecca Ellin will join DCM as the new NERR Coastal Reserve Manager. Rebecca has her Masters degree in Marine Science from the University of South Carolina. She was once a NERR Graduate Research fellow for the North Inlet-Winyah Bay NERR, and she was also a NOAA Coastal Management Fellow for the California Coastal Commission. She is now an independent contractor for the Morro Bay National Estuary Program.
- Rich Weaver is the new Assistant Major Permits Coordinator for the Permits and Consistency Unit in Morehead City. Rich has a strong scientific background in coastal resources, and has worked for a while at the Institute of Marine Sciences in Morehead City.
- Jonathan Howell, previously the District planner in the Washington regional office, is an Assistant Major Permits Coordinator in the Permits and Consistency Unit.
- Dennis Hawthorn, Field Rep. in Elizabeth City, has left Coastal Management. His last day was Jan 31st.
- Finally, the staff would like to extend sympathy to Kim Hamilton, the newest Field Rep in the Elizabeth City Office, on the death of her stepbrother, Sgt. Jeremy Wright. Jeremy was an Army Special Forces soldier who was killed by a bomb in Afghanistan.

PUBLIC INPUT AND COMMENT

Harry Simmons, Mayor of Caswell Beach, addressed the CRC concerning beach access. He stated that a beach access is being built in the Town of Caswell Beach. He stated that inmates are doing the project

and a grant from DCM is helping fund the project. Mr. Simmons stated that this is a wonderful program and without it a lot of beach accesses wouldn't be built. Mr. Simmons commented on some of John Morris's earlier comments and agreed that the Federal Government situation is a mess but the good news is the Omnibus Bill has language in it that says "Policy may not be changed by OMB without the concurrence of Congress." He stated that though that doesn't mean they will put money in the budget, they couldn't make a policy change. They can't say they will no longer fund beach nourishment projects. He stated a number of people would be in Washington in March, talking about beach nourishment in NC and shallow draft inlets; primarily because NC Shore and Beach took on inlets and waterways as action areas. Mr. Simmons suggested that communities ask the Governor to ask all coastal states Governors, to send letters to OMB and to President Bush asking for support for these projects.

Jeff Sholtz, owner of J & S Landscaping, addressed the CRC concerning pervious pavement. Mr. Sholtz stated that DCM will only recognize boardwalks as something you can put next to bulkheads less than 6 feet wide. He stated that DCM could not give him an answer on changing this to pervious pavement without DWQ. Mr. Sholtz stated that DWQ stated they couldn't do anything without CRC authorization. He would like the CRC to guide him in the direction he needs to pursue to get this in the test mode. Mr. Sholtz stated that DWQ has issued test sites for him to give 100% pervious coverage on driveways, walkways etc. He stated that he currently has 7 sites in Carteret County that have been approved, and are being monitored for two years with the understanding that if it is not successful the owner is responsible for removal or fix what is necessary to make it pervious. He stated that one thing the CRC asks for, as far as estuaries, is not to allow nitrogen, bacteria and phosphorous to go into the water. He stated there are tests across the US that show these surfaces reduce nitrogen, bacteria, and phosphorus. He requested the CRC to consider future research on this.

Mr. Jones responded to Mr. Sholtz stating that DCM would give him credit for pervious pavement, outside of the 30' buffer area. Mr. Jones stated that if he could show, through an engineer designer, that he could come up with an innovating system, he would get credit for it.

Buck Fugate, Mayor of Indian Beach, addressed the CRC stating that he appreciates the CRC's sincerity in accepting John Morris' comments earlier. Mr. Fugate stated that Bogue Banks is a problem area with regards to sediment quality issues. He would like to point out that if you went to any of the beaches today you would not find a problem with them. Mr. Fugate stated it does take beaches a period of time to mature and change to more natural process. He stated that most importantly the goal is to put the best sand on beach. Mr. Fugate stated that there is a continual problem in Carteret County where the best sediment quality is continually taken offshore.

ROLL CALL

Stephanie Bodine called the roll. Chairman Eugene Tomlinson, Bob Barnes, Mary Pricey Harrison, Doug Langford, Jerry Old, and Melvin Shepard were absent.

