

NC COASTAL RESOURCES COMMISSION

June 20-21, 2012

NOAA/NCNERR Administration Building

Beaufort, NC

The State Government Ethics Act mandates that at the beginning of any meeting the Chair remind all the members of their duty to avoid conflicts of interest and inquire as to whether any member knows of any conflict of interest or potential conflict with respect to matters to come before the Commission. If any member knows of a conflict of interest or potential conflict, please state so at this time.

Wednesday, June 20th

- 1:00 ESTUARINE AND OCEAN SYSTEMS COMMITTEE (Auditorium)** Bill Peele, Chair
Tancred Miller
- Draft Sea-Level Rise Policy Review (*CRC-12-12*)
- 3:00 COMMISSION CALL TO ORDER* (Auditorium)** Bob Emory, Chair
- Roll Call
- VARIANCES**
- Weber (*CRC-VR-12-03*) Emerald Isle, Oceanfront setback Amanda Little
- 4:00 Legislative Update** Robin Smith, Asst. Sec. DENR
- 4:30 ACTION ITEMS** John Thayer
- New Hanover County LUP Amendment (*CRC-12-13*)
 - Town of North Topsail Beach LUP Amendment (*CRC-12-14*)
 - Town of Swansboro LUP Amendment (*CRC-12-15*)
 - Pamlico County LUP Amendment (*CRC-12-16*)
- 5:30 EXECUTIVE COMMITTEE MEETING (Auditorium)** Bob Emory, Chair

RECESS

Thursday, June 21st

- 8:30 COMMISSION CALL TO ORDER* (Auditorium)** Bob Emory, Chair
- Roll Call
 - Approval of April 19, 2012 and May 24, 2012 Meeting Minutes
 - Executive Secretary's Report Braxton Davis
 - Chairman's Comments Bob Emory
- 8:45 Coastal Resources Advisory Council Report** Ray Sturza
- 9:00 Estuarine and Ocean Systems Committee Report** Bill Peele
- 10:00 DCM's Regulatory Process** Ted Tyndall
- Customer Service Focus Doug Huggett
 - Major Permits Roy Brownlow
 - Compliance and Tiered Enforcement (*CRC-12-18*)
- 11:15 BREAK**
- 11:30 PUBLIC INPUT AND COMMENT** Bob Emory, Chair
- 11:45 CLOSED SESSION - Litigation** Bob Emory, Chair

12:15 LUNCH

1:30 Land Use Planning Process

- 7B Guidelines Review –Update (*CRC-12-19*)
- Land Use Planning Future Direction

John Thayer
Braxton Davis

2:00 CRC Rule Development

- Status of Proposed Rules
- Reconsideration of 15A NCAC 7K .0214 - Installation & Maintenance of Regulatory Signs (*CRC-12-17*)

Mike Lopazanski
Mike Lopazanski

2:30 Estuarine Shoreline

- Living Shorelines – Departmental Coordination Efforts (*CRC-12-20*)
- Mapping – County Comparison

Braxton Davis
Kevin McVerry

OLD/NEW BUSINESS

Bob Emory, Chair

3:30 ADJOURN

Executive Order 34 mandates that in transacting Commission business, each person appointed by the governor shall act always in the best interest of the public without regard for his or her financial interests. To this end, each appointee must recuse himself or herself from voting on any matter on which the appointee has a financial interest. Commissioners having a question about a conflict of interest or potential conflict should consult with the Chairman or legal counsel.

** Times indicated are only for guidance. The commission will proceed through the agenda until completed.*



N.C. Division of Coastal Management
www.nccoastalmanagement.net

Next Meeting:
August 29-30, 2012



CRC-12-12

North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

June 5, 2012

MEMORANDUM

TO: Coastal Resources Commission, and
Coastal Resources Advisory Council

FROM: Tancred Miller

SUBJECT: Estuarine and Ocean Systems Committee Meeting – Draft Sea-Level Rise Policy Review

Following the February and April 2012 meetings, Chairman Emory directed staff to consider additional revisions to the draft sea-level rise policy, and to return it to the Estuarine and Ocean Systems Committee for further refinement. The EOS committee is scheduled to meet at 1pm on June 20th to review and revise the draft. Staff has made some additional revisions as shown in the attached draft, and will review the proposed changes with the committee at the meeting.

Please recall that the CRC made major revisions to the draft in February 2011. At that time the one meter (39-inch) planning benchmark was deleted from the draft policy, along with all references to any planning benchmark. The draft does not contain any projections of future rates or sea levels. The CRC also took care in February 2011 to make the draft read more appropriately as an advisory document, devoid of regulatory effect. The Commission also clarified that the draft is not intended to require revisions to local land use plans, or to be used in development permitting.

Perhaps the most significant change in the May 30th staff-revised version is in the proposed section 07M.1303(b). There, responsibility for reporting sea-level rise rates, trends, projections, etc. will rest with the Division of Coastal Management, in consultation with appropriate stakeholders. Staff feels that this change is appropriate since it would remove the reference to a report issued on a specific date and thereby eliminate the need to amend the policy each time there is new information to report.

As a reminder, all CRC and CRAC members are welcome to attend committee meetings, regardless to which committee they are assigned. Everyone is also welcome to participate in committee discussions, subject to the discretion of the committee chair; however, only members of the committee may vote on action items. Committee assignments can be found at <http://www.nccoastalmanagement.net/CRC/committees.htm>, or email Angela.Willis@ncdenr.gov if you have questions about your assignment.

We look forward to the committee discussion and further guidance from the Commission.



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE

ROY COOPER
ATTORNEY GENERAL

400 COMMERCE AVENUE
MOREHEAD CITY, NC 28557

REPLY TO: AMANDA P. LITTLE
ENVIRONMENTAL DIVISION
TEL: (252) 808-2808, EXT 203
FAX: (252) 247-3330
amanda.little@ncdenr.gov

TO: The Coastal Resources Commission
FROM: Amanda P. Little, Assistant Attorney General *APL*
DATE: June 6, 2012 (for the June 20-21, 2012 CRC Meeting)
RE: **Variance Request by George K. and Michelle L. Weber**

Petitioners propose to construct a roof over an existing oceanfront deck located at 2205 Ocean Drive in Emerald Isle, North Carolina. On March 13, 2012, the Town of Emerald Isle Local Permit Officer (LPO) denied Petitioner’s application based on the proposed development being inconsistent with 15A NCAC 7H .0306(a)(8)(D), which states in pertinent part, “No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered knee braced or otherwise extended beyond the support of pilings or footing, extends oceanward of the landward-most adjacent building or structure. Petitioners seek a variance from this provision to construct a roof to their existing oceanfront deck, as proposed in their permit application. As to Staff’s position on whether Petitioners meet or do not meet each of the required criteria for a variance, Staff believes for the reasons stated in Attachment C that Petitioners have met criteria I, III, and IV, but not criteria II.

The following information is attached to this memorandum:

- Attachment A: Relevant Rules
- Attachment B: Stipulated Facts
- Attachment C: Petitioners’ Positions and Staff’s Responses to Criteria
- Attachment D: Stipulated Exhibits
- Attachment E: Petitioners’ Variance Request Materials

cc: George K. and Michelle L. Weber, Petitioners
Kevin B. Reed, Director of Planning and Inspections, Town of Emerald Isle, electronically
James W. Taylor, Jr., Town of Emerald Isle LPO, electronically
Roy Brownlow, DCM Morehead City District Manager, electronically
Barry Guthrie, DCM Field Representative, electronically
Mary Lucasse, CRC Counsel, electronically

ATTACHMENT A

RELEVANT RULES

15A NCAC 07H .0303 MANAGEMENT OBJECTIVE OF OCEAN HAZARD AREAS

- (a) The CRC recognizes that absolute safety from the destructive forces indigenous to the Atlantic shoreline is an impossibility for development located adjacent to the coast. The loss of life and property to these forces, however, can be greatly reduced by the proper location and design of structures and by care taken in prevention of damage to natural protective features particularly primary and frontal dunes. Therefore, it is the CRC's objective to provide management policies and standards for ocean hazard areas that serve to eliminate unreasonable danger to life and property and achieve a balance between the financial, safety, and social factors that are involved in hazard area development.
- (b) The purpose of these Rules shall be to further the goals set out in G.S. 113A-102(b), with particular attention to minimizing losses to life and property resulting from storms and long-term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems, and reducing the public costs of inappropriately sited development. Furthermore, it is the objective of the Coastal Resources Commission to protect present common-law and statutory public rights of access to and use of the lands and waters of the coastal area.

15A NCAC 7H .0305 General Identification and Description of Landforms.

(a) This Section describes natural and man-made features that are found within the ocean hazard area of environmental concern. . . .

(6) **Static Vegetation Line.** In areas within the boundaries of a large-scale beach fill project, the vegetation line that existed within one year prior to the onset of initial project construction shall be defined as the static vegetation line. A static vegetation line shall be established in coordination with the Division of Coastal Management using on-ground observation and survey or aerial imagery for all areas of oceanfront that undergo a large-scale beach fill project. Once a static vegetation line is established, and after the onset of project construction, this line shall be used as the reference point for measuring oceanfront setbacks in all locations where it is landward of the vegetation line. In all locations where the vegetation line as defined in this Rule is landward of the static vegetation line, the vegetation line shall be used as the reference point for measuring oceanfront setbacks. A static vegetation line shall not be established where a static vegetation line is already in place, including those established by the Division of Coastal Management prior to the effective date of this Rule. A record of all static

vegetation lines, including those established by the Division of Coastal Management prior to the effective date of this Rule, shall be maintained by the Division of Coastal Management for determining development standards as set forth in Rule .0306 of this Section.

15A NCAC 7H .0306 General Use Standards for Ocean Hazard Areas.

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the CRC's Rules shall be located according to whichever of the following is applicable: . . .

- (2) With the exception of those types of development defined in 15A NCAC 07H .0309, no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback distance. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback is established based on the following criteria:
 - (A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;

- (8) . . . [D]evelopment setbacks in areas that have received large-scale beach fill as defined in 15A NCAC 07H.0305 shall be measured landward from the *static vegetation line* as defined in this Section. However, in order to allow for development landward of the large-scale beach fill project that is less than 2,500 square feet and cannot meet the setback requirements from the static vegetation line, but can or has the potential to meet the setback requirements from the vegetation line set forth in Subparagraph (1) and (2)(A) of this Paragraph a local government or community may petition the Coastal Resources Commission for a “static line exception” in accordance with 15A NCAC 07J .1200 to allow development of property that lies both within the jurisdictional boundary of the petitioner as well as the boundaries of the large-scale beach fill project. . . . If the request is approved, the Coastal Resources Commission shall allow development setbacks to be measured from a vegetation line that is oceanward of the static vegetation line under the following conditions:
 - (A) Development meets all setback requirements from the vegetation line defined in Subparagraphs (a)(1) and (a)(2)(A) of this Rule;

- (B) Total floor area of a building is no greater than 2,500 square feet;
- (C) Development setbacks are calculated from the shoreline erosion rate in place at the time of permit issuance;
- (D) **No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered, knee braced or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent building or structure.** When the configuration of a lot precludes the placement of a building or structure in line with the landward-most adjacent building or structure, an average line of construction shall be determined by the Division of Coastal Management on a case-by-case basis in order to determine an ocean hazard setback that is landward of the vegetation line, a distance no less than 30 times the shoreline erosion rate or 60 feet, whichever is greater; No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered, knee braced or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent building or structure. When the configuration of a lot precludes the placement of a building or structure in line with the landward-most adjacent building or structure, an average line of construction shall be determined by the Division of Coastal Management on a case-by-case basis in order to determine an ocean hazard setback that is landward of the vegetation line, a distance no less than 30 times the shoreline erosion rate or 60 feet, whichever is greater; (emphasis added)

STIPULATED FACTS**ATTACHMENT B**

1. George K. Weber and Michelle L. Weber (“Petitioners”) own a .44 acre oceanfront lot located at 2205 Ocean Drive in Emerald Isle, Carteret County, North Carolina (the “property”).
2. The property is located within the Ocean Erodible Area of Environmental Concern (“AEC”), as described in 15A NCAC 7H.0304.
3. Petitioners purchased the property in August of 1998. The existing single-family residence located on the property is 1,200 square feet.
4. The general rule is that [a] building or structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater.” Rule 15A NCAC 7H. 0306(a)(2)(A).
5. The property currently has an annual long-term erosion rate of 2 feet so the required erosion setback is 60 feet.
6. In early 2003, the Town of Emerald Isle proceeded with a large-scale beach nourishment project including the area where Petitioner’s property is located.
7. For areas within the boundaries of a large-scale beach fill project, 15A NCAC 7H .0305(a)(6) provides that the vegetation line that existed within one year prior to the onset of the initial project construction shall be defined as the static vegetation line. The static vegetation line shall be used as the reference point for measuring oceanfront setbacks in all locations where it is landward of the vegetation line.
8. In November 2002, the static vegetation line for the Town of Emerald Isle was determined by DCM staff through flagging the vegetation line and subsequently surveying the line. The static vegetation line is shown on a series of maps dated December 4, 2002.
9. 15A NCAC 7H .0306(a)(8) provides “a local government or community may petition the Coastal Resources Commission for a ‘static line exception’ in accordance with 15A NCAC 07J .1200 to allow development of property that lies both within the jurisdictional boundary of the petitioner as well as the boundaries of the large-scale beach fill project.
10. On March 24, 2010, the CRC granted the Town of Emerald Isle a “static line exception”.
11. On March 13, 2012, the Petitioners submitted to the Town of Emerald Isle’s CAMA Local Permit Officer (LPO) an application for a Minor Development Permit to construct a roof over an existing 8 ft. x 36 ft. oceanfront deck to protect the existing structure from elements. *See* Attachment D (Exhibit 1).

12. In accordance with the CAMA Minor Permit Application Process, written notification of the proposed development was provided to the adjacent riparian owners. No objections or comments were received.
13. On March 20, 2012, the Town of Emerald Isle CAMA LPO denied the Petitioners' application based on Petitioners' proposed development being inconsistent with 15A NCAC 07H .0306(a)(8)(D), in that it involved the expansion of an existing structure that "extends oceanward of the landward-most adjacent building or structure." *See* Attachments A and D.
14. The Petitioner's proposed development extends oceanward of the landward-most adjacent structure, a single family residence located on the eastern side of Petitioners' property at 2203 Ocean Drive. *See* Attachment D (Exhibit 3 - aerial photo)
15. The Petitioners' proposed development meets all of the conditions set forth in Rule 15A NCAC 7H .0306(a)(8), except subsection (D): "No portion of a building or structure including roof overhangs and elevated portions that are cantilevered, knee braced or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward most adjacent building or structure."
16. The neighboring houses on the 22nd block of Ocean Drive were built in 1978 or 1979, with the exception of the property adjacent to the eastern side of the Petitioners'. This adjacent property was built 9 years after the Petitioners' home was built and is further landward. The proposed development would not require additional pilings and would not increase the overall footprint of the house-or oceanfront deck.
17. There are neighboring houses on the eastern and western side of the Petitioners' house that have roofed decks located seaward of Petitioner's proposed development. *See* Attachment D.
18. The proposed development would be located landward of the frontal dune, static vegetation line and the 60-foot Ocean Hazard setback line.
19. The Petitioners' proposed development is consistent with all the development regulations of the Town of Emerald Isle; thus, there are no local regulations for which they can seek a variance.
20. On May 3, 2012, Petitioners filed this variance request seeking a variance from 15A NCAC 7H .0306(a)(8)(D) (proposed development extends oceanward of the landward-most adjacent building or structure) in order to construct a roof over their 8 ft. x 36 ft. existing oceanfront deck, as proposed in their permit application. *See* Attachments D and E.

ATTACHMENT C

Petitioners and Staff Positions

- I. Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.**

Petitioners' Position: Yes.

Our request is based on protecting our home and saving on the repairs which can be avoided by extending our roof line. In addition to the repair savings, we also expect to significantly save on our utility bills as the seaward side of the home will remain much cooler without the extreme heat of the sun. Our home is one of the very few in the area without a covered deck.

Staff's Position: Yes.

Staff also believes that strict application of the "static line exception" rule, 15A NCAC 7H .0306(a)(8), will cause the Petitioners unnecessary hardship because Petitioners meet all of the specified conditions set forth in rule except that their proposed development extends oceanward of the landward-most adjacent building, located at 2203 Ocean Drive. Petitioners' house and deck are currently aligned with the majority of houses along this stretch of beach; however, the landward-most adjacent house neighboring Petitioners' property is built forward of this existing line of development, as illustrated by the aerial photograph of this area (*See* Attachment D – stipulated exhibit 3). Using such an anomalous structure as a basis for denial places an undue burden on the development of Petitioners' property. Staff believes this result was not intended by the "static line exception" rule. One of the management objectives of the Ocean Hazard AEC provided in 15A NCAC 7H .0303(b) is "minimizing losses to life and property". Although Petitioners couch their hardship in financial terms, Staff believes allowing Petitioners' development to extend oceanward of the landward-most adjacent building will have a negligible impact on the objective of protecting life and property along the oceanfront. Petitioners' proposed addition will not increase the size of the existing deck and would be located well behind the frontal dune, vegetation line and the 60-foot Ocean Hazard erosion setback line.

- II. Do such hardships result from conditions peculiar to the petitioner's property, such as location, size, or topography of the property? Explain.**

Petitioners' Position: Yes.

The eastward adjacent property, which was built 9 years after our home was built, is further landward than our home. This results in our home being approximately 3 feet out of compliance. Additionally, the property lots in our immediate area are the deepest (top 6) of the 163 most seaward properties. We are well within the 60' CAMA set-back.

Our home presently has a seaward face of 114', the second furthest of all homes on the 22nd block of Ocean Drive (only 2203, the property causing the non-conformity, has a farther seaward face).

<u>ADDRESS</u>	<u>YR BUILT</u>	<u>Front Set Back</u>	<u>COVERED PORCH</u>
2213 Ocean Drive	1978	42'	Yes
2211 Ocean Drive	1978	39'	Yes
2209 Ocean Drive	1978	59'	Yes
2207 Ocean Drive	1979	73'	Yes
<u>2205 Ocean Drive *</u>	1979	74'	No
2203 Ocean Drive**	1988	71'	No
2201 Ocean Drive	1979	81'	Yes

* Petitioners Home

** House was built in 1988 and is two stories with a deck on the second story providing protection to the first floor of the home.

Staff's Position: No.

Staff disagrees with Petitioner that there is any specific location, size or topographical condition that is peculiar to their property; however, Staff acknowledges that Petitioners are being penalized due to the neighboring house located to their east because it is situated peculiarly landward of the predominant line of development along the oceanfront of this area.

III. Do the hardships result from the actions taken by the Petitioner? Explain.

Petitioners' Position: No.

Our home was built 9 years before the adjacent house to the east, which is approximately 3' further landward.

Staff's Position: No.

Staff agrees with Petitioners that their hardship is not due to actions taken by them, but due to the landward location of their neighboring residence to the east at 2203 Ocean Drive. Furthermore, Petitioners tried to seek local relief through the Town of Emerald Isle, but their proposed development is consistent with all Town development regulations so there are no local regulations for which they can seek a variance; therefore, they have exhausted all local relief efforts.

IV. Will the variance requested by the Petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice? Explain.

Petitioners' Position: Yes.

(1) Be consistent with the spirit, purpose and intent of the rules, standards or orders issued by the Commission?

Yes.

The Ocean Hazard AEC Objective states: “the purpose of these Rules shall be to further the goals set out in G.S. 113A 102(b), with particular attention to minimizing losses to life and property resulting from storms and long term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems, and reducing public beach, dune structure and ecology.

We believe the CAMA Rule accomplishes its objective, when applied to the most seaward facing structures, but does not adequately protect home owners adjacent structures which can be built further landward causing immediate non-compliance. Additionally, we believe the intent of the Rule is to protect the oceanfront/beach and the homes facing it. Extending the roof will not move any footings or pilings closer to the beach. The extension will serve to protect our property and not harm, in anyway, the natural ecological condition of the barrier dune. In fact, through our own expense, we have created one deepest high-level barrier dunes in the area.

(2) Secure the public safety and welfare?

Yes.

Creating a shaded porch will not, in any way, harm the public safety and welfare. Our home will be more secure from storms and natural elements, with reduced energy costs.

(3) Preserve substantial justice?

Yes.

- As stated above, we believe the intent of the Rule is to protect the oceanfront/beach, the homes facing it, and public assets.
- The protection of our home from storms is accomplished from our set-

back and the deep dune.

- Extending our roof line will provide our home the protection many other homes in the area have been afforded.
- We do not believe the Rule was intended to bar owners from protecting their homes from the elements.
- We do not believe the Rule was intended to cause a home to become non-compliant due to the building of an adjacent structure at a later time.

Staff's Position: Yes.

The spirit, purpose, and intent of Rule 15A NCAC 7H .0306(a) is “to protect life and property.” This is the underlying reason for the CRC adopting erosion setback requirements, including the static line requirements in Ocean Hazard AECs. The spirit, purpose, and intent of the “static line exception,” as provided in subsection (8) of that Rule, is to allow property owners to build in previously unbuildable areas, as long as the specified conditions are met, to both protect the aesthetic and environmental value of our state’s coastal resources while preventing encroachment of permanent structures on to the public beaches. Staff believes that the intent of this rule was not to prohibit such development as proposed by Petitioners due to an anomalous neighboring house. Staff believes that Petitioners’ proposed addition to their existing home complies with the spirit, purpose, and intent of this rule primarily because the proposed development more than meets the minimum distance setback requirements from the vegetation line. If this variance is granted, Petitioners’ proposed addition will still sit well landward of the stable frontal dune, the vegetation line and the 60-foot Ocean Hazard erosion setback line.

Staff agrees with Petitioners that granting a variance in this instance will also secure public safety and welfare, and preserve substantial justice. Public safety and welfare will be maintained because Petitioners’ proposed addition does not encroach any further oceanward than their existing footprint. Substantial justice will also be preserved because Petitioners’ proposed addition will be located landward of most of the neighboring houses in the surrounding area.

Attachment D

Stipulated Exhibits

Locality Town of Emerald Isle Permit Number 12-10
 Ocean Hazard Estuarine Shoreline _____ ORW Shoreline _____ Public Trust Shoreline _____ Other _____
 (For official use only)

GENERAL INFORMATION

LAND OWNER

Name GEORGE WEBER
 Address 877 Laguna Drive
 City Wolverine Lake State MI Zip 48390 Phone 313 850 4794
 Email gweber3@ford.com

AUTHORIZED AGENT

Name Vince B Scroggins Construction
 Address 215 White Oak Bluff Rd
 City Stella State NC Zip 28582 Phone 252-725-7178
 Email vincebscrogginsconstruction@yahoo.com

LOCATION OF PROJECT: (Address, street name and/or directions to site. If not ocean front, what is the name of the adjacent waterbody.) 2205 OCEAN DRIVE EMERALD ISLE

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance.) COVER OCEAN SIDE DECK WITH ROOF TO PROTECT EXISTING STRUCTURE FROM ELEMENTS

SIZE OF LOT/PARCEL: 19,208 square feet _____ acres

PROPOSED USE: Residential (Single-family Multi-family) Commercial/Industrial Other

COMPLETE EITHER (1) OR (2) BELOW (Contact your Local Permit Officer if you are not sure which AEC applies to your property):

(1) **OCEAN HAZARD AECs:** TOTAL FLOOR AREA OF PROPOSED STRUCTURE 280 square feet (includes air conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level but excluding non-load-bearing attic space)

(2) **COASTAL SHORELINE AECs:** SIZE OF BUILDING FOOTPRINT AND OTHER IMPERVIOUS OR BUILT UPON SURFACES: N/A square feet (includes the area of the roof/drip line of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)

STATE STORMWATER MANAGEMENT PERMIT: Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Water Quality?
 YES _____ NO

If yes, list the total built upon area/impervious surface allowed for your lot or parcel: N/A square feet.



OTHER PERMITS MAY BE REQUIRED: The activity you are planning may require permits other than the CAMA minor development permit, including, but not limited to: Drinking Water Well, Septic Tank (or other sanitary waste treatment system), Building, Electrical, Plumbing, Heating and Air Conditioning, Insulation and Energy Conservation, FIA Certification, Sand Dune, Sediment Control, Subdivision Approval, Mobile Home Park Approval, Highway Connection, and more. Check with your Local Permit Officer for more information.