MINUTES

Bob Emory made a motion, seconded by Joan Weld to accept the October 2004 meeting minutes as written. The motion passed unanimously by hand vote. (Cahoon, Griffin, Peele, Weld, Wilson, Wynns, Emory)

PUBLIC HEARING

15A NCAC 07H .2700, General Permit for Marsh Sills

Tracy Skrabal, NC Coastal Federation, addressed the CRC regarding this rule stating that the NCCF supports the adoption of this rule. She commended the CRC and DCM staff for taking this step and for the ongoing consideration of the various issues and the impacts associated with shoreline stabilization. Mr. Skrabal stated that adopting this rule would encourage alternatives for erosion control beyond methods that involve vertical walls or hardening with riprap. She stated that the NCCF supports that the conditions in this permit are more extensive in that in other general permits. She urges the CRC to continue with this process and to evaluate the modifications that should be made to other existing permits for bulkheads and riprap.

15A NCAC 07H .1100, Placement of Riprap Along Estuarine Shorelines

No one spoke.

VARIANCE REQUESTS

Jerry Byrd (CRC-VR-04-15)

Christie Goebel reviewed the Stipulated Facts on Attachment B of CRC-VR-04-15, stating that the petitioner proposed to add a two-story deck that would be built entirely in the 30' buffer and would be more than the 200 sq. ft. allowed and therefore the petitioner seeks a variance from 7H .2029(d)(10)(F) which limits the square footage of decks.

Ms. Goebel stated that the petitioners lot is bordered on the east by the Carolina Beach Yacht Basin, which is classified as "SB" for primary recreation areas, and closed to the harvest of shellfish at this location and also located in the AEC. Ms. Goebel also stated that the deck would be located about 10 feet from the normal high water line. She also stated that the petitioners proposed "catch basins" that are designed to capture the first 1.5" of rainfall from the home and driveway.

Ms. Goebel stated that the staff disagrees that the petitioner has been caused an unnecessary hardship. The petitioner proposed two 10 x 14 foot decks for a total of 280 sq. ft, surpassing the exception amount and could have designed a smaller deck area and met the rule, therefore it is the design which causes the hardship, not the rules. Ms. Goebel also stated that the hardships are not a result of conditions peculiar to the property. She stated that lot is subject to the 30' buffer on only one side, which is very common and so the location of the lot is not peculiar. Ms. Goebel stated that the hardships are the result of the actions taken by the petitioner in that he is able to build a deck based on the 200 sq. ft of deck exception, such as a two story 10 x 10 deck and therefore it is choice of design that causes the hardship. She also stated that this variance request would not be consistent with the spirit, purpose and intent of the rules unless the CRC finds that the "catch basin" system will perform the same or similar function as the natural buffer, and the primary goal of the buffer rule will be achieved. Ms. Goebel stated that substantial justice would also only be found if the CRC finds in a favor of the petitioner on the other essential factors.

Bill Raney, attorney for the petitioners, stated the lot is small and so this makes the owner have to utilize vertical space to secure the structural area commensurate with the other houses in the neighborhood that were constructed prior to the buffer rule. Therefore this is a hardship on the owner due to peculiar size of the property. Mr. Raney stated that the shoreline is bulkhead and what was proposed will not affect that. Mr. Raney reminded the CRC that the rule states the decks collectively cannot exceed the sq. footage. However, the footprint of the two decks provide less impervious surface than if they were built on one

level. Mr. Raney also stated that the petitioner's action did not cause the hardship in that the lot was platted before the buffer rule was adopted.

Joan Weld made a motion, seconded by Renee Cahoon, to deny the variance request. The variance requested was denied by a hand vote of 6 in favor (Cahoon, Griffin, Peele, Weld, Wilson, Wynns) and 1 opposed (Emory).