STATEMENT OF OWNERSHIP:

I, the undersigned, an applicant for a CAMA minor development permit, being either the owner of property in an AEC or a person authorized to act as an agent for purposes of applying for a CAMA minor development permit, certify that the person listed as landowner on this application has a significant interest in the real property described therein. This interest can be described as: (check one)

an owner or record title, Title is vested in GEORGE WEBER, see Deed Book 15 page 74 in the CARROLL County Registry of Deeds.

an owner by virtue of inheritance. Applicant is an heir to the estate of _____; probate was in CARROLL County.

if other interest, such as written contract or lease, explain below or use a separate sheet & attach to this application.

NOTIFICATION OF ADJACENT PROPERTY OWNERS:

I furthermore certify that the following persons are owners of properties adjoining this property. I affirm that I have given ACTUAL NOTICE to each of them concerning my intent to develop this property and to apply for a CAMA permit.

(Name)	(Address)
(1) <u>ADAM L SHDWELL</u>	<u>3701 ATLANTIC AVENUE</u> <u>OCEAN CITY MD 21842</u>
(2) <u>NICHOLAS B. SOLLENBERGER</u>	<u>5430 CUMBERLAND HWY</u> <u>CHAMBERSBURG PA 17022</u>
(3) _____	_____
(4) _____	_____

ACKNOWLEDGEMENTS:

I, the undersigned, acknowledge that the land owner is aware that the proposed development is planned for an area which may be susceptible to erosion and/or flooding. I acknowledge that the Local Permit Officer has explained to me the particular hazard problems associated with this lot. This explanation was accompanied by recommendations concerning stabilization and floodproofing techniques.

I furthermore certify that I am authorized to grant, and do in fact grant, permission to Division of Coastal Management staff, the Local Permit Officer and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

This the 12TH day of MARCH, 20 12

Landowner or person authorized to act as his/her agent for purpose of filing a CAMA permit application

This application includes: general information (this form), a site drawing as described on the back of this application, the ownership statement, the Ocean Hazard AEC Notice where necessary, a check for \$100.00 made payable to the locality, and any information as may be provided orally by the applicant. The details of the application as described by these sources are incorporated without reference in any permit which may be issued. Deviation from these details will constitute a violation of any permit. Any person developing in an AEC without permit is subject to civil, criminal and administrative action.

OCEAN HAZARD AEC NOTICE

Project is in an: Ocean Erodeable Area High Hazard Flood Area Inlet Hazard Area

Property Owner: GEORGE WEBER

Property Address: 2205 OCEAN DRIVE, EMERALD ISLE, NC

Date Lot Was Platted: 2/28/12

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an ABC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is 2 feet per year.

The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as 30 feet landward in a major storm.

The flood waters in a major storm are predicted to be about 13 feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.

George Weber
Applicant Signature
5700 Drive

2/20/2012
Date

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be re-measured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate re-measurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

For more information, contact:

Tony of Emerald Isle
Local Permit Officer

7500 Emerald DR
Address

EMERALD ISLE NC 28544
Locality

252 354 3338
Phone Number

Town of Emerald Isle

Department of Planning and
Inspections
Kevin B. Reed, AICP, Director
kreed@emeraldisle-nc.org



7500 Emerald Drive
Emerald Isle, NC 28594
Voice 252-354-3338
Fax 252-354-5387

March 20, 2012

Mr. George Weber
877 Laguna Drive
Wolverine Lake, MI 48390-2016

RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT
APPLICATION NUMBER 2012-10
PROJECT ADDRESS - 2205 OCEAN DRIVE, EMERALD ISLE, NC 28594

Dear Mr. Weber:

After reviewing your application in conjunction with the development standards required by the Coastal Area Management Act (CAMA) and our locally adopted Land Use Plan and Ordinances, it is my determination that no permit may be granted for the project which you have proposed.

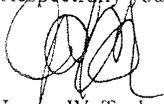
This decision is based on my findings that your request violates NCGS 113A-120(a)(8) which requires that all applications be denied which are inconsistent with CAMA guidelines and Local Land Use Plans. You have applied for a MINOR CAMA PERMIT #2012-10 with the proposed development of a roof over an ocean side deck on an existing single family dwelling to be located seaward of the most landward adjacent building which is inconsistent with 15 NCAC 7H .0306 (a)(8)(D), which states that: "No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered knee braced or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent building or structure. When the configuration of a lot precludes the placement of a building or structure, an average line of construction shall be determined by the Division of Coastal Management on a case-by-case basis in order to determine and ocean hazard setback that is landward of the vegetation line, a distant no less than 30 times the shoreline erosion rate of 60 feet, whichever is greater."

Should you wish to appeal my decision to the Coastal Resource Commission or request a variance from that group, please contact me so I can provide you with the proper forms and any other information you may require. The Division of Coastal Management central office in



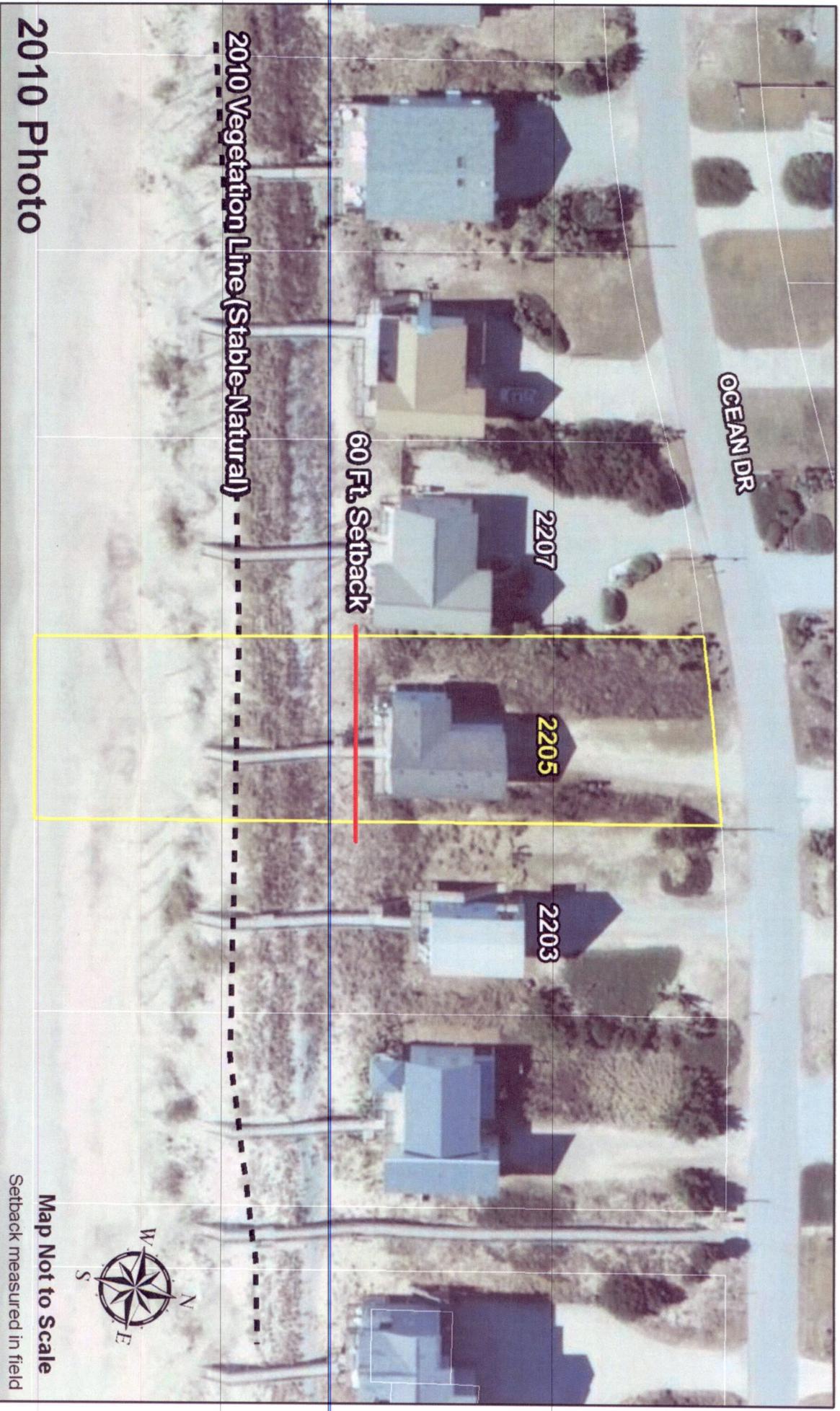
Morehead City must receive appeal notices within twenty (20) days of the date of this letter in order to be considered.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'J. Taylor, Jr.', written over the words 'Respectfully yours,'.

James W. Taylor, Jr., LPO
Town of Emerald Isle
7500 Emerald Dr
Emerald Isle, NC 28594

cc: Barry Guthrie, DCM



2010 Photo

2010 Vegetation Line (Stable-Natural)

60 Ft. Setback

2207

2205

2203

OCEAN DR



Map Not to Scale

Setback measured in field

60 Ft. Setback from Vegetation Line (Stable-Natural)

Legend

2205 Ocean Dr., Emerald Isle

Vegetation Line - (2010 Imagery)

Map Not to Scale

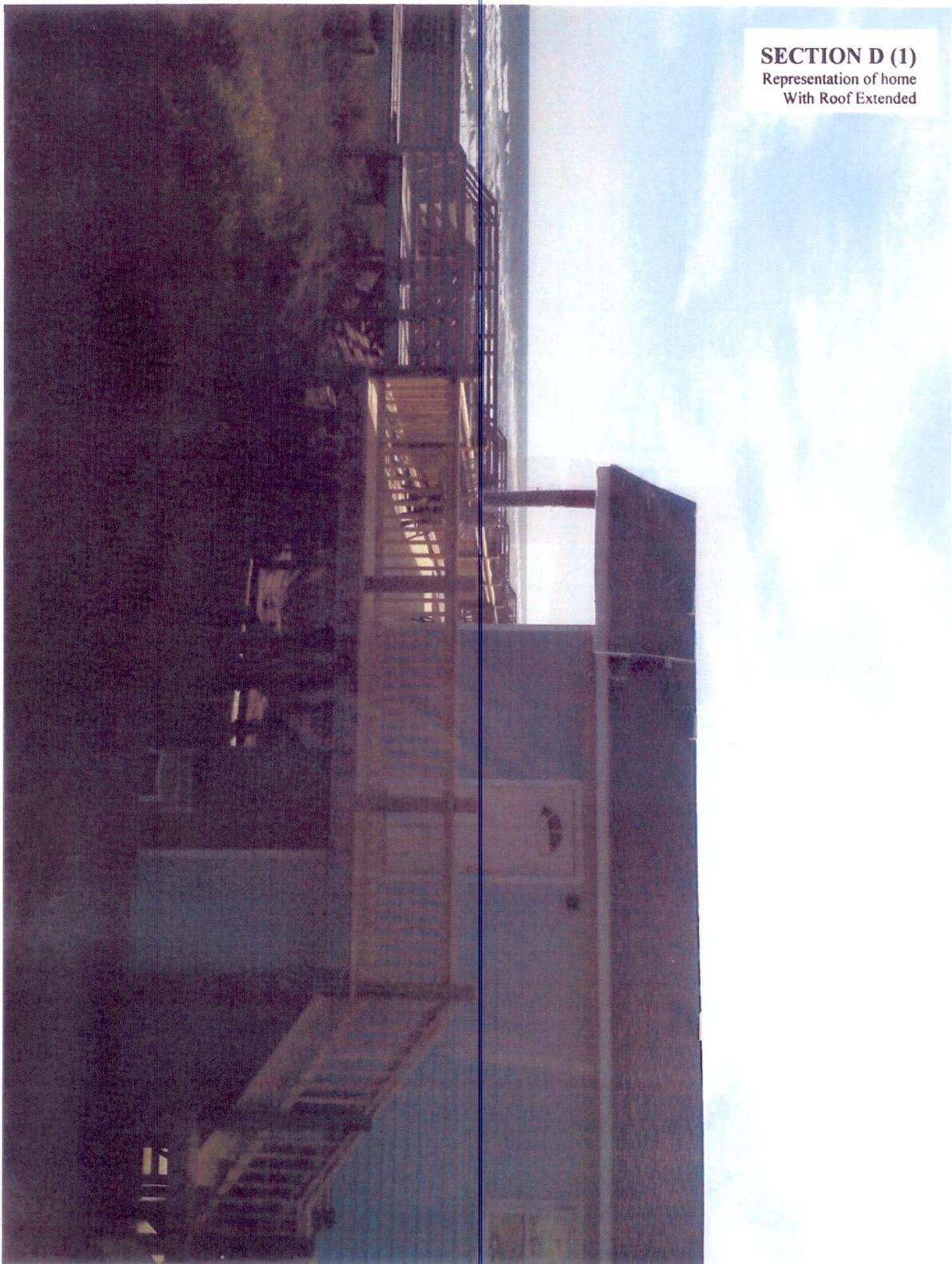
2205 Ocean Drive
Emerald Isle, NC

PENGAD-Bayonne, N. J.

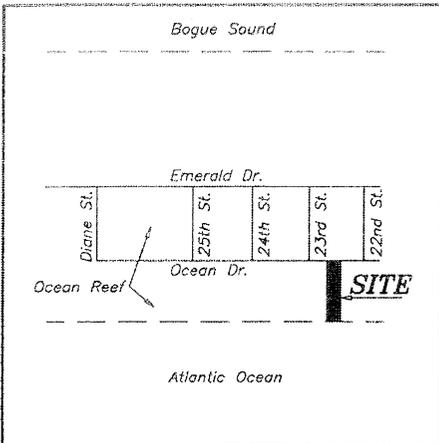
EXHIBIT

3

SECTION D (1)
Representation of home
With Roof Extended



PENGAD-Bayonne, N. J.
EXHIBIT
4



TOTAL LOT AREA

19,208 Sq. Ft.
(Coord. Method)

LEGEND

C/L - Centerline
OHP - Overhead Power Line
R/W - Right of Way

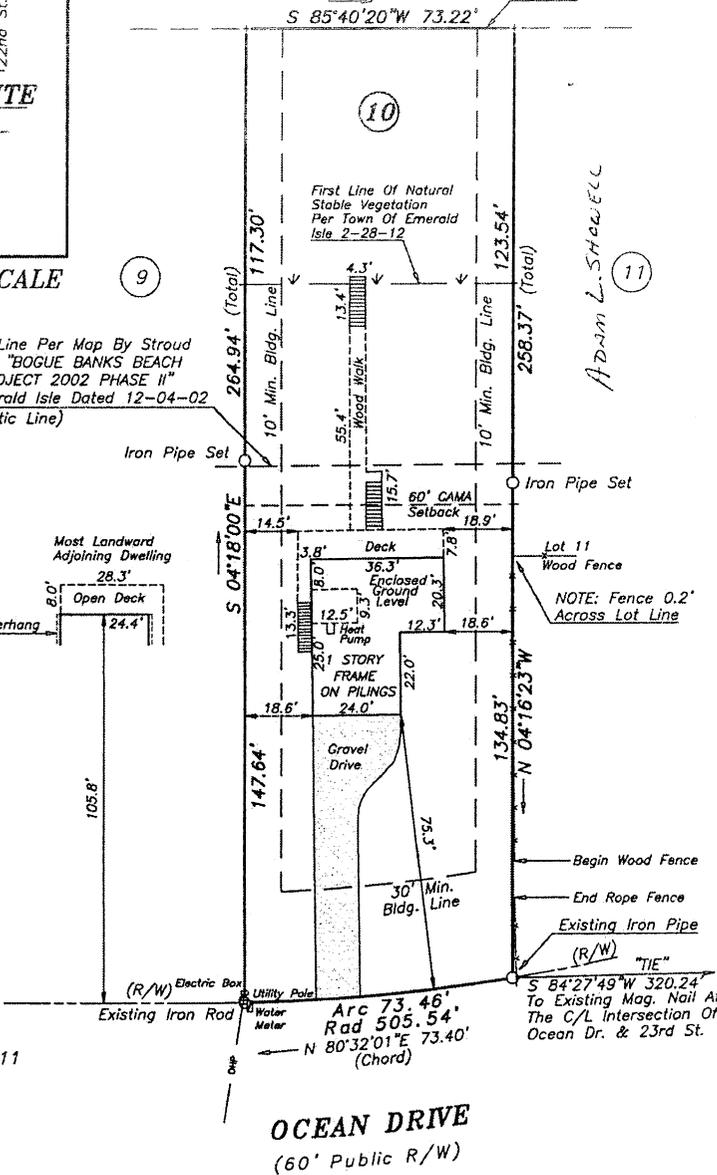
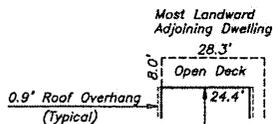
Atlantic Ocean

Non-Monumented Corners & Line Per Map Book 15 Page 74

VICINITY MAP-NOT TO SCALE

NICHOLAS B. SULLEN BERGER
Magnetic North (Map Book 15 Page 74)

Note: Vegetation Line Per Map By Stroud Engineering Titled "BOGUE BANKS BEACH NOURISHMENT PROJECT 2002 PHASE II" For Town of Emerald Isle Dated 12-04-02 (Static Line)

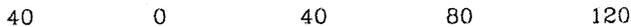


REFERENCE:

Lot 10 Revised "ISLAND SHORE" Bk. 11
Map Book 15 Page 74
Carteret County Registry

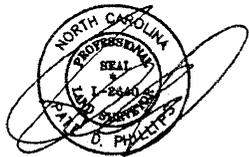
NOT FOR RECORDING

P.I.N.: 6314.15 63 5613
FLOOD ZONE: VE (13.0') 7-16-03
Per Firm 370047 6314 J
SUBD. REC.: July 1978



GRAPHIC SCALE - FEET

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____ OR OTHER REFERENCE SOURCE Map Book 15 Page 74); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK _____ PAGE _____ OR OTHER REFERENCE SOURCE _____ THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1/100000. AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
THIS 1st DAY OF March, 2012.



DATE	2-28-12
DRAWN	PDP
REVISION	
SCALE	1" = 40'
PROJ. NO.	98-213
CGO	98-213

Physical Survey For:
GEORGE K. WEBER

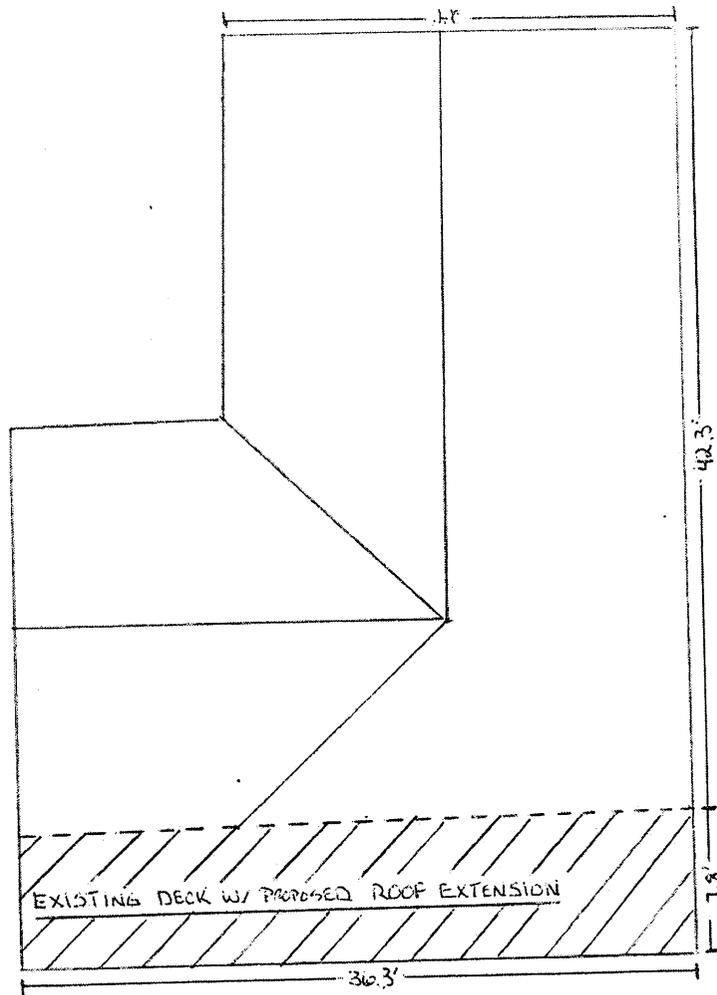
Town Of Emerald Isle
White Oak Township
Carteret County, North Carolina

Bell & Phillips Surveying, PLLC
604E CEDAR POINT BLVD.
CEDAR POINT, N.C. 28584
TELE.: (252)-393-6101, LIC. No.: P-0391
EMAIL: patephillips@eastnc.twcbc.com



SECTION D:
Description & Site Plan

George & Michelle Weber request a variance to extend their seaward roof to cover approximately eight feet of existing deck. We are requesting this to protect our home from the extreme wear (interior and exterior) we are presently experiencing from Sun, Wind, and Rain.



OCEAN

Attachment E

Petitioners' Variance Request Materials

CAMA VARIANCE REQUEST FORM

DCM FORM 11

DCM FILE No.: _____

PETITIONER'S NAME **George K. & Michelle L. Weber**
COUNTY WHERE THE DEVELOPMENT IS PROPOSED: **Carteret**

Pursuant to N.C.G.S. § 113A-120.1 and 15A N.C.A.C. 07J .0700 *et seq.*, the above named Petitioner hereby applies to the Coastal Resources Commission (CRC) for a variance.

VARIANCE HEARING PROCEDURES

A variance petition will be considered by the CRC at a regularly scheduled meeting, heard in chronological order based upon the date of receipt of a complete petition. 15A N.C.A.C. 07J .0701(e). A complete variance petition, as described below, must be *received* by the Division of Coastal Management (DCM) a minimum of six (6) weeks in advance of the first day of a regularly scheduled CRC meeting to be eligible for consideration by the CRC at that meeting. 15A N.C.A.C. 07J .0701(e). The final set of stipulated facts must be agreed to at least four (4) weeks prior to the first day of a regularly scheduled meeting. 15A N.C.A.C. 07J .0701(e). The dates of CRC meetings can be found at DCM's website: **www.nccoastalmanagement.net**

If there are controverted facts that are significant in determining the propriety of a variance, or if the Commission determines that more facts are necessary, the facts will be determined in an administrative hearing. 15A N.C.A.C. 07J .0701(b).

VARIANCE CRITERIA

The petitioner has the burden of convincing the CRC that it meets the following criteria:

- (a) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.
- (b) Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property? Explain.
- (c) Do the hardships result from actions taken by the petitioner? Explain.
- (d) Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice? Explain.

Please make your written arguments that Petitioner meets these criteria on a separate piece of paper.
The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before the Commission. These opinions note that the practice of professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written or oral argument, may be considered the practice of law. Before you proceed with this variance request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.

For this variance request to be complete, the petitioner must provide the information listed below. The undersigned petitioner verifies that this variance request is complete and includes:

SECTION:

- A:** The name and location of the development as identified on the permit application;
- B:** A copy of the permit decision for the development in question;
- C:** A copy of the deed to the property on which the proposed development would be located;
- D:** A complete description of the proposed development including a site plan;
- E:** A stipulation that the proposed development is inconsistent with the rule at issue;
- F:** Proof that notice was sent to adjacent owners and objectors, as required by 15A N.C.A.C. 07J .0701(c)(7);
- G:** Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable;
- H:** Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;
- I:** A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts.
- J:** This form completed, dated, and signed by the Petitioner or Petitioner's Attorney.

Due to the above information and pursuant to statute, the undersigned hereby requests a variance.