John Mohr (CRC-VR-04-16)

Ms. Goebel reviewed the Stipulated Facts of Attachment B of CRC-VR-04-16 and stated that the petitioner proposed to build a single-family residence, and seeks a variance from 7H .0209(d)(10), which requires all new development to be located a distance of 30 feet landward of the normal high water level. She stated that the lot is located in the AEC and bordered on two sides by man-made canals that are classified as "SA" waters at this location and closed to the harvest of shellfish. Ms. Goebel stated that the proposed house would be located 9 feet from the normal high water level of the canal on the south side of the property. She stated that the 21-foot encroachment of the home and 2-foot cantilevered side deck into the buffer on the south side extends a distance of 60 feet. Ms. Goebel stated that the Town of Ocean Isle Beach requires a storm water management plan that collects the first 1.5" of stormwater for all the impervious surfaces on the lot. The town also requires a signed and recorded maintenance agreement in the Brunswick County Registry.

Ms. Goebel stated that the staff disagrees that the petitioner has been caused a hardship in that the buffer rule does not so severely limit development on the lot so as to render it an exceptional situation. The petitioner could feasibly have a 1400 sq. ft home constructed and a second story could be added to make 2800 sq. ft and therefore the petitioner can make reasonable use of this property. Ms. Goebel also stated that alleged hardships are not the result of conditions peculiar to the property in that there are 25 similarly situated corner lots in this particular section. Ms. Goebel stated that any hardships are the result of the petitioner's proposed design and use of property.

Bob Wilson made a motion, seconded by Peggy Griffin, to grant the variance request. The variance requested was granted by a hand vote of 4 in favor (Griffin, Emory, Peele, Wilson) and 3 opposed (Cahoon, Weld, Wynns).

Town of Ocean Isle Beach (CRC-VR-04-18) and Williamson lots 6,7,9,10 &14 (CRC-VR-04-19 thru 23)

These variance requests share the same Stipulated Facts and photographs. They will be separated during the 4 criteria answers and votes.

Ms. Goebel showed photographs of all 6 lots and reviewed the Stipulated Facts on Attachments B of CRC-VR-04-18 thru 04-23. She stated that the Town of Ocean Isle owns the right-of-way of Columbia Street on the east end of Ocean Isle Beach. There is not a structure on this lot, just the remains of Columbia Street, which runs perpendicular to the shoreline. This street is currently closed to vehicular traffic and a public beach access had existed at the end of this street but it has eroded away. Ms. Goebel stated that the Williamson's own 5 vacant lots. Both petitioners wish to place sandbags on the lots and tie into an existing sandbag revetment. The CRC's sandbag rules only allow for protection of structures and therefore both petitioners are seeking a variance from 7H .1705(a)(2). Ms. Goebel stated that the long-term annual erosion rate for this stretch of shoreline is 4.5' per year. However, this area had recently been subject to chronic erosion estimated to be approximately 6' per month and lot owners in the vicinity have installed sandbags under the general permit provisions in 7H .1700. She stated that currently there is a line of sandbags that are providing temporary erosion control protection for homes and active street right-of-ways.

Criteria Answers/Vote

Town of Ocean Isle – Ms. Goebel stated that while staff agrees that the property has suffered erosion, staff does not believe that the rules cause the petitioner unnecessary hardships. She stated that since there is no threatened road in use or structure at this time, the conditions for temporary erosion control structures have not yet been met. Ms. Goebel also stated that staff disagrees that hardship results from conditions which are peculiar to the property as erosion is very common in Ocean Isle Beach, as well as most of the NC coast. She stated that the variance is not consistent with the spirit, purpose, and intent of the rules in that the purpose of these rules is to protect structures until they can be moved not to protect vacant property, as is the issue here. In addition Ms. Goebel stated that at the current rate of erosion it would be over 2 years until the escarpment would be close enough to the E. Third St. right-of-way, eligible for sandbags.

Debbie Smith, Mayor of Ocean Isle Beach, stated that this variance and the Williamson variance go together and she was not sure if the Town would sandbag Columbia if they couldn't sandbag the Williamson lots also. Ms. Smith stated that Columbia Street was a very important public access area and popular for shelling and surf fishing. She stated that it was vital for the Town to maintain a safe and accessible area for people to access the beach.

Renee Cahoon made a motion seconded by Peggy Griffin to grant the variance request. Bob Emory offered an amendment to make this motion subject to this area being a public beach access. Ms. Cahoon and Ms. Griffin accepted this amendment. The variance requested was granted by a hand vote of 5 in favor (Cahoon, Emory, Griffin, Wilson, Wynns) and 2 opposed (Peele, Weld).