George K Weber _____ Date 4/29/2012
Signature of Petitioner or Attorney

GEORGE K WEBER _____ Email address of Petitioner or Attorney GWEBER3@FORD.COM
Printed Name of Petitioner or Attorney

Michelle L Weber _____ Date 4/29/2012
Signature of Petitioner or Attorney

MICHELLE L. WEBER _____ Email address of Petitioner or Attorney
Printed Name of Petitioner or Attorney

877 LAGUNA DRIVE _____ Telephone Number of Petitioner or Attorney (313) 850-4794
Mailing Address

WOLVERINE LAKE, MICH 48310 _____
City State Zip Fax Number of Petitioner or Attorney

DELIVERY OF THIS HEARING REQUEST

This variance petition must be **received** by the Division of Coastal Management at least six (6) weeks before the first day of the regularly scheduled Commission meeting at which it is heard. A copy of this request must also be sent to the Attorney General's Office, Environmental Division. 15A N.C.A.C. 07J .0701(e).

Contact Information for DCM:

By mail, express mail or hand delivery:
Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

By Fax:
(252) 247-3330

By Email:
Check DCM website for the email
address of the current DCM Director
www.nccoastalmanagement.net

Contact Information for Attorney General's Office:

By mail:
Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By express mail:
Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Fax:
(919) 716-6767

SECTION A

Permit Information

Denied Permit Information:

Emerald Isle Permit ID: 2012 -- 10
Development Name: N/A
Location: 2205 Ocean Drive
Emerald Isle, NC 28594
Carteret P.I.D.: 6314.15 63 5613
Lot: 10
Block: 11

Petitioner Information:

Name: George & Michelle Weber
Address: 877 Laguna Drive
Wolverine Lake, MI 48390
Phone Number(s): 313-850-4794
248-767-7206
Attorney: N/A

Town of Emerald Isle

Department of Planning and
Inspections
Kevin B. Reed, AICP, Director
kreed@emeraldisle-nc.org



7500 Emerald Drive
Emerald Isle, NC 28594
Voice 252-354-3338
Fax 252-354-5387

March 20, 2012

Mr. George Weber
877 Laguna Drive
Wolverine Lake, MI 48390-2016

RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT
APPLICATION NUMBER 2012-10
PROJECT ADDRESS - 2205 OCEAN DRIVE, EMERALD ISLE, NC 28594

Dear Mr. Weber:

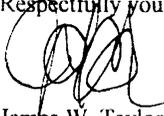
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This decision is based on my findings that your request violates NCGS 113A-120(a)(8) which requires that all applications be denied which are inconsistent with CAMA guidelines and Local Land Use Plans. You have applied for a MINOR CAMA PERMIT #2012-10 with the proposed development of a roof over an ocean side deck on an existing single family dwelling to be located seaward of the most landward adjacent building which is inconsistent with 15 NCAC 7H .0306 (a)(8)(D), which states that: "No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered knee braced or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent building or structure. When the configuration of a lot precludes the placement of a building or structure, an average line of construction shall be determined by the Division of Coastal Management on a case-by-case basis in order to determine and ocean hazard setback that is landward of the vegetation line, a distant no less than 30 times the shoreline erosion rate of 60 feet, whichever is greater."

Should you wish to appeal my decision to the Coastal Resource Commission or request a variance from that group, please contact me so I can provide you with the proper forms and any other information you may require. The Division of Coastal Management central office in

Morehead City must receive appeal notices within twenty (20) days of the date of this letter in order to be considered.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'J. Taylor, Jr.', written over the words 'Respectfully yours,'.

James W. Taylor, Jr., I.P.O
Town of Emerald Isle
7500 Emerald Dr
Emerald Isle, NC 28594

cc: Barry Guthrie, DCM

SECTION C:
Property Deed

Prepared by: M. Douglas Goines
Return to: M. Douglas Goines

08/21/98
\$465.00
STATE OF NORTH CAROLINA
Real Estate Excise Tax

Parcel #: 631415635613
STATE OF NORTH CAROLINA

STAMPS \$465.00

COUNTY OF CARTERET

WARRANTY DEED

THIS DEED, made this the 19th day of August, 1998 by Bernard Capen Dale, Trustee under the Trust created by the will of Jane Capen Dale, dated September 17, 1982, hereinafter "GRANTOR", to George K. Weber and wife, Michelle L. Weber, whose address is 877 Laguna Dr Wallegha NC 27590 hereinafter collectively called "GRANTEE;"

WITNESSETH THAT:

GRANTOR, for TEN DOLLARS (\$10) and other valuable consideration, hereby acknowledged as paid and received, has bargained and sold, and by these presents does grant, bargain, sell and convey, subject to limitations, conditions, and provisions, if any listed below, to GRANTEE, his heirs and assigns, certain land described as follows:

NORTH CAROLINA CARTERET COUNTY WHITE OAK TOWNSHIP

BEING all of Lot 10 in Island Shore Subdivision as the same is shown on a map of Island Shore Subdivision recorded in Map Book 15 at page 74, Carteret County Registry, with Island Shore Subdivision being a part of Block 11 of Emerald Isle By-The-Sea recorded in Map Book 3 at page 42, Carteret County Registry.

Subject to those restrictive covenants recorded in Book 404 at page 132, Carteret County Registry.

TO HAVE AND TO HOLD, subject to limitations, conditions, restrictions and provisions, if any listed above, said land, and all privileges and appurtenances thereto belonging, to GRANTEE, his heirs, successors and assigns, forever.

And GRANTOR covenants with GRANTEE that he is seized of said premises in fee and has the right to convey in fee simple; that the same are free and clear of all encumbrances, except those if any listed above, and that he does hereby forever warrant and will forever defend the same against the lawful claims of all whomsoever.

Wherever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders as the context may require.

BOOK 834 PAGE 243

③

IN TESTIMONY WHEREOF, GRANTOR has signed and sealed this Deed.

Bernard Capen Dale (SEAL)
Bernard Capen Dale, Trustee

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, a Notary Public of the County and State aforesaid do hereby certify that Bernard Capen Dale, Trustee, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 19th day of August, 1998.

My commission expires:
4-19-03

John G. McCormick
Notary Public

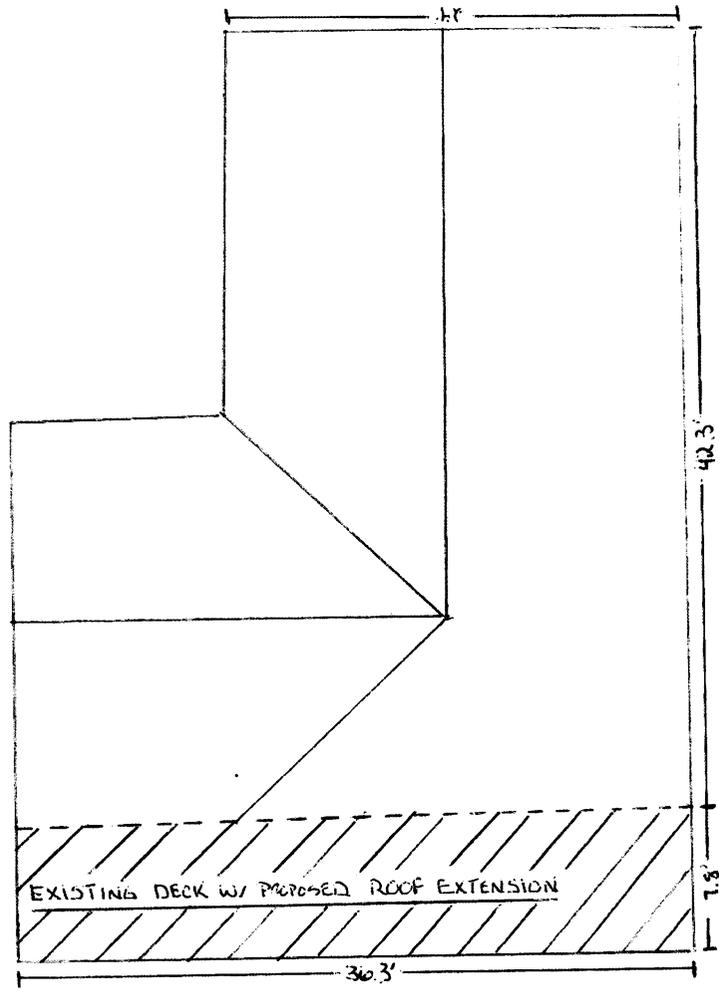


NORTH CAROLINA, CARTERET COUNTY
The foregoing certificate(s) of John G. McCormick
is (are) certified to be correct. This instrument was pre-
sented for registration and recorded in this office in
Book 834 Page 243
This 21st day of Aug 1998 at 2:31 o'clock P.M.
Sharon Piner
Register of Deeds
By Willa B. Davis
Assistant, Deputy

BOOK 834 PAGE 243

SECTION D:
Description & Site Plan

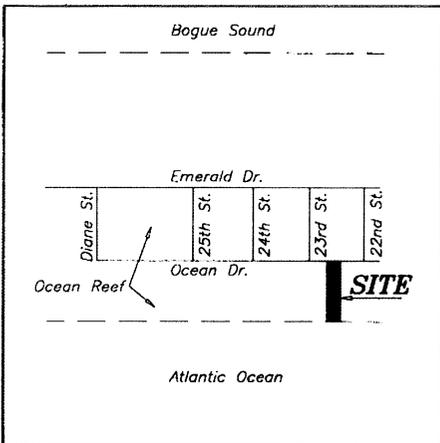
George & Michelle Weber request a variance to extend their seaward roof to cover approximately eight feet of existing deck. We are requesting this to protect our home from the extreme wear (interior and exterior) we are presently experiencing from Sun, Wind, and Rain.



OCEAN

SECTION D (1)
Representation of home
With Roof Extended





TOTAL LOT AREA

19,208 Sq. Ft.
(Coord. Method)

LEGEND

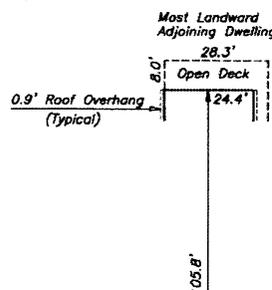
- C/L - Centerline
- OHP - Overhead Power Line
- R/W - Right of Way

Non-Monumented Corners & Line Per Map Book 15 Page 74

VICINITY MAP - NOT TO SCALE

NICHOLAS B. SOLEEN BERGER
Magnetic North (Map Book 15 Page 74)

Note: Vegetation Line Per Map By Stroud Engineering Titled "BOGUE BANKS BEACH NOURISHMENT PROJECT 2002 PHASE II" For Town of Emerald Isle Dated 12-04-02 (Static Line)

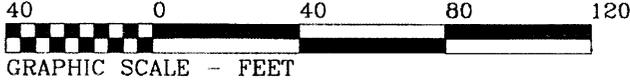


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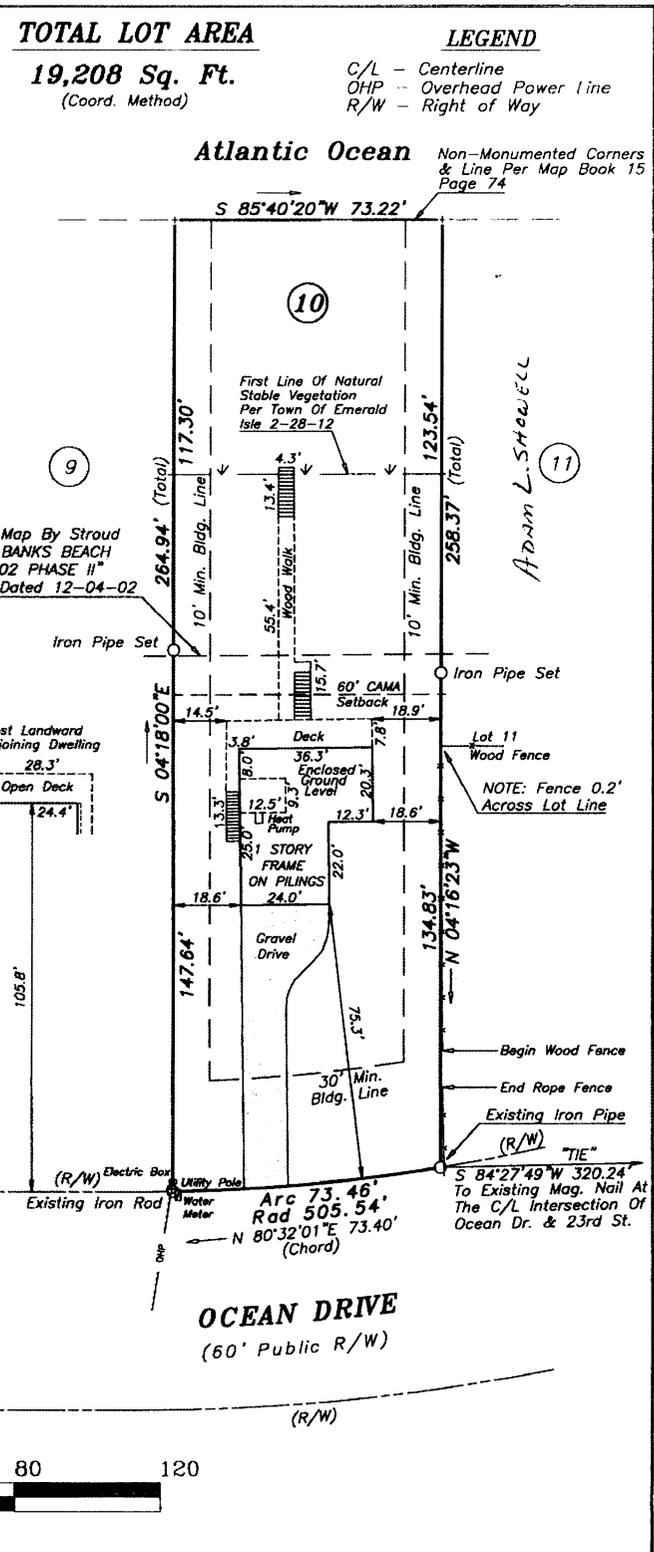
Lot 10 Revised "ISLAND SHORE" Blk. 11
Map Book 15 Page 74
Carteret County Registry

NOT FOR RECORDING

P.I.N.: 6314.15 63 5613
FLOOD ZONE: VE (13.0') 7-16-03
Per Firm 370047 6314 J
SUBD. REC.: July 1978



I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____ OR OTHER REFERENCE SOURCE _____ MAP BOOK 15 Page 74); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK _____ PAGE _____ OR OTHER REFERENCE SOURCE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1/10000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
THIS 1st DAY OF March, 2012.



DATE 2-28-12	Physical Survey For: GEORGE K. WEBER
DRAWN POP	
REVISION	
SCALE 1" = 40'	Town of Emerald Isle White Oak Township Carteret County, North Carolina
PROJ. NO. 98-213	
CODG 98-213	Bell & Phillips Surveying, PLLC 604E CEDAR POINT BLVD. CEDAR POINT, N.C. 28584 TELE.: (252)-393-6101, LIC. No.: P-0391 EMAIL: patephillips@eastnc.twcbc.com

SECTION E:
Inconsistent Stipulation

I acknowledge that this variance request is inconsistent with strict adherence to the Rules I am seeking relief from.

March 8, 2012

Adam L. Showell
3701 Atlantic Avenue
Ocean City, MD 21842

Dear Mr. Showell:

This letter is to inform you that I, George Weber, have applied for a CAMA Minor Permit on my property at 2205 Ocean Drive, Emerald Isle, in Carteret County. As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 252 725 7178, or by mail at the address listed below. If you wish to file written comments or objections with the Emerald Isle CAMA Minor Permit Program, you may submit them to:

Town of Emerald Isle
Inspection Department
7500 Emerald Drive
Emerald Isle, NC 28594

Respectfully,

George Weber
C/O Vince B. Scroggins Construction
215 White Oak Bluff Rd
Stella, NC 28582-9757

SENDER INFORMATION		RECIPIENT INFORMATION	
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  <input type="checkbox"/> Agent, <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Restricted by Actual Delivery? <input type="checkbox"/>	C. Date of Delivery <input type="checkbox"/>
ADAM L. SHOWELL 3701 ATLANTIC AVE. OCEAN CITY, MD 21842		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If so, include delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) 7011 1570 0002 8814 1880		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540			

March 8, 2012

Nicholas B. Sollenberger
5430 Cumberland Hwy
Chambersburg, PA 17202

Dear Mr. Sollenberger:

This letter is to inform you that I, George Weber, have applied for a CAMA Minor Permit on my property at 2205 Ocean Drive, Emerald Isle, in Carteret County. As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 252 725 7178, or by mail at the address listed below. If you wish to file written comments or objections with the Emerald Isle CAMA Minor Permit Program, you may submit them to:

Town of Emerald Isle
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Emerald Isle, NC 28594

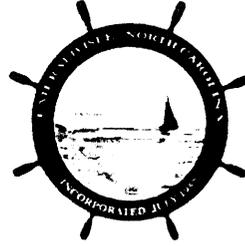
Respectfully,

George Weber
C/O Vince B. Scroggins Construction
215 White Oak Bluff Rd
Stella, NC 28582-9757

<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature 		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: NICHOLAS B. SOLLENBERGER 5430 CUMBERLAND HWY CHAMBERSBURG, PA 17202		B. Received by (Printed Name) Dehl Warren	C. Date of Delivery 3/9/12	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service lat)		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
7011 1570 0002 8814 1873		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
PS Form 3811, February 2004		Domestic Return Receipt		102595-02-M-1540

Town of Emerald Isle

Department of Planning and
Inspections
Kevin B. Reed, AICP, Director
kreed@emeraldisle-nc.org



7500 Emerald Drive
Emerald Isle, NC 28594
Voice 252-354-3338
Fax 252-354-5387

March 20, 2012

Mr. George Weber
877 Laguna Drive
Wolverine Lake, MI 48390-2017

RE: Minor CAMA Permit Application #2012-10 – 2205 Ocean Drive, Emerald Isle, NC

Dear Mr. Weber:

This letter is in regards to your recent request for a Minor CAMA Permit for an addition to an existing single-family residence at 2311 Ocean Drive. As you know, the Town of Emerald Isle issued a denial of the permit request because it was inconsistent with the regulations of the Coastal Area Management Act (CAMA). It is my understanding that you wish to pursue a variance from the Coastal Resources Commission (CRC). One pre-requisite for seeking a variance from the CRC is that you have exhausted all local relief efforts.

Your proposed development, which consists of constructing a roof over an existing ocean side deck, is consistent with all Town development regulations. Based on this fact, there are no local regulations for which you can seek a variance and all of your local efforts have been exhausted. Please let me know if you have any questions or concerns regarding the foregoing information.

Sincerely,

Kevin B. Reed, AICP, CFM, CZO
Director of Planning and Inspections

SECTION H (1):

Petitioner's Reasons
and Arguments

INTRODUCTION:

In 1998, the petitioners, George & Michelle Weber, purchased an ocean front home at 2205 Ocean Drive in Emerald Isle. For the last thirteen years, we have invested significantly to improve the safety, durability and value of our home. During our ownership, we have had to replace the deck boards on the porch twice due to severe weathering, the carpeting and vinyl flooring in the seaward rooms twice due to sun fading and the three seaward facing door walls due to the seals cracking. We were advised we could expect similar on-going repairs unless we protected the seaward side of our house from direct exposure to the elements.

We have been saving for the past four years in order to afford to have the roof extended approximately eight feet to cover the porch and protect the exterior and interior of our home from the elements (in the same fashion as our next door neighbors and many of the homes on Ocean Drive). We contacted several contractors for bids and selected one in the fourth quarter, 2011. It was at this time we were advised the CAMA guidelines were modified in 2009. Specifically, 15 NCAC 7H .0306 (a)(8)(D), which states the : "No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered knee brace or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent building or structure. When the configuration of a lot precludes the placement of a building or structure, an average line of construction shall be determined by the Division of Coastal Management on a case-by-case basis in order to determine an ocean hazard setback that is landward of the vegetation line, a distance no less than 30 times the shoreline erosion rate or 60 feet, whichever is greater."

ARGUMENT:

Until recently, there would have been no issue with extending the roof. While we understand "ignorance is no defense", if we had known the regulation was going to change, we would have taken a loan to get the project completed at that time. The cause of the non-conformance is due to the home east of ours which was built 9 years after our home was built. As a result of it being built further landward, our home is approximately 3 feet out of compliance.

Also, while extending the roof is not permissible, there is no issue with building a second story deck above the existing porch. This would be much more obstructive to the views of our neighbors on either side.

OUR REQUEST:

We request the Board provide a variance to allow the extension of the existing roof line to help protect our home and our investment. We have contacted both neighbors and neither has raised a concern with this project.

SECTION H (2):
Petitioner's Reasons
and Arguments

(a) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.

Yes.

Our request is based on protecting our home and saving on the repairs which can be avoided by extending our roof line. In addition to the repair savings, we also expect to significantly save on our utility bills as the seaward side of the home will remain much cooler without the extreme heat of the sun. Our home is one of the very few in the area without a covered deck.

(b) Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property? Explain.

Yes.

The eastward adjacent property, which was built 9 years after our home was built, is further landward than our home. This results in our home being approximately 3 feet out of compliance. Additionally, the property lots in our immediate area are the deepest (top 6) of the 163 most seaward properties. We are well within the 60' CAMA set-back.

Our home presently has a seaward face of 114', the second furthest of all homes on the 22nd block of Ocean Drive (only 2203, the property causing the non-conformity, has a farther seaward face) .

<u>ADDRESS</u>	<u>YR BUILT</u>	<u>Front Set Back</u>	<u>COVERED PORCH</u>
2213 Ocean Drive	1978	42'	Yes
2211 Ocean Drive	1978	39'	Yes
2209 Ocean Drive	1978	59'	Yes
2207 Ocean Drive	1979	73'	Yes
<u>2205 Ocean Drive *</u>	1979	74'	No
2203 Ocean Drive**	1988	71'	No
2201 Ocean Drive	1979	81'	Yes

* Petitioners Home

** House was built in 1988 and is two stories with a deck on the second story providing protection to the first floor of the home.

SECTION H (3):

Petitioner's Reasons
and Arguments

(c) Do the hardships result from actions by the petitioners? Explain.

No.

Our home was built 9 years before the adjacent house to the east, which is approximately 3' further landward.

(d) Will Variance requested by the petitioner:

(1) Be consistent with the spirit, purpose and intent of the rules, standards or orders issued by the Commission?

Yes.

The Ocean Hazard AEC Objective states: "the purpose of these Rules shall be to further the goals set out in G.S. 113A 102(b), with particular attention to minimizing losses to life and property resulting from storms and long term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems, and reducing public beach, dune structure and ecology.

We believe the CAMA Rule accomplishes its objective, when applied to the most seaward facing structures, but does not adequately protect home owners adjacent structures which can be built further landward causing immediate non-compliance. Additionally, we believe the intent of the Rule is to protect the oceanfront/beach and the homes facing it. Extending the roof will not move any footings or pilings closer to the beach. The extension will serve to protect our property and not harm, in anyway, the natural ecological condition of the barrier dune. In fact, through our own expense, we have created one deepest high-level barrier dunes in the area.

(2) Secure the public safety and welfare?

Yes.

Creating a shaded porch will not, in any way, harm the public safety and welfare. Our home will be more secure from storms and natural elements, with reduced energy costs.

(3) Preserve substantial justice?

Yes.

- As stated above, we believe the intent of the Rule is to protect the oceanfront/beach, the homes facing it, and public assets.
- The protection of our home from storms is accomplished from our set-back and the deep dune.
- Extending our roof line will provide our home the protection many other homes in the area have been afforded.
- We do not believe the Rule was intended to bar owners from protecting their homes from the elements.
- We do not believe the Rule was intended to cause a home to become non-compliant due to the building of an adjacent structure at a later time.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

MEMORANDUM

CRC-12-13

To: Coastal Resources Commission

From: Michael Christenbury, DCM Wilmington District Planner

Date: June 4, 2012

Subject: Wilmington - New Hanover County Joint LUP Map Amendment

Recommendation: Certification of the second amendment to the 2006 Wilmington-New Hanover County Joint Land Use Plan (LUP) Future Land Use Map designation based on the determination that the amendment has met the substantive requirements outlined within the 2002 7B Land Use Plan Guidelines and that there are no conflicts evident with either state or federal law or the State's Coastal Management Program.

Overview

New Hanover County is requesting Certification of amendment number two to the 2006 Wilmington-New Hanover County Joint Land Use Plan (LUP) Future Land Use Map, (plan last amended on January 18, 2008). Specifically, this amendment involves changes to four parcels off the western end of Stephens Church Road on the Future Land Use Map from "Wetland Resource Protection" designation to "Transition." The parcels are four contiguous tracts of land which contain approximately 19.76 acres. (See Exhibit A).

Discussion

The purpose of the "Wetland Resource Protection" designation on the Future Land Use Map is to provide for the preservation and protection of wetlands and wetland functions. The four reclassified parcels are not located within the 100 year floodplain. Moreover, the US Army Corp of Engineers determined that no wetlands or waters of the state or federal government are present within these tracts of land. Further, the New Hanover County Planning Department Staff performed an on-site survey 36 hours following a one-inch rain event and noted that the upper 12" of soil sampled at the site did not indicate wetness.

The purpose of the "Transition" designation on the Future Land Use Map is to provide for future urban development on lands that have been or will be provided with necessary urban services. Water and sewer infrastructure are currently in place to provide service to the site, and the tracts border US 17 (Old Market Street) and Stephens Church Road.

Conclusion

It is the desire of New Hanover County to keep the Land Use Plan up-to-date. This Future Land Use Map Amendment will help further the County's vision and desire to plan for future development. The Land Use Plan also serves as the basis and guide for subsequent changes to the County's development regulations, furthering the likelihood of the County achieving its vision.

Following a public hearing on April 2, 2012, the New Hanover County Board of Commissioners voted unanimously (5-0) by resolution to adopt the Future Land Use Map Amendment.

New Hanover County reviewed the amendment and determined that it is not in conflict with any other policies or sections of the 2006 Wilmington-New Hanover County Joint Land Use Plan, nor with any other New Hanover County plan(s) or Ordinance(s).

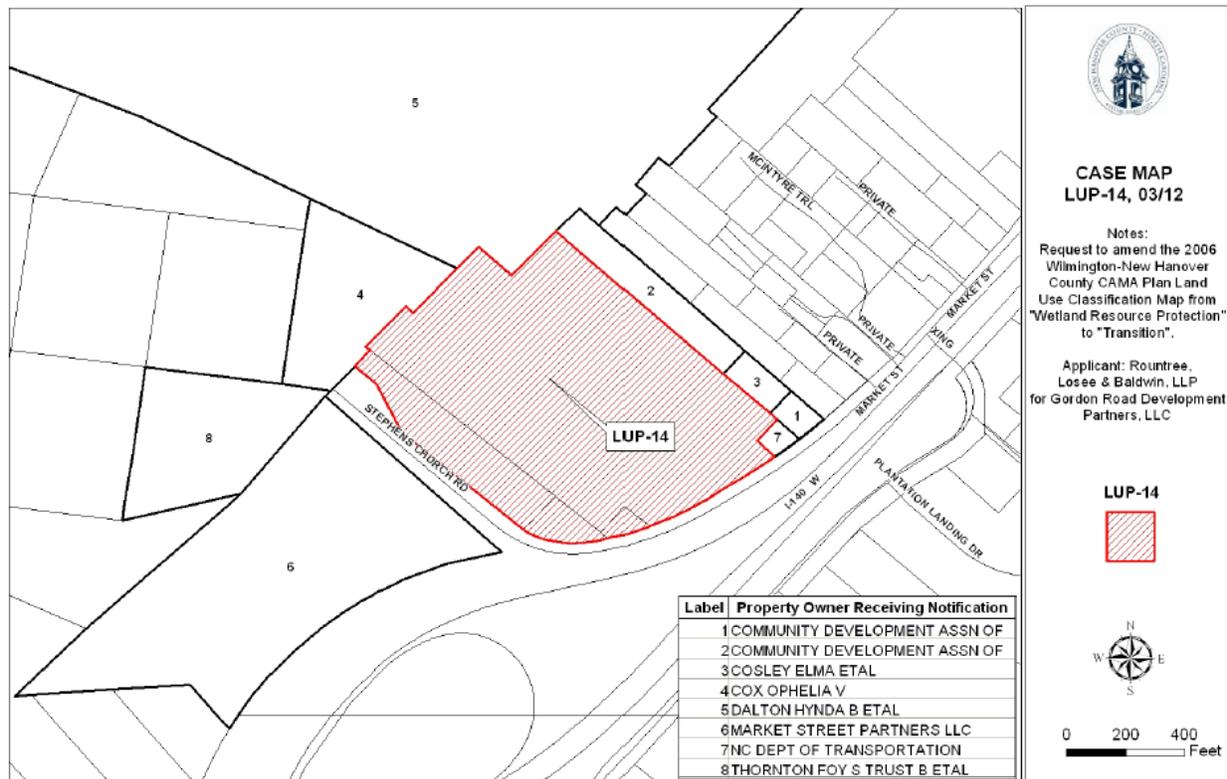
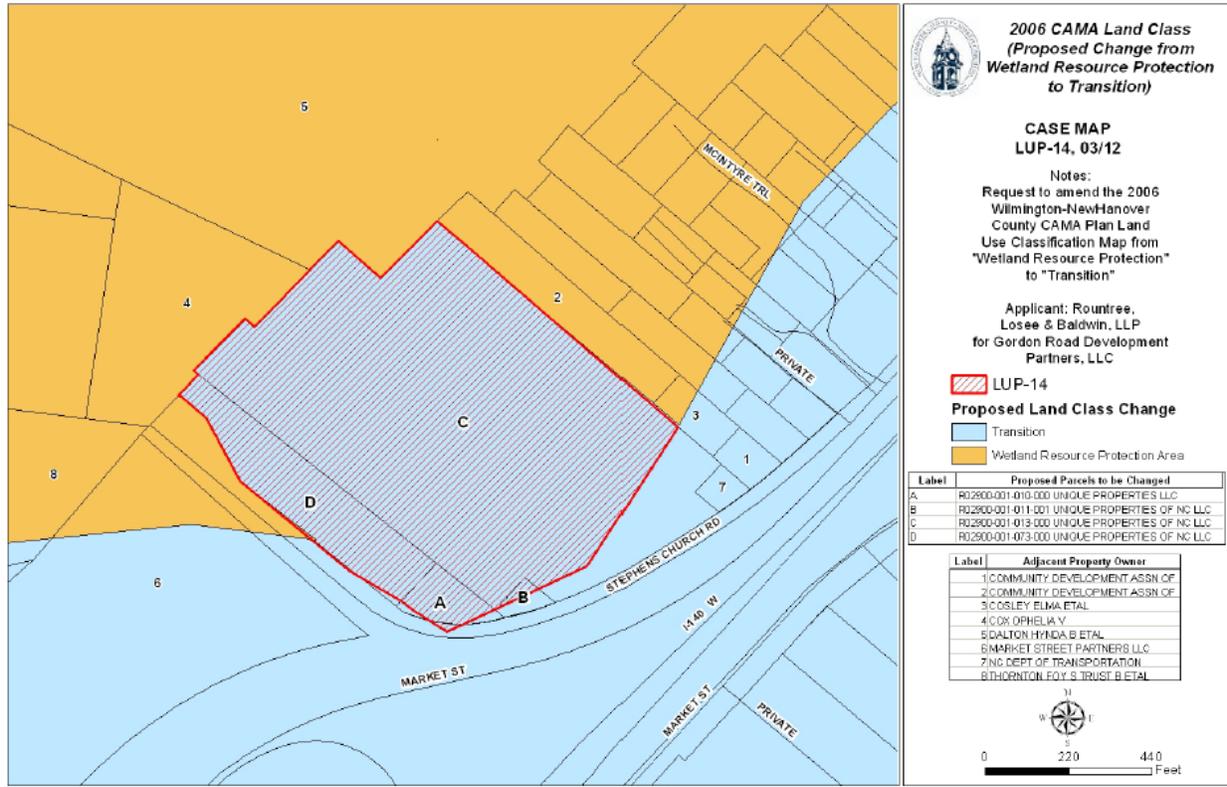
The public had the opportunity to provide written comments to DCM up to fifteen (15) business days (excluding holidays) prior to the CRC meeting. No comments have been received, written or otherwise as of the date of this memorandum.

To view the full 2006 Wilmington-New Hanover County Joint Land Use Plan, go to the following link and scroll down to Wilmington-New Hanover County LUP.

http://www.nccoastalmanagement.net/Planning/under_review.htm

Exhibit A: Future Land Use Map Amendment from "Wetlands Resource Protection" designation to "Transition" (attached).

Exhibit A





North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

MEMORANDUM

CRC-12-14

To: Coastal Resources Commission
From: Michael Christenbury, DCM Wilmington District Planner
Date: June 4, 2012
Subject: North Topsail Beach 2009 Land Use Plan Text Amendment

Recommendation: Certification of the first amendment to the 2009 North Topsail Beach Land Use Plan based on the determination that the amendment has met the substantive requirements outlined within the 2002 7B Land Use Plan Guidelines and that there are no conflicts evident with either state or federal law or the State's Coastal Management Program.

Overview

The Town of North Topsail Beach is requesting a minor text clarification to page 90 Section P.14(1) of the 2009 Town of North Topsail Beach Land Use Plan. Specifically, the Town is adding the following language:

“The only new structures allowed in inlet hazard areas shall be single-family structures. All pre-existing duplex or multi-family structures are not affected by this requirement. Repair, restoration, expansion and re-construction of these pre-existing duplex and multi-family structures will be allowed subject to the limitations in the Town’s Unified Development Ordinance.”

Following a public hearing on November 3rd, 2011, the Town of North Topsail Beach voted unanimously by resolution to adopt the Text Amendment.

North Topsail Beach reviewed the amendment and determined that it is not in conflict with any other policies or sections of the 2009 North Topsail Beach Land Use Plan, nor with any other North Topsail Beach plan(s) or Ordinance(s).

The public had the opportunity to provide written comments to DCM up to fifteen (15) business days (excluding holidays) prior to the CRC meeting. No comments have been received, written or otherwise as of the date of this memorandum.

To view the full 2009 North Topsail Beach Land Use Plan, go to the following link and scroll down to North Topsail Beach LUP.

http://www.nccoastalmanagement.net/Planning/under_review.htm



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

CRC 12-15

MEMORANDUM

To: Coastal Resources Commission
From: Maureen Meehan, DCM Morehead City District Planner
Date: June 6, 2012 (June 20-21, 2012 CRC Meeting)
Subject: Amendment of the Town of Swansboro Core Land Use Plan

Recommendation:

Certification of the Town of Swansboro Core Land Use Plan Amendment with the determination that the Town has met the substantive requirements outlined within the 2002 Land Use Plan Guidelines and that there are no conflicts evident with either state or federal law or the State's Coastal Management Program.

Overview

The Town of Swansboro is requesting a map amendment to their LUP, which will be the first amendment to their plan.

Swansboro has extended their existing Urban Waterfront overlay to four new properties which triggered this amendment to the land use plan, specifically the FLUM. The Swansboro Board of Commissioners held a duly advertised public hearing for the LUP amendments and voted unanimously, by resolution, to adopt the map amendments on May 15, 2012.

The adopted changes and proposed amendments to the LUP are outlined below: (see attached memo from the town and attachments for the map amendment)

- 1) FLUM Changes – Urban Waterfront designation has been extended to include four lots along E. Corbett Ave, NC HWY 24. The original commercial Future Land Use Designation remains the same, with the addition of the Urban Waterfront overlay.
- 2) Text Changes – Updates to the narrative includes changing the Urban Waterfront description section, to reflect the language found in NCAC 7H.0209. This definition update allows the four lots that were previously left out of the Urban Waterfront to be included. Since the underlying FLUM designation of Commercial is not changed, there were no other text or chart amendments necessary.

The public had the opportunity to provide written comments on the LUP up to fifteen business days prior to the CRC meeting, which the amendments are being considered for certification (May 31, 2012). DCM did not receive any comments.

To view the full 2009 Swansboro Land Use Plan, go to the following link and scroll down to the Swansboro LUP. http://www.nccoastalmanagement.net/Planning/under_review.htm

Attachments

Attachment 1 - Town Memo

Attachment 2 - Updated Future Land Use Map

Attachment 3 - Section j. Urban Waterfront Text Amendments



PROPOSED

MAP 16



**Town of Swansboro
Land Use Plan
*Future Land Use***

Legend

- Urban Waterfront
- Historic District
- Town Limits
- ETJ
- Planning Area
- Hydrology
- Future Land Use**
- Commercial
- Commercial Central Business
- Office & Institutional
- Light Industrial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Conservation

The preparation of this map was financed in part through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

BOARD OF COMMISSIONERS

Scott Chadwick, Mayor
Jim Allen, Mayor Pro Tem
Junior Freeman, Commissioner
Larry Philpott, Commissioner
John Lister, Commissioner
Gery Boucher, Commissioner



OFFICE OF THE TOWN MANAGER

Patrick Thomas, Town Manager
Paula W. Webb, Town Clerk

sm

Town of Swansboro

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March 30, 2012

Maureen Meehan Will
District Planner
NCDENR Division of Coastal Management
400 Commerce Ave.
Morehead City, NC 28557

Dear Ms. Will,

The Town of Swansboro is proposing an amendment to our 2009 CAMA Land Use Plan for an area of four lots along E. Corbett Ave., NC Hwy 24. The proposed amendment would affect the Future Land Use Map (Map 16), and the description of the Urban Waterfront under Section 6, Plan for the Future, E, Future Land Use Plan.

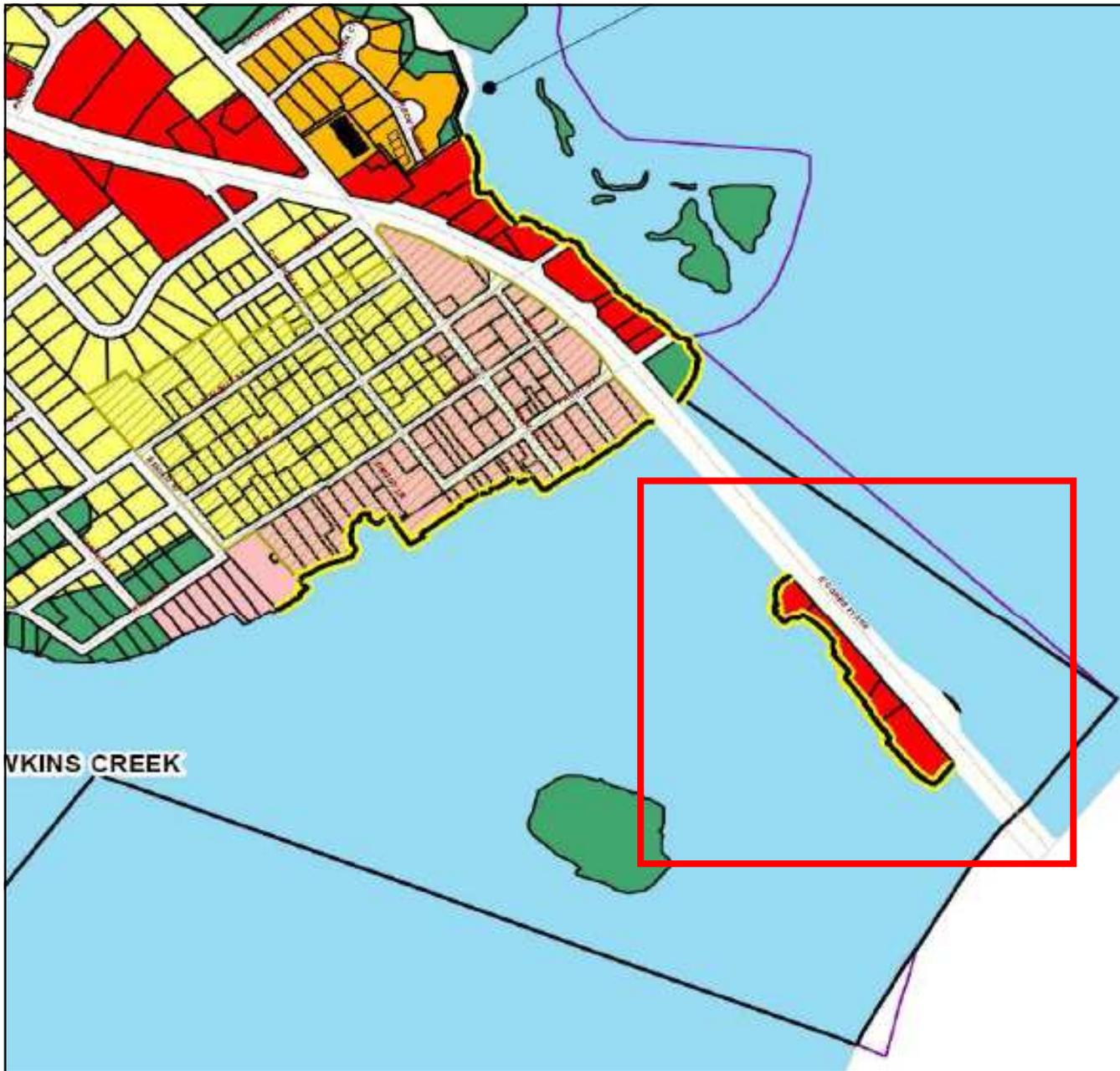
The proposed amendment consists of extending the Urban Waterfront designation to the four lots along E. Corbett Ave., NC Hwy 24, and clarifying the description of the Urban Waterfront under Section 6.

Enclosed please find the public hearing notice, proposed text change and maps depicting the change to the Future Land Use Map.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Holland".

Jennifer Holland, CFM
Planner and Unified Development
Ordinance Administrator
910-326-4428 ext. 126
910-326-3101 fax
planner@ci.swansboro.nc.us



PROPOSED AMENDMENT

MAP 16



Town of Swansboro
Land Use Plan
Future Land Use

Legend

- Urban Waterfront
- Historic District
- Town Limits
- ETJ
- Planning Area
- Hydrology
- Future Land Use**
- Commercial
- Commercial Central Business
- Office & Institutional
- Light Industrial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Conservation

The preparation of this map was financed in part through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

i. *Undesignated Planning Area*

This future land use area includes all land located between the town's extraterritorial jurisdiction and planning area boundary as defined within this land use plan. In an effort to comply with CAMA planning guidelines, property within this area has not been assigned a future land use designation. At this time, it is difficult to determine how this land will be developed throughout the planning period. As land within the planning area becomes subject to development pressures stemming from growth within the Town of Swansboro, the land use plan will be amended. All amendments to the land use plan will be consistent with proposed development patterns outlined on the future land use map. This approach is utilized to ensure that as the town's ETJ expands, the areas taken into the ETJ will immediately be under the jurisdiction of Swansboro's policies and not those of Onslow County.

j. *Urban Waterfront*

An urban waterfront area is delineated on the future land use map. This designation is consistent with 15A NCAC 7H.0209 (g). Urban waterfront areas are defined as follows:

Description. Urban waterfronts are waterfront areas, not adjacent to Outstanding Resource Waters, in the Coastal Shorelines category that lie within the corporate limits of any municipality duly chartered within the 20 coastal counties of the state. In determining whether an area is an urban waterfront, the following criteria shall be met as of the effective date of this Rule:

- (1) The area lies wholly within the corporate limits of a municipality; and
- (2) The area ~~is in~~ **has** a central business district **or similar commercial zoning classification** where there is ~~minimal~~ **undeveloped** land, mixed land uses, and urban level services such as water, sewer, streets, solid waste management, roads, police and fire protection, or **is** an industrial zoned area adjacent to a central business district.

Significance. Urban waterfronts are recognized as having cultural, historical, and economic significance for many coastal municipalities. Maritime traditions and longstanding development patterns make these areas suitable for maintaining or promoting dense development along the shore. With proper planning and stormwater management, these areas may continue to preserve local historical and aesthetic values while enhancing the economy.

Management Objectives. To provide for the continued cultural, historical, aesthetic, and economic benefits of urban waterfronts. Activities such as in-fill

development, reuse and redevelopment facilitate efficient use of already urbanized areas and reduce redevelopment pressure on surrounding areas, in an effort to minimize the adverse cumulative environmental effects on estuarine and ocean systems. While recognizing that opportunities to preserve buffers are limited in highly developed urban areas, they are encouraged where practical.”

The Town of Swansboro considers the urban waterfront designation consistent with and supported by the Town’s B1, B2, and B2HDO zoning districts.

k. Least Suitable Areas for Development

The Future Land Use Map indicates areas which are least suitable for development (refer to the Land Suitability Analysis, page 74). This is an overlay, and the underlying land use categories apply. However, the least suitable areas are those to which particular attention should be paid by the Town during its review and approval of specific development proposals. Mitigative actions may be required to minimize adverse environmental impacts. Cluster development will be encouraged.

l. Future Land Use Compatibility Matrix

Each of the land use categories is supported by zoning districts contained in the Town’s UDO. Table 44 provides a comparison of the land use categories and the Town’s existing zoning districts. The reader is cautioned that this is an “overview” and detailed analysis must be based on careful review of the Town’s UDO. The terms “generally consistent, conditionally consistent, and inconsistent” are intended to only be indicators of where revisions may need to occur for the Town’s UDO to support implementation of this plan. The land use category descriptions express some “objectives” which may be inconsistent with the existing UDO.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

CRC 12-16

MEMORANDUM

To: Coastal Resources Commission
From: Maureen Meehan, DCM Morehead City District Planner
Date: June 6, 2012 (June 20-21, 2012 CRC Meeting)
Subject: Amendment of the Pamlico County Advanced Core Land Use Plan

Recommendation:

Certification of the Pamlico County Advanced Core Land Use Plan Amendment with the determination that Pamlico County has met the substantive requirements outlined within the 2002 Land Use Plan Guidelines and that there are no conflicts evident with either state or federal law or the State's Coastal Management Program.

Overview

The Pamlico County Land Use Plan incorporates all of the smaller jurisdictions, within the county, with the exception of the Town of Oriental. This is the first amendment Pamlico County has requested since its original certification in 2005. Due to changing demographics and economic trends, the Town of Minnesott Beach has requested an amendment to their policy section. The County has submitted this request to make the text amendment that will allow the construction of dry stack storage facilities. The Pamlico County Board of Commissioners held a duly advertised public hearing for the LUP amendments and voted unanimously, by resolution, to adopt the map amendments on May 7, 2012.

The adopted change and proposed amendment to the LUP are outlined below: (see attached memo from the town and attachments for the text amendment)

- 1) Text Changes – This text amendment deletes the following "...or dry stack storage facilities." from Section 6.5.3 of the Minnesott Beach Policy Section. The text amendment did not trigger any other text or map changes.

The public had the opportunity to provide written comments on the LUP up to fifteen business days prior to the CRC meeting, which the amendments are being considered for certification (May 31, 2012). DCM did not receive any comments.

To view the full 2005 Pamlico County Land Use Plan, go to the following link and scroll down to Pamlico County LUP. http://www.nccoastalmanagement.net/Planning/under_review.htm

Attachments

Attachment 1 – Memo from Pamlico County requesting LUP amendment
Attachment 2 - Updated Policy Text

400 Commerce Ave., Morehead City, NC 28557-3421
Phone: 252-808-2808 \ FAX: 252-247-3330 Internet: www.nccoastalmanagement.net

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Pamlico County

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

JAYNE ROBB
COUNTY PLANNER
ECONOMIC DEVELOPER

POST OFFICE BOX 776
BAYBORO, NORTH CAROLINA 28515
252-745-3081 - FAX 252-745-3754

Maureen Meehan Will, Morehead City District Planner
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

Dear Maureen:

The County of Pamlico is requesting on behalf of the Town of Minnesott Beach to amend the Joint CAMA Land Use Plan. Specifically, Section 6.5.3 pertaining to Minnesott Beach. The Town of Minnesott Beach proposes to amend the plan to "delete" [or dry stack storage facilities].

Included for your review are the following:

- Town of Minnesott Beach Letter of request dated March 14, 2012
- Agenda request to set public hearing for May 7, 2012 on the proposed amendment
- Resolution to set public hearing for May 7, 2012
- Public Hearing publication requests for April 4, 2012 and April 25, 2012
- Copy of the Public Notice

If you need any further information please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Robb", is written over a horizontal line.