Odell & Virginia Williamson – Ms. Goebel stated that while staff agrees that the property has suffered erosion, staff does not believe that the rules cause the petitioner unnecessary hardships. She stated that since there is no threatened road in use or structure at this time, the conditions for temporary erosion control structures have not yet been met. Ms. Goebel also stated that staff disagrees that hardship results from conditions which are peculiar to the property as erosion is very common in ocean Isle Beach, as well as most of the NC coast. Ms. Goebel stated that the proposed placement of sandbags is not consistent with the spirit, purpose and intent of the rules. She also stated that the variance would not secure public safety and welfare. The homes located behind the Petitioner's lots can apply for sandbags if or when they become threatened structures themselves. Ms. Goebel stated that the variance would not preserve substantial justice, in that staff believes the CRC's limitations on the use of sandbags should be enforced, and applied uniformly.

Bob Emory made a motion seconded by Bob Wilson to deny the variance request. The variance requested was denied by a unanimous hand vote. (Emory, Griffin, Cahoon, Peele, Weld, Wilson, Wynns)

Kenneth Wallace & A.B. Cooper (CRC-VR-04-24)

Ms. Goebel reviewed the Stipulated Facts of Attachment B of CRC-VR-04-24 and stated that the petitioner, Mr. Cooper, owns North Shore Mobile Home Park. Mr. Cooper's agent and tenant, Kenneth Wallace, has leased a lot since August of 2004, and proposes to add a deck and walkway around his trailer. Ms. Goebel stated that staff treats this mobile home park as one owner because it is one parcel and one owner. She stated that the Mr. Wallace seeks a variance from 7H .0209(d)(F), which only allows 200 sq. ft. of deck per landowner.

Ms. Goebel stated that the petitioners lot is bordered by a canal off of Bogue Sound and those waters are classified as "SA" waters. She stated that the lot is located in the AEC and there is an existing bulkhead. Ms. Goebel stated that the petitioner's lot is the only leased space in the park on the waterfront that does not have a deck. She stated that decking is measured per each single tract of land and in this case the entire mobile home park is one tract of land already well over the 200 sq. ft. limit.

Ms. Goebel stated that staff agrees that the strict application of rules causes unnecessary hardships in that the whole park is viewed collectively, and the same decking would be allowed if this were an individually owned lot. She stated that the petitioner's hardship does result from narrow conditions peculiar to the property. However the petitioner purchased the trailer and leased the lot in 2004, after the buffer rules were in effect. Any hardship is the result of the petitioner's failure to investigate prior to signing a lease.

Mr. Wallace addressed the CRC and stated he agrees he should have investigated as to whether he could build a deck, however he just did not have knowledge at the time. Mr. Wallace also stated that he has grandchildren that he would like to allow them to play outside, but fire ants are preventing that at the current time. He stated having a deck would allow that to occur. Mr. Wallace also reminded the CRC that he is the only tenant that does not have a deck.

Bob Emory made a motion, seconded by Bill Peele to grant the variance request. The variance requested was granted by a unanimous hand vote. (Cahoon, Emory, Griffin, Peele, Weld, Wilson, Wynns)

Dr. Scott & Mary Leedy (CRC-VR-04-25)

Ms. Goebel reviewed the Stipulated Facts on Attachment B of CRC-VR-04-25 and stated the petitioners own property, which is adjacent to Currituck Sound. She stated that the petitioner seeks a variance from 7H .0208(a)(2)(B) in order to construct a ramp for a seaplane to access the existing hanger at the rear of their home. Ms. Goebel stated that the Currituck Sound is classified as "SC" waters. She stated that the petitioners have built a two-story house with an airplane hangar on the ground level of the property. Ms. Goebel informed the CRC that landing a seaplane in the Currituck Sound is lawful and if permitted, a ramp would be a water dependant structure. Ms. Goebel stated that most of the ramp would be made with Geoweb material, meaning there would be no excavation below the normal water line and would reduce impacts to coastal wetlands by at least 1300 sq. ft. The remainder of the ramp would be built with concrete, however it would be entirely above the normal water line. Ms. Goebel stated that construction of the ramp would to an extent disturb both bulrush and cord grass. However, the petitioners have proposed to plant new vegetation and have it monitored. Ms. Goebel informed the CRC that DCM could not consider mitigation in its decision but they as a Commission could require mitigation as a reasonable condition.