Jayne Robb
County Planner/Economic Developer



11758 Highway 306 South
Minnesott Beach, NC 28510
Phone 252-249-1755, Fax 252-249-0285
e-mail: minnesottbeach@embarqmail.com

RECEIVED

MAR 15 2012

PAMLICO COUNTY
BAYBORO, NC 28515

March 14, 2012

Pamlico County Board of Commissioners
302 Main Street, P. O. Box 776
Bayboro, NC 28515

Dear Board of Commissioners,

The Pamlico County Joint CAMA Land Use Plan has been adopted by Minnesott Beach, Section 6.5.3 pertaining specifically to Minnesott Beach.

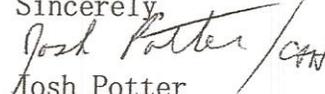
It is respectfully requested that a change be made to section 6.5.3.3 which reads:

The Town will support an open water or upland marina only if it meets state and federal requirements, the CAMA land use plan policy, and the requirements of the Town's zoning ordinance. The Town does not support floating homes or dry stack storage facilities.

At the March 13, 2012 meeting of the Minnesott Beach Board of Commissioners, it was unanimously voted to request that the portion which reads, *or dry stack storage facilities*, be deleted from the Minnesott Beach portion of the Pamlico County Joint CAMA Land Use Plan.

Please advise Minnesott Beach Town Hall regarding your decision regarding this matter.

Sincerely,


Josh Potter
Mayor

CC: Mr. Tom McClanahan -
Project Manager Arlington Place



Pamlico County

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

JAYNE ROBB
COUNTY PLANNER
ECONOMIC DEVELOPER

POST OFFICE BOX 776
BAYRORO, NORTH CAROLINA 28515
252-745-3081 - FAX 252-745-3754

March 28, 2012

Board of Commissioners Meeting April 2, 2012

Request to set public hearing for May 7, 2012

This hearing will be conducted for an amendment to the CAMA Land Use Plan recommended by the Town of Minnesott Beach.

Request direction on the payment of advertising charges for two required notices. Should this expense be incurred by the requesting municipality or incurred by the county.

Thank you,

Jayne Robb,
County Planner/Economic Developer

Board of Commissioners

Paul Delamar Chairman
At Large

Ann Holton Vice Chairman
At Large

Roy Brinson
Township #1

Christine Mele
Township #2

Jimmy Spain
Township # 3

Carl Ollison
Township # 4

Kenny Heath
Township # 5



COUNTY OF PAMLICO

POST OFFICE BOX 776
BAYBORO, NORTH CAROLINA
28515
(252) 745-3133 / 745-5195
FAX (252) 745-5514

County Manager
Timothy A. Buck

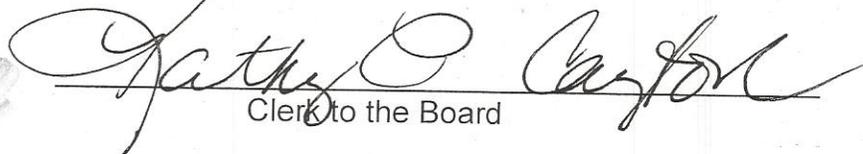
Clerk to the Board
Kathy P. Cayton

County Attorney
Jimmie B. Hicks, Jr.

BE IT RESOLVED, the request from Ms. Jayne Robb, Economic Developer to a set a public hearing on May 7, 2012 for an amendment to the CAMA Land Use Plan for the Town of Minnesott Beach is hereby approved.

I Kathy P. Cayton, certify that I am the Clerk to the Board of Commissioners of Pamlico County, and that the foregoing is a true and correct copy of an excerpt from the minutes of a meeting of said Board held on the 2nd day of April, 2012 as the same appears in the official minutes of said meeting, and said action has neither been rescinded nor amended.

Witness, my hand and the official seal of Pamlico County this
11th day of April, 2012.


Clerk to the Board

PURCHASE ORDER REQUEST FORM

Vendor Name
Vendor Address

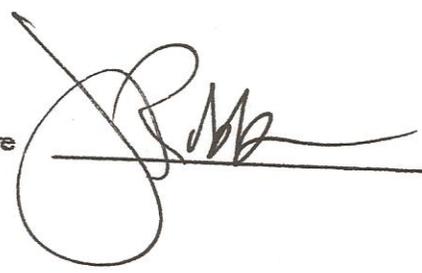
Paulico News

Vendor Telephone #
Account Number

249-1555

	Commodity Description	Quantity	U/M	Unit Price	Extended Price
1.	2 ads for				
	CAMA Land Use @			51.00	
2.	Amendment				
3.					
4.	wk 1	4/4/12			
5.	wk 2	4/23/12			
6.					
7.					
8.					
9.					
10.					
				Total	102.00

Authorized Signature

 3/29/12

Jayne Robb

From: billing@pamliconews.com
Sent: Monday, April 02, 2012 7:46 AM
To: Jayne Robb
Subject: RE: Ad for week of April 2
Attachments: PC Planner 2x6 04-02-12.pdf

Quote per phone
call. \$ 51.00
51.00

102.00

Hey Jayne,

Your proof is attached. Let me know if any changes need to be made. Just to be sure, the same ad will run on 4/4 and 4/25 only, correct?

Thanks,
Jeannine

----- Original Message -----

Subject: Ad for week of April 2
From: "Jayne Robb" <jayne.rob主@pamlicocounty.org>
Date: Thu, March 29, 2012 7:40 am
To: <billing@pamliconews.com>
Cc: "Timothy Buck" <tim.buck@pamlicocounty.org>

Hi Jeannine:

Please send me a quote for these ads. **Must run 2 times.** First run **week of April 2**; second run **week of April 23**.

Thanks so much,

Jayne Robb
County Planner/Economic Developer
P O Box 776
Bayboro, NC 28515
252-745-3081 Office
252-745-3754 Fax
252-670-2084 Cell

email: jayne.rob主@pamlicocounty.org
Website: www.pamlicocounty.org

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You are requested to notify the sender immediately, delete the email with any accompanying attachments, and destroy any copies you may have made.

**Notice of Public Hearing
Amendment of the PAMLICO COUNTY
Joint CAMA Land Use Plan**

Notice is hereby given that the Board of Commissioners of Pamlico County will conduct a public hearing on May 7, 2012 at 7:00p.m. to review amendments to the Pamlico County Coastal Area Management Act (CAMA) Land Use Plan. The meeting will be held at the Pamlico County Courthouse, Second Floor, 202 Main Street, Bayboro, NC. All interested citizens are encouraged to attend.

Following the public hearing, the Board of Commissioners will consider adoption of the amendments to the Land Use Plan. Once adopted, the amendments will be submitted to the Coastal Resources Commission for certification.

Amendments to the plan include:

Current plan

Section 6.5.3 pertaining specifically to Minnesott Beach. The Town will support an open water or upland marina only if it meets state and federal requirements, the CAMA land use plan policy, and the requirements of the Town's zoning ordinance. The Town does not support floating homes or dry stack storage facilities.

Specifically the amendment deletes the following from Section 6.5.3
...or dry stack storage facilities.

Written objections, comments, or statements of support shall be submitted to the DCM District Planner, Maureen Meehan Will, 400 Commerce Avenue, Morehead City, NC 28557 no less than 15 business days prior to the CRC meeting, at which the land use plan amendment is scheduled, to be considered for certification. Further information can be obtained by contacting the District Planner at 252-808-2808.

Copies of the Land Use Plan Amendment(s) are available for review by the public at the Pamlico County Courthouse Planning and Development Office during normal office hours and the Town Hall of Minnesott Beach. The public is encouraged to review the changes and to attend the public hearing. For additional information, please contact Jayne Robb, County Planner at 252-745-3081.

subdivision regulations to implement this policy. Lot dimensions in the 75-foot permanent conservation zone along the Town's waterways will be controlled by the zoning ordinance.

6.5.2.3 The Town supports development of industrial sites that will provide local employment and that substantially meet the criteria of the state "Certified Industrial Site" program.

6.5.2.4 The Town will participate with the county in submitting applications for financial assistance to help improve housing conditions.

6.5.3 Minnesott Beach

6.5.3.1 The Town will use its zoning ordinance to support the CAMA use standards for development in any AEC. Lot dimensions in the 75-foot permanent conservation zone along the Town's waterways will be controlled by the zoning ordinance.

6.5.3.2 In areas where sewer service is not available, the Town supports the state regulations regarding septic tank installation and the Pamlico County Health Department permitting process. "Package treatment plants" are allowed with proper county and state permitting.

6.5.3.3 The Town will support an open water or upland marina only if it meets state and federal requirements, the CAMA land use plan policy, and the requirements of the Town's zoning ordinance. The Town does not support floating homes ~~or dry stack storage facilities~~.

6.5.3.4 The Town supports a limited commercial area that provides neighborhood-type services.

6.5.3.5 The Town discourages industrial-type land uses within and adjacent to the town limits.

6.5.3.6 Due to the character of the town, Minnesott Beach will not encourage tourism or facilities for short-term visitors.

6.5.3.7 The Town supports residential development that is consistent with a single-family, conventional housing setting. Multifamily structures are limited to those areas

NC COASTAL RESOURCES COMMISSION (CRC)

April 19, 2012

NOAA/NCNERR Auditorium

Beaufort, NC

Present CRC Members

Bob Emory, Chair

Joan Weld, Vice Chair

Lee Wynns

Pat Joyce

Bill Peele

Veronica Carter

Melvin Shepard

Ed Mitchell

Jamin Simmons

Present CRAC Members

Bob Shupe

Charles Jones

Tim Tabak

Ray Sturza

Steve Myers

Missy Baskervill

J. Michael Moore

Lee Padrick

Travis Marshall

Harry Simmons

Debbie Smith

Judy Hills

Ben Rogers (for Bryant Buck)

Tracy Skrabal

Spencer Rogers

Joe Lassiter

Phil Harris

Present Attorney General's Office Members

Mary Lucasse

Christine Goebel

Amanda Little

CALL TO ORDER/ROLL CALL

Bob Emory called the meeting to order reminding the Commissioners of the need to state any conflicts due to Executive Order Number One and also 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 any conflict of interest or potential conflict with respect to matters to come before the Commission. If any member knows of a conflict of interest or a potential conflict of interest, please state so when the roll is called.

Angela Willis called the roll. Renee Cahoon, Charles Elam, David Webster, and Jerry Old were absent. No conflicts were reported. Based upon this roll call, Chairman Emory declared a quorum.

MINUTES

Melvin Shepard made a motion to approve the minutes of the February 8-9, 2012 Coastal Resources Commission meeting. Veronica Carter seconded the motion. The motion passed with six votes in favor (Weld, Wynns, Joyce, Peele, Carter, Shepard) and one abstention (Simmons) (Mitchell absent for vote).

EXECUTIVE SECRETARY'S REPORT

DCM Director Braxton Davis gave the following report.

Mr. Chairman and members of the Commission, it is great to see everyone again. Over the past few months, I've continued to get out and meet with folks along the coast and get up to speed on various issues, including visits to our District offices, meetings with local government officials, and recent presentations at a NCBIWA meeting in Nags Head and a BASE meeting down in Wilmington. For those of you who I haven't had a chance to meet one-on-one with yet, I hope to schedule a time with you soon.

You'll notice in your information packets that there is a DCM Update Memo. I'd like to begin providing this as a standard part of your packets to provide a little more detail on ongoing activities at DCM in terms of permitting, enforcement, rule development, planning and Reserve activities, and to be able to provide a brief summary and then touch on other items during my Executive Secretary's remarks. I'd appreciate any feedback on that. I've also discussed some ideas with the Executive Committee related to future meeting agendas. We would like to have one or two focus areas per meeting to make sure that we are not inundating you with too much information or too many topics in one sitting. So you may notice a little bit of a change in format of the future agendas.

The June meeting will also be held here in Beaufort. However, our budget for meetings next year is looking better, so we are planning to begin moving your meetings around the coast, starting with the August meeting. We understand the importance of moving CRC meetings around the coast to provide opportunities for people to attend and participate more easily and so that Commissioners and staff can hear more about local issues at each location.

For today's meeting, we anticipated several key staff absences (fortunately some of those scheduling conflicts are now resolved), and so we decided in consultation with the Executive Committee to go with a one-day meeting, with continued discussions of the CRAC to follow on its progress from the February meeting, and to hear an update from the Science Panel on its sea level rise report, in addition to the contested case and variance. As you will recall, the next steps on the draft sea level rise policy from the last meeting were to wait for the report from the Science Panel, and then depending on the ensuing discussion of the Commission, to send the draft policy back to a subcommittee for further review and to engage additional feedback from local governments before reconsidering its release for public hearings. I also want to mention that we have now received a number of resolutions from local governments on the SLR policy, some of which we received in time to include in your packets.

Finally, I have inquired about CRC appointments with the Governor's office and the two new appointments are in process and will be announced any day now. As I mentioned at the last meeting, those of you interested in re-appointment this summer should send a letter to the Governor's office, and we can assist you with that if needed.

CHAIRMAN'S COMMENTS

Bob Emory stated SLR Resolutions have come in and we have had some meetings with groups who have an interest in the work we are doing on Sea Level Rise. We will talk about next steps for the policy later in the agenda.

CRAC REPORT

Ray Sturza stated the CRAC continued to focus on an issue that we identified at our last meeting which was North Carolina's Coastal Management shoreline access program. We have a vibrant and important component of our overall coastal resource program and that is making the shorelines available to the public. We heard a presentation about the CAMA access program from Charlan Owens about where the program has been, its financial situation and where it is today. We also heard about areas that have successfully implemented vibrant shoreline access programs and other areas that have chosen not to do so or have not had the ability due to the constraints associated with matching funds and other issues that affect local governments. We also heard a presentation from Steve Muller who talked about the Parks and Recreation Trust Fund and how that can serve to augment monies made available through the CAMA program. The discussion took a turn and we came to realize in most instances where we make improvements and make shoreline access facilities available, it is obvious that there needs to be restrooms. We can get the people there and we can get the cars there, but once they are there they need other facilities. We are going to try and focus in on that a little bit. We also heard some updates on ramifications associated with new guidelines that are becoming more stringent as it pertains to the Americans with Disabilities Act. We want to make certain that those who can't move as freely as most of us can also enjoy the salt water and the coastal resources as well. Finally we heard a little bit about the Big Sweep program. In addition to getting people there and providing parking and facilities we have a good program in North Carolina that uses non-governmental resources and governmental resources that is called the Carolina Big Sweep which happens every October. It is a voluntary effort that involves thousands of people who collect an assortment of debris from our waterways and our shoreline access facilities. We are going to try to weave that into some future agendas so we can become a part of that. The meeting was focused on promoting the fact that North Carolina's coastal resources program and the Division of Coastal Management is more than a regulatory agency. It has a very important role in providing facilities that allow for our citizens and our visitors to get to our shoreline and our coastal resources. We are going to continue to focus on that and look at some other ways that we can enhance that program.

CONTESTED CASES

Teague, Snead & Raynor v. DCM (10EHR 4673, 74 & 89)
Christine Goebel

Mary Lucasse, CRC Counsel, advised the Commission that under the Administrative Procedures Act Section 150B-36 the Commission may only consider the official record in making its final decision. Furthermore, the Commission shall adopt each finding of fact contained in the Administrative Law Judge's decision unless the finding is clearly contrary to the preponderance of admissible evidence giving due regard to the opportunity of the ALJ to evaluate the credibility of witnesses. For each finding of fact not adopted by the Commission and each finding of fact made by the Commission that is not contained in the ALJ's decision, the Commission shall set forth reason for not adopting the finding of fact and the evidence in the record relied on by the Commission. Any new finding of fact made by the Commission shall be supported by a preponderance of the admissible evidence in the record.

Christine Goebel of the Attorney General's Office appeared and presented argument on behalf of the Division of Coastal Management staff in these three consolidated contested cases. Ms. Goebel stated that the Division of Coastal Management denied three CAMA Major Permit applications requesting permission to add boat slips and boat lifts to three existing observation piers in shallow primary nursery areas on Calico Creek in Morehead City. The initial question in the case was

whether DCM caused a delay in making a determination that the applications were complete. The ALJ found that DCM did not. Secondly, the ALJ considered whether the Division of Marine Fisheries staff was consistent in its comments on applications for permits to build slips in shallow PNA waters. The ALJ declined to rule on that issue. The question before the CRC is whether the DCM timely denied the CAMA Major Permit applications? The ALJ found that the CAMA permits were not timely denied and thus, based on the statute they are deemed approved. After the ALJ's decision was issued in this case, DCM staff decided that they don't disagree with the ALJ's conclusion. Ms. Goebel informed the CRC that neither party was opposed to issuance of the permits in this case. However, DCM requested the CRC adopt some changes to the Findings of Fact and Conclusions of Law for the following reasons: Most of the language in the Order tells one side of the story only; the facts and conclusions are not balanced based on a preponderance of the evidence; and some are not factual. In addition, the Findings of Fact lump all three Petitioners together when there are some differences between the Petitioners in the case. DCM is requesting these changes not to argue for a different conclusion, but for future cases. Cases and decisions by an ALJ and by the CRC are widely available. Facts could be considered binding and this is DCM's attempt to correct the record on issues that could come back again. Ms. Goebel requested specific changes as set forth in the written argument in this case. DCM requested that the CRC make some changes to the ALJ's decision so that it more accurately reflects the evidence in the testimony in the case and will present a balanced and factually correct decision based on a preponderance of the evidence. Our arguments do not change the ALJ's ultimate decision and the permits will be issued per 113A-122.

Wes Collins of Harvell and Collins, P.A. appeared and presented argument on behalf of Petitioners Teague, Snead and Raynor stating Petitioners' ultimate goal in the case was to look at the procedure and make a determination as to whether the law was followed correctly. Ultimately we want approval of the three boat lifts. The CRC has heard that DCM concurs with the ALJ's position. We agree with DCM that the mandatory statute requires approval of the permits.

Veronica Carter made a motion that the Commission adopt the staff's proposed revisions to the Findings of Fact in the December 19, 2011 Decision of the Administrative Law Judge which was entered in the consolidated contested cases filed in the Office of Administrative Hearings and numbered 10 EHR 4673, 4674, and 4689. Commissioner Carter further moved that the Commission find that the Findings of Fact as written are clearly contrary to the preponderance of the admissible evidence even after giving due regard to the ALJ's opportunity to evaluate the credibility of the witnesses and that the CRC should adopt the revised Findings of Fact for the detailed reasons set forth in staff's written argument and based on the preponderance of the admissible evidence in the record. Joan Weld seconded the motion. The motion passed unanimously (Simmons, Joyce, Mitchell, Wynns, Peele, Weld, Shepard, Carter).

VARIANCES

Duncan – (CRC VR 12-02) Calabash, ¼ width rule
Amanda Little

Amanda Little of the Attorney General's Office appeared and presented argument on behalf of the Division of Coastal Management. Bill Raney appeared and presented argument on behalf of Petitioner.

Petitioner owns property located at 1318 Harbour Watch SW in Calabash in Brunswick County. Petitioner applied for a Major Permit to construct a pier, gazebo, boat lift and floating dock within her riparian corridor on the Atlantic Intracoastal Waterway. Petitioner's Major Permit application was denied on the basis that the proposed development is inconsistent with 15A NCAC 07H .0208 as the proposed pier length extends more than one-fourth of the width of the natural water body. Ms. Little reviewed the stipulated facts for the variance request. Staff agrees with Petitioner on three of the four variance criteria. Staff disagrees with Petitioner that the hardships result from conditions peculiar to Petitioner's property. Staff contends that this property is typical in that all the properties in the area have very shallow water adjacent to the shoreline and all of them are subject to the Army Corps of Engineers' setback.

Bill Raney, of Wessell & Raney LLP, represented Petitioner and argued that the variance request presents a situation where there are two important policies of the CRC relating to the coastal resources in conflict. The first is to protect public navigation. The other has to do with protecting primary nursery areas. By abiding by the one-fourth rule, the applicant doesn't get to deep enough water to have a docking facility that will avoid disturbance of the bottom at times of use at low water. There is no disagreement on three of the four criteria. There is an unusually wide expanse of mudflat between the marsh and the low water mark that results in the measurement point on the Petitioner's side of the water body being unusually far from deep water.

Melvin Shepard 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 unnecessary hardships. Bill Peele seconded the motion. The motion passed unanimously (Simmons, Joyce, Mitchell, Wynns, Peele, Weld, Shepard, Carter).

Melvin Shepard made a motion to support Petitioner's position that hardships result from conditions peculiar to the Petitioner's property. Ed Mitchell seconded the motion. The motion passed unanimously (Simmons, Joyce, Mitchell, Wynns, Peele, Weld, Shepard, Carter).

Veronica Carter made a motion to support Petitioner's position that hardships do not result from actions taken by Petitioner. Ed Mitchell seconded the motion. The motion passed unanimously (Simmons, Joyce, Mitchell, Wynns, Peele, Weld, Shepard, Carter).

Veronica Carter made a motion to support Staff's position 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. Ed Mitchell seconded the motion. The motion passed unanimously (Simmons, Joyce, Mitchell, Wynns, Peele, Weld, Shepard, Carter).

This variance was granted.

PUBLIC INPUT AND COMMENT

Mark Hooper stated I am president of Carteret County Crossroads which is a local environmental organization with a 30 plus year history of working towards the goal of sound environmental policy for Carteret County. I am here to formally submit to the North Carolina Coastal Resources Commission a viable plan to address sea level rise issues in the state. We commend the authors of the 2010 Sea Level Rise Report and thank them for the time spent producing that material. We commend the efforts of NC-20 to be engaged in the process as they seek to understand and fully

recognize the implications of sea level rise issues in North Carolina. I must state however that NC-20 does not represent the views of Carteret County Crossroads on this issue. As we look at the graphs and lines and numbers and projections from various sources and delve into the data and numbers and statistical manipulations and try to look 100 years into the future Crossroads feel it is now important to fold these estimates of future water levels back into the current situation. While it is important to track average sea level heights and trends over time, we the people as home and property owners are currently dealing with periodic high level water events and in so doing we are adapting and preparing for a future rise in overall average sea level. These high water peaks are a result of wind driven tides as water levels increase and as winds funnel water into narrowing water bodies. Other high water peaks are associated with storm events such as major northeast storms and hurricanes. While there might be debate about which year in the future we would experience water levels two feet above current levels, two weeks ago when in Oriental there was eight inches of water in the streets due to a three day northeaster and full moon, at my place on Core Sound the water level was two feet above normal. I shed soft crabs as part of my commercial fishing business and I was worried about my electrical pump flooding. In the near future I will redesign my system and I am sure the people of Oriental are thinking of ways to manage around future high water events. Hurricane Irene of last fall brought a water level or approximately five feet above normal at my place in Smyrna. Some areas in Carteret County had water as high as nine and ten feet above normal. These water levels were similar to conditions from Hurricane Isabel less than 10 years ago. What is the response by the homeowners when flooding occurs? I move my water pump and water conditioning system to a new addition to our home moving up to the nine foot level. Homes are being raised generally a full story above ground level, docks which are prone to damage from high water and storm events are being rebuilt with ever-stronger materials and methods. Heating and air conditioning duct work is being moved from under houses to attic spaces when being replaced after flooding. Bulkhead heights are increasing as we are moving from wood or plastic bulkhead material to large stone. As we the people of this coastal area, we build water dependent infrastructure and homes and we factor in the potential for increasing water levels and higher storm activity than we have seen in the past. These are the types of responses formally proposed in order to mitigate a rise in average sea level rise height. Residents and home owners have moved past debate on this issue and into action to prepare for future events. Before you is the plan from Carteret County Crossroads and it is simple. The ball is in your court. (written materials provided)

Larry Baldwin stated I am with NC-20. We greatly appreciate the CRC's time and efforts in working with the sea level rise issue. As everyone knows, it is a controversial issue. I am beginning to wonder whether or not the temperatures and sea levels are rising as much as the heat around the issue and the discussion of it. There are two sides to it. We are quite interested in hearing the CRC Science Panel's review of the findings today. Initially in their report there were no references regarding the other side of the science. We are interested in seeing what else may be included in their assessment. NC-20 feels it is imperative that our policy and rule makers know all the sides, all the data, and all the science on an issue before making policy. I think that is crucial. We suggest that all panels or committees studying an issue always present a minority and majority opinion. I think that is important for rule making and policy making to be able to make a sound decision. If you just hear one side of the issue, naturally you are going to make a policy, rule or law based on what you know. That's why all the facts and all the rules and regulations and all the data and science need to be explored before making rules and policy. Lastly, this gets back to global warming and it being a controversial issue. Climate change and this issue have been going on since about the '70s. I have got an old article here that I think you will find interesting about climate change in 1975. It is interesting in that there is a lot of authoritative sources, a lot of authoritative data, and science about global cooling. That was in 1975, 37 years ago. It is always interesting to

go back in history and look to make sure we aren't repeating mistakes because at this time they were talking about putting some kind of black covering on the Arctic to increase ice melt. That was one of the solutions. It is not to put down the science. I think all scientists try to do a good job, but the point of this whole article is that they were very critical and we had to do something quick and something soon at a political and policy level. That is why it is so crucial that we look at all the science and all the data to come up with a good policy. Nobody is refuting sea level is rising, it is the rate that it is rising and that we don't go overboard one way or go too far under the other way. We need to plan for it. Thank you very much.

Tom Thompson stated I am the Chairman of NC-20. I too appreciate you offering to let us speak. I would just like to start with the primary concerns we have and then I will read some sort of resolution that it is in the making with NC-20. We haven't gotten it complete or approved, but this is where we are headed. Our primary concern is not the science, per se, but the economic and social costs that could be imposed on coastal Carolina by a rush to judgment. We have already seen evidence of this with the Division of Emergency Management starting to use 39 inches in drawing flood maps. We have met with them and they have agreed to back off and use only existing data and not computer generated modeling. They are going to use about 20 centimeters to begin and then investigate every 20 years. That brings me to my second point and the question of urgency. As my predecessor just said, we all agree there is sea level rise. To date it is linear. There is no example anywhere that we can find of the four hundred and some tide gauges of acceleration in sea level rise. If it is not here yet then our question is why are we rushing so hard to impose such a drastic revision? Finally, let me read the recommendations of the NC-20 group and these are in draft form. To date there is absolutely no evidence of any acceleration in sea level rise, in fact there appears to be, according to Dr. Robert Dean, a weak deceleration of the existing data. Speculations about sea level rise are based primarily on assumptions about global warming which in turn are based on carbon dioxide increases in the last several years which we admit has happened. However, there has been no statistical correlation to date between the linear rise of about 20 centimeters per century and carbon dioxide increase. We have graphs that show that there is vertically a divergence of those two. Since there is no statistical evidence of acceleration in sea level and since the economic consequences of trying to impose rules, regulations, or even suggestions to people that make up rules and regulations we find 39 inches as statistically unjustified and economically dangerous. Any projection that any agency or organization of the state of North Carolina that chooses to issue such a projection we think should include this disclaimer:

Although there is no evidence of any acceleration in sea level rise at the present time, (the name of the organization) is projecting a potential increase of (blank) inches by the year 2100. This estimate is advisory only and should not be the basis for any mandate, rule, regulation or law.

We would like to see that on anything that comes out of this organization or any other working with it. Thank you Mr. Chairman.

PRESENTATIONS

Land Use Plan Implementation Report – Town of Oak Island (CRC 12-11) John Thayer

John Thayer stated as part of the Land Use Plan program there is a requirement for local governments to submit an implementation status report two years after certification. The primary

reason it is on the agenda is to make the CRC aware of it and also to put it into the record. No action is necessary.

Addendum to the N.C. Sea-Level Rise Assessment Report Dr. Margery Overton

Dr. Margery Overton stated the Science Panel met in the fall and was given the charge to review the critique of the first Report. The charge was sent to a subcommittee which worked until January 2012. The draft addendum was then sent to the rest of the Panel for comment and revision. The first question considered was why the Report applies information from the Duck gauge, which has the highest rate and shortest record, to the entire coast? This is a well informed audience so you know we are referring to the figure that was in the first Report and the rate that was used to establish the low or base rate on the sea level rise projections. The answer is that the Duck gauge is on the open coast, is the least disturbed, and has a continuous operational history. In contrast, the Wilmington gauge is not on the open coast, has been reinstalled a couple of times, and there is a question about whether the signal in that tidal range may have been influenced by the widening and deepening of the navigation channel. For these reasons, we were more comfortable using information from the Duck gauge. Concerns have been raised because the Duck gauge is not included on the NOAA website for sea level trends. When NOAA prepared the website, they looked for gauges with a 30 year history. At that point, the Duck gauge didn't have a 30 year history so it wasn't included. I understand there are concerns because the rate at Duck is greater than four millimeters per year and in Wilmington the rate is about two millimeters per year. Quite clearly if you take a rate that is double the other one and you go out the same amount of time you are going to end up with twice the increase of using one over the other. In the process of being asked to review and critique our work, something came to my attention, and these comments are personal comments and not the Panel's. There is a conversation about the GIA that apparently is going on in the northeast part of our state. Some data on a GPS gauge in place at Duck for a six year period is a continuously operated recording station measuring the ground level--the vertical land movement. In that six year period what was measured is a 2.4 millimeter per year subsidence. So one could start thinking about it as data that suggests the land going down and water going up. The Duck gauge is picking up the combination of the two things, water rising and land going down. It is an important thing for North Carolina to increase our monitoring, increase our data collection, and understand it is different than what we have going on at the southern part of the state. As we go forward and have comments in the addendum, it may be very important going forward to differentiate the processes in the state.

The second question was why is acceleration expected this century when the past data shows none? This is a question that is formulated acknowledging that there is some work in the peer reviewed literature that is saying that there is no acceleration in the tidal records in our historical record. In reviewing this, first I want to make some comments. There are many, many papers and many, many, many investigators trying to make sense of the historical record. In the historical record there are various data sources, but right now I am going to be thinking and talking about the tidal gauges, but there is also geologic and satellite altimetry data. Some papers use what I'd call a physics classical acceleration model -- a smooth rise based on a rate multiplied by time. The approaches vary, the data sets vary and the results vary. In the Addendum, we have documented a range of the papers, maybe not 100% of the papers out there, but the various accelerations and decelerations that people are finding in the historical data record. You find all approaches when you are reading the literature. The table in the Addendum is an attempt to capture some of the most recent literature. Any data that is time dependent quite often has a lot of variation. These are not comparable analyses. They might be different data sets, different time periods and different

answers. So what is the basis for an expectation that there will be an increase in acceleration if we are not finding a significant acceleration in the historical record? If I run the equations using that acceleration model and you put in any of the accelerations that I have in the table, you don't end up with one meter of sea level rise. It is just plain math. You have to have an increase in that acceleration to reach those levels. It is the increase in acceleration that is important in the discussion as we project forward the acceleration is based on a documented increase in temperature which causes the thermal expansion of the water. The rate of increase is expected to change. On top of that, the increase in the rate of the glacial ice melting is not included in some of the estimates and some of the models.

The third question was why does the report accept one and not the other? This gets back to the way the IPCC projected the sea level rise curves.

The fourth question was to take a look at the updated work and consider whether it changed our conclusions. The key authors we were asked to look at were Church and White because between the time of the first report and the time that we were asked to look at it again, they had come out with a new paper in 2011. Rahmstorf had also redone his model. The issue in the 2011 Church and White paper that is important to this discussion is the lower acceleration. The rates that were computed for the tide gauges for the sea level rise rate were about the same. It didn't really change the conclusion. What is important as part of the discussion and important in the way the science is done is that they made some summary comments in the 2011 paper that it is critically important that this data is available and maintained for everyone to use. As people are trying to research this they really need to have the opportunity to get into the exact same data set and repeat the modeling or the calculations or the analysis. It is being able to repeat the work which gives confidence in what you do. There is a website which keeps the tide gauges and so they make a comment about how important that is. The second one they make a big point of, which parallels my comments about the Duck gauge, is that we really need to have GPS measurements at the tide stations so that we pick up differentially the vertical land movement versus what the water is doing. Spencer Rogers chased some of this down for me and he said that in terms of North Carolina we have increased the number of these stations. We have to be very patient because a one year record is not going to tell us everything.

I have pulled together a table of the various authors and tried to give a sense of the projection period and the range of outcome in these various models. These are projections based on models which are based on a variety of assumptions about whatever the driver is and then how it will impact things. These are models with projections that we actually can't 100% test because it is out there in the future. This is what we have to work with at this date. It is a work in progress. We might find out in five or ten years that some of these are still standing and some of these are not standing. There may be a host of other ones that are not included that may be the models that best fit what we are going to do. This is what we pulled together for this Addendum. We concluded that we are satisfied with the broad conclusions of our original Report. The conclusion that we need to pay attention to is this, we can document the wide range of what the projections are, we can reflect on what that might mean, and that conversation is very important to coastal resources and coastal management issues. The last thing I put together was pointing you to what other states are doing, not in the sense of telling you that they are doing it better or right or any of those things, but just for perspective. I went into the NOAA tide gauges and pulled out the rates of their gauges, the relative sea level rise at locations, versus what they are coming up with for planning scenarios. Many of the states have adopted scenarios. Not a single number but a range of numbers to look at. I didn't find

a state that has this unique characteristic of a high rate and a low rate. It may exist and some of you may know of one, but we may have a unique thing to wrestle with as we go forward.

After questions directed to Dr. Overton, Chairman Emory spoke. We began working on a sea level rise policy well over a year ago. I have already mentioned some of the problems with the first attempt. In large part we have corrected those problems. This Commission has a job to do. Even the people who debate on one side or the other on acceleration haven't said that sea level rise isn't occurring. We have sea level rise going on and it is going to affect the coast disproportionately relative to the rest of the state. Given our charge under the Coastal Area Management Act I think we need to be proactively trying to get our arms around sea level rise. At the last Commission meeting a decision was made that after the Science Panel's response we would refer the draft policy to a committee for further work. The Estuarine and Ocean Systems Committee will take the current draft of the policy and take a hard look at the language. Our job is to develop a meaningful dialogue with local governments on sea level rise. I would like to see the policy focus on the value of more understanding, gathering more information, education, outreach and dialogue. The Committee should identify the changes that need to be made to the current version of the draft and then bring the draft back to the Commission for further discussion.

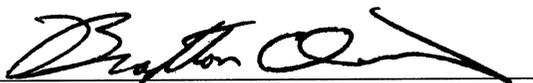
As a next step we should have John Thayer at a future meeting tell us what is currently in the land use planning process regarding sea level rise. There is also a land use planning guidelines subcommittee working on revisions to the 7B guidelines. We could find out from them what they are talking about. The CRAC could find out what local governments are already doing at one of their future meeting.

OLD/NEW BUSINESS

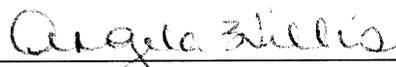
Veronica Carter suggested the CRAC be added to the daily email list of coastal news updates sent out by Michelle Walker.

With no further business, the CRC adjourned.

Respectfully submitted,



Braxton Davis, Executive Secretary



Angela Willis, Recording Secretary

**NC COASTAL RESOURCES COMMISSION (CRC)
Emergency Meeting (Conference Call)
May 24, 2012, DCM Morehead City, NC**

Participating CRC Members

Bob Emory, Chair
Joan Weld, Vice Chair
Lee Wynns
Pat Joyce
Renee Cahoon
Charles Elam
David Webster
Veronica Carter

Present Attorney General's Office Members

Mary Lucasse
Christine Goebel
Amanda Little

CALL TO ORDER/ROLL CALL

Bob Emory called the meeting to order reminding the Commissioners of the need to state any conflicts due to Executive Order Number One and also 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 any conflict of interest or potential conflict with respect to matters to come before the Commission. If any member knows of a conflict of interest or a potential conflict of interest, please state so when the roll is called.

Angela Willis called the roll. Jerry Old, Bill Peele, Melvin Shepard, Ed Mitchell, and Jamin Simmons were absent. No conflicts were reported. Based upon this roll call, Chairman Emory declared a quorum.

VARIANCES

Topsail Reef Homeowners Association, Inc. (CRC-VR 12-04), Sandbags
Christine Goebel

Christine Goebel of the Attorney General's Office was present and presented arguments on behalf of the Division of Coastal Management staff. Mrs. Goebel reviewed the stipulated facts: The HOA consists of eight buildings with building #1 located the closest to the New River Inlet. The property is within the Ocean Erodible and High Hazard Flood Areas of Environmental Concern. The property is immediately south of the current Inlet Hazard AEC boundary as it exists today, but it is within the proposed AEC box that has been presented to the Commission. In 2010, DCM issued a CAMA Major Permit to the Town for a beach nourishment project. Phase One of that project authorized the placement of beach fill in the area that includes the property at issue in this case. In January the Town of North Topsail Beach voted to proceed with Phase One of the shoreline protection project. Phase One of the project is estimated to cost 7.5 million dollars. The Town's proposal is to pay for 2.5 million with existing funds, 2.5 million will come from a DWR Grant which hasn't been finalized but is included in the Governor's budget, and 2.5 million will come from Onslow County. If Onslow County doesn't agree, the Town will do a special obligation bond

that will be paid for through occupancy taxes. The Town plans to begin Phase One this winter. Hurricane Irene hit in August 2011. Following that the HOA planned to truck in sand when the turtle moratorium was over. At an on-site meeting in November of last year, DCM field staff told the HOA representatives that they did have the option for a sandbag permit because the structures were imminently threatened. The HOA continued to go for the sand push or trucking in sand options. In December of last year there was a meeting of Town officials and the HOA. The Town officials indicated that there were probably going to do beach nourishment in the near future and the HOA started looking at sandbags as an option. In January 2012, an engineering report was conducted which looked at the pile penetration depths for the buildings and the report is included in the exhibits. In February DCM issued a CAMA General Permit allowing for the installation of 1,500 linear feet of sandbag revetment along the ocean shoreline in front of the eight buildings. Consistent with the Commission's rules the sandbag structure was limited to 20 feet in width and 6 feet in height and no more than 20 feet waterward of the pilings. Pursuant to this permit, the HOA began installing sandbags in March of this year and as of April 13, 650 linear feet has been completed. Since April 13 no further sandbag installation has taken place. In April there was a storm that lowered the sand level under the property by approximately 4.3 feet. To address the ongoing erosion problems the HOA applied for an emergency Major Permit on May 3 and DCM issued it a day later. The Petitioners requested permission to install sandbag structures 40 feet wide for buildings 5-8 and 45 feet wide for buildings 1-4 and up to 12 feet high. Because of the Commission's rules, the permit was issued but conditions limit the size of the sandbag revetment to 20 feet in width and 6 feet in height with placement no further waterward than 20 feet from the waterward pilings. On May 9 Petitioners filed this variance request and requested an expedited hearing. In addition to the larger sandbag size sandbag structures and their location, Petitioners are also asking for the bags to remain on site for up to eight years instead of the permitted five years.

Mrs. Goebel stated Staff's position on the first criteria. Specifically, for buildings 1-5 this condition is met, but not for buildings 6-8. Staff agrees that standard sized bags may not be sufficient to protect buildings 1-5, which are closest to the inlet, from damage. However, for buildings 6-8 staff argues that Petitioner has not met its burden to show why the bigger bags are needed where the sandbags have already been placed. Staff disagrees that Petitioners have met their burden to demonstrate that strict application of the sandbag size limits will cause buildings 6-8 unnecessary hardships. Staff and Petitioner also disagree on the second criteria. Staff argues that in three of the last six years no spoil was placed on the beach in front of the Petitioner's property. This can hardly be a condition peculiar to the property when it happens every other year on average. Petitioners argue that the property's location near a migrating, dynamic inlet is a peculiar condition which causes its erosion hardships. Staff agrees that this property is affected by the inlet and is included in the proposed New River Inlet Hazard AEC box. However, the Commission's rules specifically recognize that inlets are especially volatile and are known to regularly move causing both erosion and accretion so it is difficult for staff to agree with petitioners that merely being located near the New River Inlet fulfills the peculiarity criterion. Staff and Petitioner agree on the third criteria. Petitioner has done nothing to accelerate the erosion affecting the property and has taken steps to address the problem. For the fourth criteria Staff agrees with Petitioner that for buildings 1-5 the regular sized sandbags may not be sufficient to protect those buildings' foundations until nourishment takes place. However Staff asserts that there is no evidence in the record that the sandbags do not afford protection to the foundations of buildings 6-8. Staff does not believe that extending the time limit on the bags for three additional years to eight years is in the spirit, purpose or intent of the Commission's rules. Staff agrees that the variance will secure public safety and welfare and will preserved substantial justice because it will allow the Petitioner to protect the property while it seeks a long-term solution and undertakes a beach nourishment project.

T.C. Morphis of The Brough Law Firm represented Petitioners. Mr. Morphis argued the hardship is caused by conditions peculiar to the property. Specifically, the stipulated facts include the fact that the elevation at this location has dropped nearly 4.5 feet in a single month. There is no evidence that this happens all the time, but it has happened in North Topsail Beach. The unique geography near the New River Inlet and the 4.3 feet of elevation drop are conditions peculiar to the property. Our client was attempting to put in a sandbag line and now they can't because the elevation has dropped so much. Although there have been bags installed in front of buildings 6-8 and part of 5, these bags are already out of compliance. If we are not granted some kind of variance for these buildings then we simply have a bag line that has been compromised and we need to be able to put sandbags back in place. We are not planning to put the 12 feet high and 40-45 foot wide sandbag revetment in front of buildings 6-8 at this time, but we need the flexibility to be able to do it in the future.

Lee Wynns made a motion to support Staff's position that strict application of the rules, standards or orders issued by the Commission will cause the petitioner unnecessary hardships for buildings 1-5. Renee Cahoon seconded the motion. The motion passed unanimously (Weld, Wynns, Joyce, Cahoon, Elam, Webster, Carter).

Veronica Carter made a motion to support Staff's position that strict application of the rules, standards or orders issued by the Commission will not cause Petitioner unnecessary hardships for buildings 6-8. Lee Wynns seconded the motion. The motion passed unanimously (Weld, Wynns, Joyce, Cahoon, Elam, Webster, Carter).

Lee Wynns made a motion to support Petitioner's position that hardships result from conditions peculiar to Petitioner's property. Pat Joyce seconded the motion. The motion passed with five votes in favor (Weld, Wynns, Joyce, Cahoon, Elam) and two opposed (Webster, Carter).

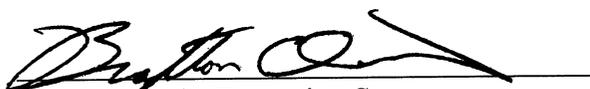
Renee Cahoon made a motion to support Staff's position that hardships do not result from actions taken by the Petitioner. Veronica Carter seconded the motion. The motion passed unanimously (Weld, Wynns, Joyce, Cahoon, Elam, Webster, Carter).

Veronica Carter made a motion to support Staff's position that the variance requested 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 will preserve substantial justice. Commissioner Carter further moved to condition the permit to allow the sandbags for five years and after the completion of Phase 1 of the Town's nourishment project that any unvegetated and unnecessary bags be removed. Lee Wynns seconded the motion. The motion passed unanimously (Weld, Wynns, Joyce, Cahoon, Elam, Webster, Carter).

This variance request was granted with conditions.

With no further business, the CRC adjourned.

Respectfully submitted,


Braxton Davis, Executive Secretary


Angela Willis, Recording Secretary



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Braxton C. Davis
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

MEMORANDUM

CRC 12-18

TO: Coastal Resources Commission

FROM: Roy Brownlow

SUBJECT: Tiered Enforcement Policy

DATE: June 21, 2012

The Regulatory Reform Act of 2011 (S.L. 2011-398), which became law on July 25, 2011, directed the Secretary of Environment and Natural Resources "to develop a uniform policy for notification of deficiencies and violations for all of the regulatory programs within the Department of Environment and Natural Resources (DENR)." Under the Act, the Secretary was required to report on the development of a tiered enforcement policy to ensure that the Department's enforcement response is commensurate with the type of violation and scale of environmental impacts. The Department's report was submitted to the Joint Select Regulatory Reform Committee on October 1, 2011 and included the Division of Coastal Management's policy for implementing DENR's three-tiered approach to enforcement. Pursuant to the Act, the new policy became effective on February 1, 2012.

The Division of Coastal Management is now implementing DENR's tiered enforcement policy with the level of enforcement response increasing for each tier. The new policy is largely consistent with the way many divisions, including DCM, were already implementing compliance and enforcement programs. With the tiered structure, DENR's regulatory programs can tailor enforcement responses as necessary to address the specific circumstance of a given violation.

Staff will present a background and summary of the framework for tiered enforcement within the Division of Coastal Management.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue, Governor

Braxton C. Davis
Division Director

Dee Freeman, Secretary

Memorandum

CRC-12-19

To: Coastal Resources Commission

From: John A. Thayer Jr. AICP Manager, Local Planning & Public Access Programs

Date: June 5, 2011 (CRC Mtg. 6/21/2012)

Reference: Status of 7B Review Sub-committee of 2002 Land Use Planning Guidelines

Overview: The 7B Review Sub-committee was created by the CRC in 2010 to satisfy both CRC priorities and to address Section 113A-107 of the CAMA that requires CRC review of Land Use Plan rules every five (5) years to determine whether changes are needed. The current 7B LUP Guidelines became effective in August of 2002.

The Review Committee is made up of seven members, three from the CRC- Charles (Boots) Elam, Ed Mitchell and Bill Peele; and five from the CRAC- Frank Rush, Christine Mele, Lee Padrick, Dara Royal, and Tim Tabak. Frank Rush has been the acting Chairman.

The sub-committee has met eight times since its formation. Three (3) primary assumptions have been the focus of review as follows:

1. A complete rewrite of the rules is not necessary. However potential additions may be needed to address state initiatives including: the Beach & Inlet Management Plan (BIMP), coastal stormwater rules, working waterfronts, basinwide plan's, transportation plans, wind energy, the NC Sea Level Rise Risk Management Study, and the Estuarine Shoreline Study/Mapping Project.
2. Changes will focus on clarifications necessary to existing rules since the majority of local governments have completed plans under the 2002 Guidelines; and,
3. Many issues such as... land suitability analysis linkage to the 'Future Land Use Plan Map' or 'policy impact analysis' can be more suitably addressed in the '*Technical Manual for Coastal Land Use Planning*', rather than through rule changes.

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Summary of 7B Review Discussions and Activities: The following are highlights of possible adjustments and clarifications that have been discussed by the Committee:

- a. Adding definitions to section 7B .0603: Terms used in the current 7B rules have not been defined. Eighteen (18) or more terms with definitions have been developed.
- b. Dropping references to Advance Core Plan: Recommended since it serves no purpose and adds confusion as to what is required. The term is associated with grant funding addressed under a separate set of rules: '7L Local Planning and Management Grant' rules.
- c. Public Access: Need for a local public access site inventory and policy that recognizes historical and traditional access locations as well as possible sites for new access opportunities.
- d. 'Natural Hazards' (NH) & Land Use Compatibility (LUC) Management Topics (MT): The addition of objectives to NH and other text to both MTs clarifying intent – to foster pre-planning for hazards emphasis that includes recognition of manmade hazards and risks including fire, explosives, chemical and waste storage, noise related uses as well as the recognition of brownfield sites.
- e. Rewriting an important un-citable orphan paragraph under section '(d) Plan for the Future' into proposed new sub-section titled '(5) Future Land Use Plan Analyses': The orphan paragraph includes three (3) specific analysis requirements that need further edification and clarification which is the primary basis of the proposed additional sub-section.
- f. Recognition of Military use and interest areas: Meetings included participation by military representatives to discuss military considerations that may be pertinent to local government land use planning. Language addressing or recognizing "military influence areas" is proposed in the "Existing and Emerging Conditions" section of 7B.
- g. Plan for the Future: Address confusing rule language that suggests deferring to state and federal requirements will sufficiently address Management Topics.
- h. Use of local policy for federal consistency determinations: Adjustment needed to recognize NOAA's "Routine Program Change" requirements and process. Language is being considered that will require local governments to assess their policy statements for "suitability" for federal versus state consistency purposes.
- i. Considered but dropped- a Sustainable Communities Assessment: Based on the principles for sustainable communities that the NC General Assembly adopted as part of the 'Sustainable Communities Task Force' in 2010.
- j. Considered but dropped- Sea Level Rise (SLR) language: Several approaches were discussed including only adding an "assessment" requirement as part of the background analysis of existing and emerging conditions and not requiring the adoption of SLR policy.