T.C. Morphis, attorney for the petitioners, gave a brief history of what Mr. Leedy has done on his property. Mr. Morphis then passed around the Geoweb material and explained the benefits of this material versus concrete. He stated that Geoweb is a cellular confinement system that when installed creates a series of connected open cells that are sturdy enough to support vehicles entering and existing in the water. The sidewalls are wide enough to permit plant rhizomes and tubers to establish themselves in the cells.

Ms. Goebel stated that the rules are resulting in a hardship for the petitioner in that the ramp is a water dependant structure and will have some impact on the resources and the plane cannot be stored at an airport at this time. Ms. Goebel stated that the property is not peculiar and the topography of the shore is found all along the Currituck Sound coastline. She also stated that the hardships do result from actions taken by the petitioner in that the petitioners purchased the lot after the wetlands rules had been in place,

and despite these rules they chose to buy the property, build a hangar, use the plane and propose a ramp. Ms. Goebel stated that the variance request is consistent with the spirit, purpose and intent of the rules in that the petitioners have minimized the impacts through use of innovative materials.

Bob Emory made a motion, seconded by Lee Wynns to grant the variance request, contingent on mitigation monitoring. The variance requested was granted by a unanimous hand vote. (Cahoon, Emory, Griffin, Peele, Weld, Wilson, Wynns)

CONTESTED CASE

Wellington by the Sea HOA

Ms. Goebel informed the CRC of the Judge Advocates decision and also stated that the petitioners were not going to contest this decision.

Lee Wynns made a motion, seconded by Bill Peele to accept the Judge Advocate's decision. The motion passed unanimously by hand vote. (Cahoon, Emory, Griffin, Peele, Weld, Wilson, Wynns)

P&SI COMMITTEE REPORT

Ms. Griffin presented the minutes from the P&SI committee (SEE ATTACHMENT FOR WRITTEN COPY). The CRC took the following action:

Peggy Griffin moved that the CRC certify the Pamlico LUP. The motion passed with a unanimous hand vote. (Cahoon, Emory, Griffin, Peele, Weld, Wilson, Wynns)

Peggy Griffin moved that the CRC deny the Town of Carolina Beach LUP Amendment without prejudice based on a determination that the certification finding requirement of section .0802(c)(3)(D), has not been met, and if Carolina Beach cannot meet the deadline for submission of their LUP amendment at the April 2005 CRC meeting, then the CRC will hold a called meeting to be accomplished by a conference call, to address certifying Carolina Beach's LUP amendment. The motion passed with a unanimous hand vote. (Cahoon, Emory, Griffin, Peele, Weld, Wilson, Wynns)

I&S COMMITTEE REPORT

Mr. Emory presented the minutes from the I&S Committee (SEE ATTACHMENT FOR WRITTEN COPY). The CRC took the following action:

Bob Emory moved that the CRC endorse staff's recommendations for a three-phased approach for the sediment criteria, which included a presentation of the final recommendations, an evaluation period and an implementation stage to pursue any potential rule changes. The motion passed with a unanimous hand vote. (Cahoon, Emory, Griffin, Peele, Weld, Wilson, Wynns)

CRAC REPORT

Bob Morrison presented the minutes from the CRAC (SEE ATTACHMENT FOR WRITTEN COPY). The CRC took no action during this report.

ACTION ITEMS

Renee Cahoon made a motion, seconded by Bob Emory to adopt 15A NCAC 7H .1100 Placement of Riprap Along Estuarine Shorelines into permanent rule without changes at this time. The motion passed with a unanimous hand vote. (Cahoon, Emory, Griffin, Peele, Weld, Wilson, Wynns)

The CRC agreed to have a conference call meeting to adopt 15A NCAC 7H .2700 General Permit For The Construction Of Riprap Sills For Wetland Enhancement In Estuarine And Public Trust Waters on February 10, 2005 at 11:00 am.

With no further business, the CRC adjourned.

Respectfully submitted,

Charles S. Jones, Executive Secretary

Stephanie Bodine, Recording Secretary