- k. Dropping 7B .0802 '(a) Re Certification': Applies to plans certified prior to the effective date of the 2002 Guidelines.
- l. Amending the Plan: Adjustments or clarifications addressing when local governments must do a major update of the LUP have yet to be discussed.

The Committee will meet soon to finalize its review and forward a report to the CRC for your next meeting in August.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

CRC-12-17

May 30, 2012

MEMORANDUM

TO: Coastal Resources Commission

FROM: Mike Lopazanski

SUBJECT: Reconsideration of Proposed 15A NCAC 7K .0214 - Installation & Maintenance of Regulatory Signs

At the September and October 2010 CRC meetings, Staff and the Commission discussed the installation of regulatory signs and markers, possible inconsistencies in how these structures have been treated over the years with respect to the size, type of sign and whether or not this activity triggered permitting requirements. Staff position was that the use of regulatory or informational signs occurred on a regular and customary basis, had little to no resource impact and therefore proposed an exemption for this activity. The Commission approved the proposed rule language for public hearing.

Also during this time, Governor Perdue issued Executive Order 70 – Rules Modification and Improvement Program which established guiding principles for the drafting, adoption, modification and review of rules and regulations. Executive Order 70 further directs boards with rulemaking authority to develop rules which are deemed necessary to achieve their regulatory objectives. Upon further analysis and consideration of the resource impacts associated with this activity, existing permitting authorities, and the burden of justification placed on agencies under the Administrative Procedures Act for rulemaking, staff believes the proposed 15A NCAC 7K .0214 - Installation & Maintenance of Regulatory Signs is not necessary.

Staff therefore recommends that the Commission reconsider sending the proposed rule to public hearing as this action will be consistent with the Governor's directive. I look forward to discussing the matter at the upcoming meeting in Beaufort.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management
Braxton C. Davis
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

MEMORANDUM

CRC 12-20

TO: Coastal Resources Commission
FROM: Braxton Davis
SUBJECT: Estuarine Shoreline Stabilization
DATE: June 21, 2012

To date, the Division of Coastal Management has undertaken substantial efforts to advance marsh sills and other alternatives to vertical estuarine shoreline stabilization methods that are broadly categorized as “living shorelines.” These efforts have included coordinating the development of a General Permit (15A NCAC 7H .2700), hosting training courses for property owners and marine contractors, developing an Estuarine Shoreline Stabilization Guide for property owners and conducting a multi-agency assessment of 27 permitted marsh sills. The Division of Marine Fisheries (DMF) has also compiled information on the effects of estuarine shoreline stabilization on fish habitat as part of the Coastal Habitat Protection Plan (CHPP), participated in interagency workgroups, a Coastal Resources Commission (CRC) panel on the topic, and was a partner in the multi-agency marsh sill assessment. When reviewing CAMA Major Permits that involve vertical stabilization structures, DMF recommends the use of marsh sills where possible and appropriate. DMF has also made modifications to the 2012 Coastal Recreational Fishing License Grant proposal criteria to include projects that involve construction of marsh sills.

Based on continuing discussions among staff, the CRC, the Marine Fisheries Commission, and the CHPP Steering Committee, the directors of DMF and DCM met on December 19, 2011 to discuss additional opportunities to advance non-vertical stabilization measures through a broader Department-level effort. At our meeting, we agreed to ask staff to develop a proposal for more efficient permitting and other actions that may advance the use of marsh sills and other alternative stabilization structures. DCM and DMF staff drafted a proposal with six key action items:

1) Work with the Coastal Resources Commission to revise the offshore riprap sill General Permit (15A NCAC 7H .2700) to eliminate conditions that require other DENR Divisions to review and concur with all project proposals before the General Permit can be issued.

The number of conditions and requirements that are a part of the CRC's General Permit for the construction of riprap sills are perceived as a disincentive to applicants who may want to utilize this technique to stabilize their property. A reduction in both the number of conditions and in the number of conditions requiring additional coordination steps could help to reduce these perceived impediments. Building on these changes, we hope to present a recommendation to other state and federal agencies to streamline or eliminate project-specific reviews for marsh sills. Other minor changes to the rule will also be proposed based on experiences with these structures since adoption of the General Permit. We do not suggest proceeding with formal rulemaking until such time as all of the above avenues have been explored, and all necessary changes can be incorporated into one combined rule change.

2) Investigate the development and implementation of a comprehensive education and training effort on the benefits of alternative shoreline stabilization approaches.

DCM staff have organized or participated in several training courses for contractors, property owners, and/or other resource agency staff. All parties agree that educating applicants and consultants is a key step if North Carolina is to see an increase in the voluntary usage of alternative stabilization approaches such as marsh sills. However, while DCM has and will continue to offer applicant/contractor training (the Coastal Reserve Program conducted two training workshops this spring), additional training resources are needed for this effort to reach a wider audience.

3) Investigate financial incentives and cost reductions for individuals seeking to utilize alternative stabilization approaches.

Added costs can be a real and/or perceived disincentive for the use of alternative shoreline stabilization measures. A range of financial incentives and/or cost reductions will be explored and evaluated by the Department.

4) Support continued staff advocacy through enhanced information, training, and outreach materials on the benefits of alternative shoreline stabilization approaches.

DCM and DMF staff are currently advocating the use of marsh sills and other non-vertical shoreline stabilization structures. The agencies will continue strong advocacy efforts in this area, and ensure that new staff are fully aware of the benefits of alternative stabilization measures. In addition, the Divisions will develop updated and enhanced outreach materials for staff, applicants, consultants, local governments, and other key stakeholders.

5) Develop a pre- and post-hurricane study project that would 1) develop baseline information about constructed marsh sill projects, and 2) establish a methodology that would allow for an analysis of how well these structures functioned and/or survived during a hurricane.

One unresolved concern of marsh sills is how well these structures survive during intense storm events. Some studies and information have already been compiled by NOAA, the NC National Estuarine Research Reserve, and other researchers. While initial results are encouraging, a long-term interagency effort to develop the appropriate baseline data on marsh sills and a methodology for collecting post-storm data to enable before-and-after analyses of the reliability and stability of these structures is recommended.

6) Continue to map, monitor, and research coastal shoreline stabilization in North Carolina.

DCM has invested significant funding and staff time in the mapping of estuarine shorelines and evaluation of stabilization options across different shoreline typologies. The Division is also working with regional partners in the southeast to evaluate different methodologies for determining estuarine shoreline changes and erosion rates. Along with a number of state and university partners, we plan to continue these efforts and to provide increased shoreline related information to local governments and field staff. Eventually these efforts should lead to improved methods for shoreline stabilization that are tailored to specific shoreline segments and/or water bodies.

Implementation / Next Steps:

The Department formally endorsed this new effort in May of this year. As an initial step, DCM has reprogrammed grant funds to partially support staff in implementing these actions. We look forward to working with DMF and other DENR agencies, as well as our outside partners, to further the research, analysis, and education efforts outlined above. DCM has also established an internal working group with one member each from our Regulatory, Policy and Planning, and Coastal Reserve sections. This working group will be meeting with DMF staff and other partners in the coming weeks to develop a more detailed implementation plan.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

June 6, 2012

MEMORANDUM

TO: Coastal Resources Commission
FROM: Braxton Davis
SUBJECT: DCM Update

Regulatory Update

For the first quarter of calendar year 2012, the Division processed 26 major permit actions (24 new permits, 2 major modifications, and no denials), with an average processing time of 71.6 days. This average processing time is a 15-day decrease from that reported (87 days) to the Commission in April for the last two quarters of 2011. We believe this is the result of a combination of staff's emphasis on ensuring timely permits and new processing protocols established late last year. Regulatory staff from the four DCM district offices also issued 455 General Permits and 33 Minor Permits during the first quarter. Through the Local Permitting Officer (LPO) program, local governments also issued 205 minor permits. Trends in the permit numbers appear to be in line with what is usually seen during this slowest time of the year.

From January to April, DCM's four Compliance and Enforcement staff and Field Representatives performed over 537 inspections for permit monitoring, complaint investigation, violation investigations and/or restoration follow-up site visits, and compliance assistance. During this period, DCM regulatory staff initiated 6 new enforcement actions and closed out 9 cases (including cases initiated prior to this period). A total of \$6,800 in penalty has been assessed and \$2,251 has been collected for a 33% collection rate. The average life time of a typical violation case, from Notice of Violation, restoration (when applicable), to penalty assessment and collection, was approximately 30 days for cases initiated and closed within this reporting period.

Since September of 2011, staff also conducted nearly 41 hours of aerial surveillance flights to monitor permitted projects, survey areas for unauthorized development and identify any dredge and fill violations. In accordance with last year's Regulatory Reform Act, staff drafted a new policy to implement a tiered enforcement program that went into effect in February. Field staff have also continued to respond to the needs of citizens whose properties were impacted by Hurricane Irene by providing permitting and compliance assistance.

Policy and Planning

Rule Development

Policy staff continued to work with the Department and the Office of State Budget and Management on the fiscal analyses associated with several rules approved by the Commission for public hearing:

- 15A NCAC 7H .0308(a)(2) & 7H .1705 – Sandbags: Approved by OSBM
- 15A NCAC 7H .0304 – Erosion Rates: Approved by OSBM
- 15A NCAC 7H .0312 – Sediment Criteria: In development
- 15A NCAC 7K .0214 – Sign Rule: Proposed for reconsideration

Special Projects

Policy staff have begun discussions with East Carolina University to advance several tasks associated with the NC Coastal Program's 5-year program strategy. The Division will be contracting with faculty in the Department of Geological Sciences and the Geography Institute of Interdisciplinary Coastal Science and Policy to assist in analyses of the Estuarine Shoreline Mapping Project data to: 1) identify regional development trends along the shoreline; and 2) better understand the distribution of coastal structures and natural resources. The Division will also be working with ECU on the development of a "digital coastal atlas" for North Carolina. The development of a coastal atlas will support coastal and ocean planning and regional partnerships by increasing the availability of existing datasets and GIS layers.

Ocean Planning

Policy and Regulatory staff have been participating in a regional ocean planning effort through the Governor's South Atlantic Alliance in an effort to develop a regional portal for the dissemination of ocean-based datasets. As part of this regional effort, DCM staff conducted a use of geospatial technology needs assessment. This survey of NC resource and regulatory agencies will provide the project team with background information on geospatial technology and data use by the four states in the South Atlantic Alliance. In addition, DCM hosted one of a series of state webinars in which staff described their decision making process and how they use geospatial technologies in their planning and/or regulatory decision making. The webinars were intended to gather more in-depth information on the decision making processes; explain how each state uses geospatial technologies to aid in that process; and to review decision support tools that are currently available.

Land Use Planning/Public Access

The Planning staff distributed a request for proposals for the NC Public Beach and Coastal Waterfront Access Program in February. Proposals were due April 20, 2012. For the 2012 grant cycle, DCM received thirty-one applications for beach and estuarine access grants from twenty-three communities. Grant requests totaled over \$2.7 million dollars with total project costs exceeding \$4 million. DCM is expecting to award \$1.2 million to coastal communities to construct low-cost public access facilities, including parking areas, restrooms, dune crossovers and piers. Projects range in size from small, local access areas to regional access sites with amenities such as large parking lots, bathrooms and picnic shelters. Towns and counties also may use the grants to replace aging access facilities or to help acquire land for access sites or to revitalize urban waterfronts.

Estuarine Shoreline Mapping

The Division has completed a continuous digital estuarine shoreline to enable analyses of the mileage of different shoreline types, shoreline changes over time, and number of shoreline structures. By the end of June, all 20 counties will be ready for distribution. The shoreline files have

been finalized and quality checked through field visits with the assistance of DCM regulatory staff. The shoreline files will be accessible through DCM's website as either Google Earth KML files or GIS shapefiles. DCM's website will also host an interactive viewer powered by Google Earth where the shoreline files can be seen in real-time.

Coastal Reserve Program

The Coastal Training Program hosted two "Estuarine Shorelines: Value, Regulation, and Stabilization" workshops, one in Beaufort on April 24 and one in Wilmington on May 2. The goal of these workshops was to introduce participants to the value and function of estuarine habitats; how estuarine habitats and shoreline stabilization structures may be affected by sea level rise; the techniques and design elements of all methods of estuarine shoreline stabilization; and permitting requirements of all methods of estuarine shoreline stabilization, including alternative methods. The workshops included field trips to marsh sill stabilization projects. DCM staff members John Fear, Byron Toothman, Steve Trowell and Ted Tyndall spoke at the workshops. 103 attendees included homeowners, marine contractors, engineers, planners, and state agency staff, and 72% of the attendees stated that they intend to apply the information they gained through the workshop. The Coastal Training Program is currently applying to the North Carolina Real Estate Commission for realtor continuing education credits for this workshop.

Over 425 K-12 students participated in Reserve-led field trips to the Rachel Carson Reserve this spring season. These trips are offered in the spring and fall to schools and address NC Standard Course of Study areas in science, social studies, and language arts. Summer public field trips begin June 12 at the Rachel Carson Reserve. These field trips are every Tuesday and Thursday from 8:30-10:30am through August 30, are tide-dependant and include either a nature hike on the island, a boat trip to the boardwalk on Carrot Island or a boating trip circumnavigating the Reserve with a stop at Middle Marsh. Reservations are required - for more information please visit <http://www.nccoastalreserve.net/Education/Summer-Public-Field-Trips/133.aspx>.

Staff News

We are pleased to announce that Arthur Stadiem rejoined the Division on June 4 as the DCM Budget Officer. We are currently processing applications for a Shoreline Management Specialist who will work across the Division on beachfront and estuarine shoreline management and technical issues. Finally, five interns have been hired to work with the Coastal Reserve Program this summer on a variety of activities including sensitive and invasive species monitoring, site condition and visitor count monitoring, and public education programming. These internships are funded through the N.C. Department of Administration's Youth Advocacy Involvement Office and the N.C. Department of Environment and Natural Resources' REACH program.



The Town of Pine Knoll Shores

RESOLUTION #2012-06

RESOLUTION CONCERNING NORTH CAROLINA'S SEA-LEVEL RISE REPORTS, POLICIES, AND MONITORING EFFORTS

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a "Literature Search" issued in 2010 by the State Science Panel on Coastal Hazards entitled, "North Carolina Sea-Level Rise Assessment Report"; and

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a report issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea-Level Rise Assessment Report*"; and

WHEREAS, also the N.C. Division of Emergency Management, under the auspices of the N.C. Department of Crime Control & Public Safety, is preparing a separate study report entitled, "*North Carolina Sea Level Rise Impact Study*" under the directives of the federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the N.C. Division of Emergency Management is utilizing the Science Panel's 2010 *North Carolina Sea-Level Rise Assessment Report* as a basis for their study report; and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Science Panel's 2010 Report and the embellishment of sea-level rise data provided in the historical record; and

WHEREAS, the Town of Pine Knoll Shores is concerned as to how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances, and construction/maintenance costs of both private and public infrastructure; and

WHEREAS, the current draft of the N.C. Division of Coastal Management sea-level rise policy and draft materials for the N.C. Division of Emergency Management's study report both include directives calling for additional sea-level monitoring and the re-visitiation/re-establishment of sea-level rise rates at periodic intervals, and

WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting sea level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rates.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that Pine Knoll Shores requests the development of protocols articulating the precise methodology to how sea level is to be measured, recorded, interpreted, and reported.

BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.

BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue implementation of any Sea-Level Rise policies, until there is verifiable scientific proof of the current rate of sea-level rise and an acceleration of this rate is observed by the methods agreed upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

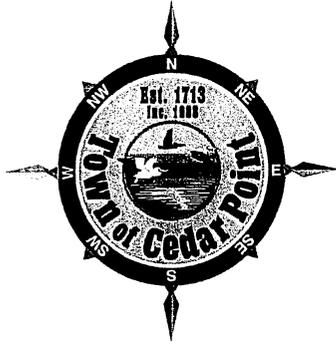
ADOPTED this 10th day of April, 2012.

ATTEST:

Julie A. Anderson, Deputy Town Clerk

TOWN OF PINE KNOLL SHORES

By: 
Kendall Jones, Mayor



**RESOLUTION
CONCERNING NORTH CAROLINA'S SEA-LEVEL RISE
REPORTS, POLICIES AND MONITORING EFFORTS**

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicted by a "Literature Search" issued in 2010 by the State Science Panel on coastal Hazards entitled, "North Carolina Sea-Level Rise Assessment Report" ; and

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a report issued in 2010 b the State Science Panel on Coastal Hazards entitled, "North Carolina Sea-Level Rise Assessment Report"; and

WHEREAS, also the N.C. Division of Emergency Management, under the auspices of the N.C. Department of Crime Control & Public Safety, is preparing a separate study report entitled, "North Carolina Sea Level Rise Impact Study" under the directives of the federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the N.C. Division of Emergency Management is utilizing the Science Panels 2010 North Carolina Sea-Level Rise Assessment Report as a basis for their study report; and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Sciences Panel's 2010 and the embellishment of sea-level rise data provided in the historical record; and

WHEREAS, Carteret County has previously gone on record with its concern to how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances and construction/maintenance costs of both private and public infrastructure; and

WHEREAS, the current draft of the N.C. Division of Coastal Management sea-level rise policy and draft materials for the N.C. Division of Emergency Management's study report both

include directives calling for additional sea-level monitoring and the re-visitation/re-establishment of sea-level rise rates at periodic intervals; and

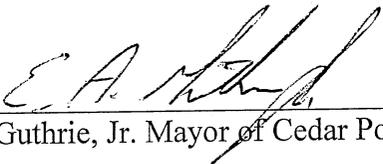
WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting seal level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rates.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that the Town of Cedar Point request the development of protocols articulating the precise methodology to how sea level is to be measured, recorded, interpreted and reported.

BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local government and other stakeholders.

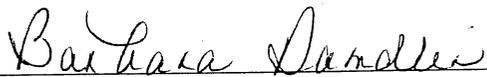
BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue promotion, education, and implementation of any Sea-Level Rise policies, until there is a verifiable scientific proof of the current rate of seal-level rise and an acceleration of this rate is observed by the methods agreed upon as stated immediately above and are found to be hazardous to future uses of coastal property in North Carolina.

ADOPTED, this 24th day of April, 2012.



E.A. Guthrie, Jr. Mayor of Cedar Point

ATTEST:



Barbara Sandlin, CMC
Town Clerk



2011 - 2012
Board of Directors

President

Jerry Jones, Mayor,
Town of Morehead City

Vice President

Terry Frank, President
Frank Door Company

Secretary-Treasurer

Woody Warren, President
Bluewater Real Estate

Doug Brady
Real Estate Developer

Libby Eaton, Owner
Bistro-by-the-Sea

Jimmy Farrington, Owner
Yardworks, Inc.

Daniel Fischler

Vanessa Lawrence
Community Plans & Liaison
Specialist
MCAS Cherry Pt., NC

Greg Lewis
Carteret County
Board of Commissioners

Andrew Midgett, Jr.
Morehead City Pilots
Association, Inc.

Arnold "Bubba" Sanderson
Owner, Connecting Point
Computer Center

Dr. Kerry Youngblood, Pres.
Carteret Community College

Tom Kies, ex-officio, Director
Downtown Morehead City
Revitalization Association

Carol Lohr, ex-officio
Director, Tourism
Development Authority

Russell Overman, ex-officio
Carteret County Manager

Mike Wagoner, ex-officio
President, Chamber of
Commerce

Eric Gregson, ex-officio
V P Business Banking
First Citizens Bank

Myles Michael Stempin
Executive Director

Shirley Powell
Assistant Director

RESOLUTION

**CONCERNING NORTH CAROLINA'S SEA-LEVEL RISE
REPORTS, POLICIES, AND MONITORING EFFORTS**

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a "Literature Search" issued in 2010 by the State Science Panel on Coastal Hazards entitled, "North Carolina Sea-Level Rise Assessment Report"; and

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a report issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea-Level Rise Assessment Report*"; and

WHEREAS, also the N.C. Division of Emergency Management, under the auspices of the N.C. Department of Crime Control & Public Safety, is preparing a separate study report entitled, "*North Carolina Sea Level Rise Impact Study*" under the directives of the federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the N.C. Division of Emergency Management is utilizing the Science Panel's 2010 *North Carolina Sea-Level Rise Assessment Report* as a basis for their study report; and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Science Panel's 2010 Report and the embellishment of sea-level rise data provided in the historical record; and

WHEREAS, Carteret County Economic Development Council has previously gone on record with its concern to how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances, and construction/maintenance costs of both private and public infrastructure; and

Over 40 Years of creating jobs, investment and opportunity!

WHEREAS, the current draft of the N.C. Division of Coastal Management sea-level rise policy and draft materials for the N.C. Division of Emergency Management's study report both include directives calling for additional sea-level monitoring and the re-visitation/re-establishment of sea-level rise rates at periodic intervals, and

WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting sea level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rates.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors that Carteret County Economic Development Council requests the development of protocols articulating the precise methodology to how sea level is to be measured, recorded, interpreted, and reported.

NOW, THEREFORE RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.

BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue promotion, education, and implementation of any Sea-Level Rise policies, until there is verifiable scientific proof of the current rate of sea-level rise and an acceleration of this rate is observed by the methods agreed upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

ADOPTED, this this 19th day of April, 2012.



Jerry Jones, President
Carteret County Economic Development Council, Inc.

ATTEST:



Woody Warren, Secretary/Treasurer
Carteret County Economic Development Council, Inc.



MARY P. HUNNICUTT
CLERK TO BOARD
W. FRANK HEATH, III
COUNTY MANAGER

PERQUIMANS COUNTY BOARD OF COMMISSIONERS

P.O. BOX 45
HERTFORD, NORTH CAROLINA 27944
TELEPHONE: 1-252-426-7550

BENJAMIN C. HOBBS
CHAIRMAN
JANICE MCKENZIE COLE
VICE CHAIR
TAMMY MILLER-WHITE
MACK E. NIXON
EDWARD R. MUZZULIN
SUE WEIMAR
W. HACKNEY HIGH, JR.
COUNTY ATTORNEY

RESOLUTION CONCERNING NORTH CAROLINA'S SEA-LEVEL RISE REPORTS, POLICIES, AND MONITORING EFFORTS

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a "Literature Search" issued in 2010 by the State Science Panel on Coastal Hazards entitled, "North Carolina Sea-Level Rise Assessment Report"; and

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a report issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea-Level Rise Assessment Report*"; and

WHEREAS, also the N.C. Division of Emergency Management, under the auspices of the N.C. Department of Crime Control & Public Safety, is preparing a separate study report entitled, "*North Carolina Sea Level Rise Impact Study*" under the directives of the federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the N.C. Division of Emergency Management is utilizing the Science Panel's 2010 *North Carolina Sea-Level Rise Assessment Report* as a basis for their study report; and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Science Panel's 2010 Report and the embellishment of sea-level rise data provided in the historical record; and

WHEREAS, Perquimans County is concerned about how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances, and construction/maintenance costs of both private and public infrastructure; and

WHEREAS, the current draft of the N.C. Division of Coastal Management sea-level rise policy and draft materials for the N.C. Division of Emergency Management's study report both include directives calling for additional sea-level monitoring and the re-visitation/re-establishment of sea-level rise rates at periodic intervals, and

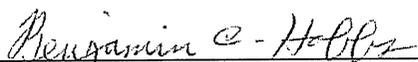
WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting sea level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rates.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that Perquimans County requests the development of protocols articulating the precise methodology to how sea level is to be measured, recorded, interpreted, and reported.

BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.

BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue promotion, education, and implementation of any Sea-Level Rise policies, until there is verifiable scientific proof of the current rate of sea-level rise and an acceleration of this rate is observed by the methods agreed upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

ADOPTED, this 2nd day of April, 2012.

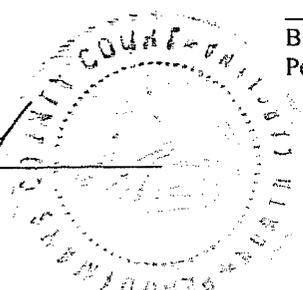


Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTEST:



Mary P. Hunnicutt, Clerk to the Board



Robin V. Comer, Chair
Patrick "Pat" Joyce, Vice-Chair
William Holt Faircloth
Douglas W. Harris
John Gregory Lewis
Jonathan Robinson
Bill Smith



W. Russell Overman
Office: (252) 728-8450
Fax: (252) 728-2092
russello@carteretcountygov.org
www.carteretcountygov.org

Clerk to the Board
Jeanette S. Deese, NCCCC

**RESOLUTION
CONCERNING NORTH CAROLINA'S SEA-LEVEL RISE
REPORTS, POLICIES, AND MONITORING EFFORTS**

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a "Literature Search" issued in 2010 by the State Science Panel on Coastal Hazards entitled, "North Carolina Sea-Level Rise Assessment Report"; and

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a report issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea-Level Rise Assessment Report*"; and

WHEREAS, also the N.C. Division of Emergency Management, under the auspices of the N.C. Department of Crime Control & Public Safety, is preparing a separate study report entitled, "*North Carolina Sea Level Rise Impact Study*" under the directives of the federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the N.C. Division of Emergency Management is utilizing the Science Panel's 2010 *North Carolina Sea-Level Rise Assessment Report* as a basis for their study report; and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Science Panel's 2010 Report and the embellishment of sea-level rise data provided in the historical record; and

WHEREAS, Carteret County has previously gone on record with its concern to how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances, and construction/maintenance costs of both private and public infrastructure; and

WHEREAS, the current draft of the N.C. Division of Coastal Management sea-level rise policy and draft materials for the N.C. Division of Emergency Management's study report both include directives calling for additional sea-level monitoring and the re-visitation/re-establishment of sea-level rise rates at periodic intervals, and

WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting sea level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rates.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that Carteret County requests the development of protocols articulating the precise methodology to how sea level is to be measured, recorded, interpreted, and reported.

BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.

BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue promotion, education, and implementation of any Sea-Level Rise policies, until there is verifiable scientific proof of the current rate of sea-level rise and an acceleration of this rate is observed by the methods agreed upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

ADOPTED, this 19th day of March, 2012.

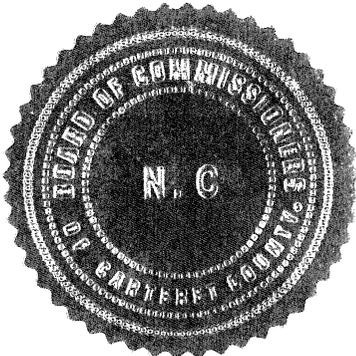


Robin Comer, Chairman
Carteret County Board of Commissioners

ATTEST:



Jeanette Deese, NCCCC
Clerk to the Board





COUNTY OF CURRITUCK

RESOLUTION

CONCERNING NORTH CAROLINA'S SEA-LEVEL RISE REPORTS, POLICIES, AND MONITORING EFFORTS

WHEREAS, the NC Division of Coastal Management, under the auspices of the NC Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a "Literature Search" issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea Level Rise Assessment Report*;" and

WHEREAS, the NC Division of Coastal Management, under the auspices of the NC Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a report issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea Level Rise Assessment Report*;" and

WHEREAS, also the NC Division of Emergency Management, under the auspices of the NC Department of Crime Control & Public Safety, is preparing a separate study report entitled, "*North Carolina Sea Level Rise Impact Study*" under the directives of the federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the NC Division of Emergency Management is utilizing the Science Panel's 2010 "*North Carolina Sea-Level Rise Assessment Report*" as a basis for their study report, and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Science Panel's 2010 Report and the embellishment of sea-level rise data provided in the historical record; and

WHEREAS, Currituck County wishes to go on record with its concern to how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances, and construction/maintenance costs of both private and public infrastructure; and

WHEREAS, the current draft of the NC Division of Coastal Management sea-level rise policy and draft materials for the NC Division of Emergency Management's study report both include directives calling for additional sea-level monitoring and the re-visitation/re-establishment of sea-level rise rates at periodic intervals, and

WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting sea-level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rates.

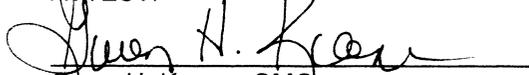
NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that Currituck County requests the development of protocols articulating the precise methodology to how sea-level is to be measured, recorded, interpreted, and reported.

BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.

BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue promotion, education, and implementation of any Sea-Level Rise policies, until there is verifiable scientific proof of the current rate of sea-level rise and an acceleration of this rate is observed by the methods agreement upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

ADOPTED, this the 16th day of April, 2012.

ATTEST:


Gwen H. Keene, CMG
Clerk to the Board


John D. Rorer, Chairman
Board of Commissioners



COUNTY OF WASHINGTON
BOARD OF COMMISSIONERS

COMMISSIONERS:
BUSTER MANNING, CHAIR
RAYMOND R. MCCRAY, VICE-CHAIR
JEAN D. ALEXANDER
TRACEY A. JOHNSON
WILLIAM 'BILL' R. SEXTON, JR.



ADMINISTRATION STAFF:
DAVID L. PEOPLES
COUNTY MANAGER

JULIE J. BENNETT
CLERK TO THE BOARD
jbennett@washconc.org

CHERYL R. YOUNG
ASSISTANT COUNTY MANAGER
COUNTY ATTORNEY

POST OFFICE BOX 1007
PLYMOUTH, NORTH CAROLINA 27962
OFFICE (252) 793-5823 FAX (252) 793-1183

RESOLUTION

CONCERNING NORTH CAROLINA'S SEA-LEVEL RISE
REPORTS, POLICIES, AND MONITORING EFFORTS

WHEREAS, the NC Division of Coastal Management, under the auspices of the NC Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a "Literature Search" issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea-Level Rise Assessment Report*"; and

WHEREAS, the NC Division of Coastal Management, under the auspices of the NC Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a report issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea-Level Rise Assessment Report*"; and

WHEREAS, also the NC Division of Emergency Management, under the auspices of the NC Department of Crime Control & Public Safety, is preparing a separate study report entitled, "*North Carolina Sea-Level Rise Impact Study*" under the directives of the federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the NC Division of Emergency Management is utilizing the Science Panel's 2010 "*North Carolina Sea-Level Rise Assessment Report*" as a basis for their study report; and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Science Panel's 2010 Report and the embellishment of sea-level rise data provided in the historical record; and

WHEREAS, Washington County has previously gone on record with its concern to how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances, and construction/maintenance costs of both private and public infrastructure; and

WHEREAS, the current draft of the NC Division of Coastal Management sea-level rise policy and draft materials for the NC Division of Emergency Management's study report both include directives calling for additional sea-level monitoring and the re-visitation/re-establishment of sea-level rise rates at periodic intervals, and

WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting sea-level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rates.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that Washington County requests the development of protocols articulating the precise methodology to how sea-level is to be measured, recorded, interpreted, and reported.

BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.

BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue promotion, education, and implementation of any Sea-Level Rise policies, until there is verifiable scientific proof of the current rate of sea-level rise and an acceleration of this rate is observed by the methods agreement upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

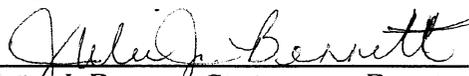
ADOPTED, this the 2nd day of April, 2012.



Buster Manning, Chair

Washington County Board of Commissioners

ATTEST:


Julie J. Bennett, Clerk to the Board

MOREHEAD CITY

NORTH CAROLINA

COUNCIL

Harvey N. Walker, Jr., *Mayor Pro Tem*
 George W. Ballou
 Demus L. Thompson
 William F. Taylor
 Diane C. Warrender

706 Arendell Street
 Morehead City, North Carolina 28557-4234
 TEL (252) 726-6848
 FAX (252) 726-2267
www.moreheadcity.nc.gov



Pete Connet
Interim City Manager

TOWN OF MOREHEAD CITY RESOLUTION 2012-19 CONCERNING NORTH CAROLINA'S SEA LEVEL RISE REPORTS, POLICIES AND MONITORING EFFORTS

WHEREAS, the North Carolina Division of Coastal Management, under the auspices of the North Carolina Department of Environment & Natural Resources is developing a sea level rise policy predicated by a "Literature Search" issued in 2010 by the State Science Panel on Coastal Hazards entitled, "North Carolina Sea Level Rise Assessment Report"; and

WHEREAS, the North Carolina Division of Coastal Management, under the auspices of the North Carolina Department of Environment & Natural Resources is developing a sea level rise policy predicated by a report issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea Level Rise Assessment Report*"; and

WHEREAS, also the North Carolina Division of Emergency Management, under the auspices of the North Carolina Department of Crime Control & Public Safety, is preparing a separate study report entitled, "*North Carolina Sea Level Rise Impact Study*" under the directives of the Federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the North Carolina Division of Emergency Management is utilizing the Science Panel's 2010 *North Carolina Sea Level Rise Assessment Report* as a basis for their study report; and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea level rise projections provided in the Science Panel's 2010 Report and the embellishment of sea level rise data provided in the historical record; and

WHEREAS, the Town of Morehead City has previously gone on record with its concern to how exaggerated sea level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances and construction/maintenance costs of both private and public infrastructure; and

WHEREAS, the current draft of the North Carolina Division of Coastal Management sea level rise policy and draft materials for the North Carolina Division of Emergency Management's study report both include directives calling for additional sea level monitoring and the re-visitation/re-establishment of sea level rise rates at periodic intervals; and

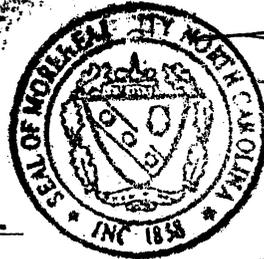
WHEREAS, considering the impacts to human health and economies in the regions that are associated with understanding and reporting sea level and the fact there continues to be a great deal of uncertainty regarding future sea level rates;

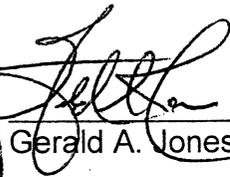
NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Morehead City that Morehead City requests the development of protocols articulating the precise methodology to how sea level is to be measured, recorded, interpreted and reported.

BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.

BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue promotion, education and implementation of any sea level rise policies, until there is verifiable scientific proof of the current rate of sea level rise and an acceleration of this rate is observed by the methods agreed upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

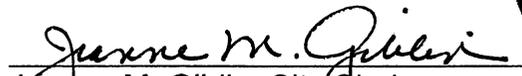
ADOPTED this the 10th day of April, 2012.





Gerald A. Jones, Jr., Mayor

Attest:



Jeanne M. Giblin, City Clerk

SLR Policy Draft – May 30, 2012 DCM-Revised Version

15A NCAC 07M.1301 DECLARATION OF GENERAL POLICY

The Coastal Resources Commission (hereafter referred to as the “Commission”) is charged under the Coastal Area Management Act (CAMA) with the protection, preservation, orderly development, and management of the coastal area of North Carolina. To that end, the Commission is specifically charged with the protection of certain rights and values, which include ensuring the protection of public trust resources and access to those resources, preserving the quality and optimum use of water resources, managing land use and development to minimize environmental damage, and preserving private property rights.

~~The Commission recognizes that global sea-level rise is occurring as a natural hazard, and is predicted to continue during the next century and beyond. Sea-level rise will intensify the challenges that the Commission faces in promoting the resilience of the estuarine system, sounds, barrier dune system and beaches, perpetuating their natural productivity as well as their biological, economic and aesthetic values.~~ The Commission finds that global sea-level rise is occurring and presents a gradual but significant coastal hazard along the coast of North Carolina. While uncertainties exist with any kind of forecast or projection, continued or accelerated sea-level rise is expected to intensify the challenges that the Commission faces in protecting public trust resources including the estuarine system, coastal sounds and inlets, and barrier dune systems and beaches.

~~Sea-level rise is a ubiquitous coastal threat that~~ While sea-level rise can be difficult to perceive in the short-term, it is a ubiquitous coastal threat that gradually intensifies ~~but that magnifies~~ other coastal hazards such as flooding, storm surge, shoreline erosion, and shoreline recession. Sea-level rise ~~is also~~ can also pose a threat to ~~the use of and access to public trust resources,~~ freshwater resources and quality, private property and development, tourism and economic ~~stability~~-vitality, historic and cultural resources, agriculture, forestry, and public property and infrastructure.

~~The Commission recognizes that sea-level rise is a pervasive and persistent hazard that must be incorporated into the coastal program in order to address the implications of the expected continuing rise in water levels, along with the resulting magnification of hazards, disruption and losses that such increases will bring to coastal communities, economies and ecosystems.~~

The goal of this policy is to establish a framework for improved understanding of the potential impacts of sea-level rise, and for supporting planned adaptation and ~~improved~~ resilience to rising sea levels. Planned adaptation ~~will~~ can help to minimize economic, property and natural resource losses, minimize social disruption and losses to public trust areas and access, and lessen the need for disaster recovery spending.

History Note: Authority G.S. 113A-102; 113A-106; 113A-107; 113A-124

15A NCAC 07M.1302 DEFINITIONS

As used in this Section:

1. “Accommodate” means designing development and property uses such that their function is not eliminated as sea level rises.
2. “Conservation measures” are non-regulatory tools that can include easements, land acquisition, habitat restoration and similar measures.
3. “Planned adaptation” means taking a proactive and deliberate approach to promoting resiliency of communities, economies and ecosystems, by identifying hazards and vulnerabilities and designing and

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implementing measures to adjust to, or relocate from, rising seas before a foreseeable hazard forces a response.

4. “Relative sea-level rise” means an increase in the average surface height of the oceans over a long period of time that may be caused by an absolute increase in the water level, by sinking of the land at the water’s edge, or by a combination of the two.

5. “Resilience” is the ability of communities, economies and ecosystems to withstand, recover from, or adjust to disruptive influences without collapse.

6. “Sea-level rise” means a long-term increase in the average surface height of the oceans.

7. “Shoreline erosion” refers to the chronic or episodic landward migration of a shoreline caused by the loss or displacement of sediment.

8. “Shoreline recession” means the long-term landward migration of the average position of a shoreline.

9. “Subsidence” is the sinking or decrease in land elevation over time.

History Note: Authority G.S. 113A-102; 113A-107; 113A-124

15A NCAC 07M.1303 POLICY STATEMENTS

(a) The Commission will promote public education of the impacts associated with rising sea levels and measures to adapt to changing shorelines.

~~(b) The Commission’s Science Panel on Coastal Hazards prepared a North Carolina Sea-Level Rise Assessment Report (March 2010) that examines potential sea level rise scenarios for the State by the year 2100. This report and future updates will be available from the Division of Coastal Management and posted on its website. The Commission shall provide this report to the twenty coastal counties for their consideration in local land-use and risk-reduction planning. The Commission will update the Sea-Level Rise Assessment Report at least every five years. The Division of Coastal Management shall be responsible for providing the Commission, local governments, and coastal residents information on sea-level rise trends, research, projections, implications, and adaptation options through ongoing collaboration with federal and other state agencies and the scientific community. Based on this information, the Commission shall provide an assessment of sea-level rise to the twenty coastal counties at least every five years for their consideration in local land-use and hazard mitigation planning.~~

(c) Relative sea-level rise is not uniform across the State’s coastal zone, and the differences are amplified by topographical variations and regional subsidence. As a result, specific adaptation measures might not be appropriate for all communities in the coastal zone, or at the same time. The Commission encourages coastal communities to consider regional [trends](#) and projected rates of sea-level rise in [hazard mitigation](#), local land use, and development planning. The Commission [also](#) supports the [acquisition development](#) of scientific data and [the advancement of](#) adaptation measures ~~as that are appropriate for tailored to~~ different [parts regions](#) of the coast.

~~(d) CAMA directs the Coastal Resources Commission to protect coastal resources and their productivity. Sea-level rise is altering the physical and chemical aspects of the coastal area, and increasing the susceptibility of upland areas to inundation, storm surge, saltwater intrusion, and accelerated erosion. As sea level rises, intertidal areas are being flooded at greater frequency and to greater depths, spurring the natural, landward migration of coastal habitats. In order to maintain their ecological functions, fisheries habitats such as nursery areas and coastal wetlands may need to migrate landward keeping to keep pace with rising waters. In consultation with appropriate resource protection agencies and~~

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stakeholders, the Commission shall consider conservation and regulatory measures ~~that can~~to enhance the resilience of natural systems and habitats.

(e) The Commission has the responsibility to assist local governments with land-use planning guidance and support. Due to the technical nature of sea-level rise science and ~~the need for a coordinated adaptation strategy,~~ varying needs for adaptation strategies, the Commission shall, to the best of its ability, provide local governments with scientific data to support local education and planning efforts. The ~~Commission~~ Division may also provide financial assistance for local adaptation planning and implementation as available.

(f) It is in the State's interest to invest in long-term sea-level rise research and monitoring, as such investments will contribute to enhanced natural, economic, and societal resilience, and ~~lowered reduced~~ future losses and disruption. The Commission will actively support State state, federal, and private efforts to fund data collection, research, monitoring, and utilization of results.

(g) In order to minimize the impacts of hazards, disruption and losses associated with rising water levels, the Commission encourages new private development and public infrastructure be designed and constructed to accommodate projected sea-level rise impacts within the structure's design life. ~~except in instances where the structure is intended to serve an adaptation purpose. The Commission encourages water-dependent structures be designed to accommodate projected sea-level rise within their design life.~~

~~(h) In order to minimize the impacts of hazards, disruption and losses associated with rising water levels, the Commission encourages new public infrastructure be designed and constructed to accommodate sea-level rise impacts within the infrastructure's design life, except in instances where the infrastructure is intended to serve an adaptation purpose. The Commission encourages water-dependent structures be designed to accommodate projected sea-level rise within their design life, and development enabled by new public infrastructure be designed to accommodate sea-level rise within its design life.~~

History Note: Authority G.S. 113A-102; 113A-106; 113A-107; 113A-110; 113A-112; 113A-124



NORTH CAROLINA SEA GRANT EXTENSION PROGRAM

UNC-Wilmington Center for Marine Science
5600 Marvin Moss Lane
Wilmington, N.C. 28409

Telephone: 910/962-2491
rogerssp@uncw.edu

ADAPTATION TO SEA-LEVEL RISE IN COASTAL NORTH CAROLINA?

*Spencer Rogers
North Carolina Sea Grant*

Proposed regulations by the North Carolina Coastal Resources Commission that would implement future sea-level rise provisions into local planning documents have received widespread criticism from some local governments and segments of the public. National reactions as to the need for sea-level rise planning have in some cases been similar.

But in reality, for more than four decades North Carolina coastal communities have been implementing actions that already serve to adapt to future sea-level rise. Most of those adaptations have been based on local recognition of broader coastal hazards. In perspective, recent interest in the potential for accelerated sea-level rise over the next century is best considered as one more reason to justify actions to address much more immediate and extreme hazards.

Marketing nightmare

The reaction to sea-level rise planning should not be surprising given a number of factors associated with the science of climate change and sea-level rise. The public perceives both to be constants due to the minimal change that can be observed by personal experience. However, when measured over long periods of time, several climate measures suggest a gradual warming and, in particular, a rising sea level as measured in most of the U.S. and global tide gages.

Actively addressing the threats of sea-level rise and the need for planning is crippled by several significant limitations.

- The rate of change by visual observation is practically imperceptible.
- The historical rates of rise are buried within daily, seasonal and astronomical (20-year) variations that are as much as 1,000 times larger than the long-term trends.
- Documentation of the historical rate of rise requires careful analysis of long-term tidal records, consistently measured for 20 or more years, preferably for a century. Such records are available in only a few locations in North Carolina.
- Contrary to public perception, the elevation of the land area is not a constant either, and thus regional results can differ. The relative change between a varying land elevation and rising sea level determines the relative impact at each location.

- Time frames for significant accumulated risk from sea-level rise in the future are on the order of 50 to 100 years. The public, the community and local politics are more concerned with what might happen tomorrow, or next hurricane season rather in the next century.
- Climate modeling is an evolving science that is subject to public mistrust when forecasters struggle to predict the local weather tomorrow. Why should modeling be any better at predicting the next century, they may ask.
- As with any evolving science, advancement is subject to many individual differences of scientific opinion, a necessary give and take, to reach a more reliable consensus. There is a perception that the lack of a single prediction makes all of the science wrong. Sir Isaac Newton once had to debate the existence of gravity but public acceptance now takes it for granted.
- For better or worse, climate change and sea-level rise have been dragged into political debates on whether the changes are man-induced or not. For planning purposes it does not matter what causes it. As future changes are compared with the historical record to better predict in the future, only the size of the change and our ability to plan for those changes will be important.

For all of the above reasons, marketing long-range sea-level rise planning is now and for the foreseeable future, likely will be difficult to market to the public and to local governments.

Is sea-level rise planning doomed?

At least for long-range sea-level rise planning, a closer look at several common community practices suggests not. Although the gradual rise in sea level will be mostly imperceptible, the changes that coastal communities are likely to observe are:

- a gradual increase in the frequency of nuisance, shallow-water flooding events in low-lying, problem areas, and
- a gradual increase in the depth of extreme or design flood events.

It turns out that sea-level rise adaptation planning is often the same action as coastal floodplain hazard mitigation. Coastal communities in North Carolina have been implementing floodplain management planning and regulations for more than 40 years.

Coastal flood hazards are much easier for the public to understand. They are a problem now — not in the next century. Flooding potentially could occur tomorrow or at least next hurricane season. Often communities experience nuisance flooding with small storms or spring tides. Many parts of the state have experienced severe storm-surge flooding in recent memory: Emily, Fran, Floyd, Isabel, and Irene to name a few. Communities and residents often have first-hand experience with flood damage, thus making the need for planning an obvious and immediate need.

The National Flood Insurance Program (NFIP) establishes, and most communities have implemented, minimum standards for construction within the 100-year floodplain. The floodplain includes the oceanfront dunes and low-lying land around coastal bay, streams and inland rivers. The regulations and floodplain maps are based on present conditions and do not include any future rise in sea level. However, many coastal communities have already adopted higher standards for the floodplain — standards that also apply to any future rise in sea level. Financial incentives for communities and individual property owners already are available to encourage the adoption of higher standards.

Community Rating System

A common adaptation example is voluntary community participation in the Community Rating System, or CRS, from the Federal Emergency Management Agency, or FEMA. CRS identifies a variety of local practices that are: higher than the minimum standards; improve property owner and public flood hazard awareness; reduce future damage; and/or improve flood preparedness. Each practice is awarded points which are totaled for the community. Qualifying CRS communities receive discounts between 5 and 45% applied to every flood insurance (NFIP) annual premium in the community. The insured owner saves every year because the community has adopted the higher standards for new construction.

Nationally, less than 6% of the flood-prone communities participate in CRS. In North Carolina, 87 communities (14%) participated in 2010, saving property owners more than \$7 million dollars. In the 20 coastal counties, 49 communities participated (44%) representing about half of the coastal population. (See table below.) Therefore, about half of the coastal population already has implemented sea-level rise adaptation thru community participation in the Community Rating System.

N.C. Coastal Communities the Community Rating System

CRS Discount	#	%	Cumulative %	Cumulative % of population
20% Discount	4	4%	4%	1%
15% Discount	7	6%	10%	2%
10% Discount	29	26%	36%	48%
5% Discount	9	8%	44%	50%
No CRS	63	56%		50%

Total: 112 Communities

Freeboard

A second floodplain management practice that also functions as sea-level rise adaptation is building new houses and other buildings higher than the minimum 100-year flood requirement for lowest floor elevation. The national standard may sound safe, occurring on average only once in every 100 years or a 1% chance each year. Over the lifetime of an average house, the risk accumulates to about 50%, like flipping coins, heads or tails. In contrast to the flood standard, the latest building codes are based on 700-year wind speeds but few people on the coast question the existing design requirements for the hurricane winds. Building higher floor elevations adds a safety factor lacking from the national flood standards.

The added elevation is called freeboard, for a boating term. Freeboard may be adopted by a community for new construction enabling all insured buildings, including older buildings with lower floors, to qualify for CRS points equivalent to about 1% discount for each foot of freeboard, up to 3 feet. National and N.C. statistics on freeboard requirements are not available. A recent survey of the CAMA coastal counties found the community implementation in the table below.

A few communities have already adopted 3 feet of freeboard, close to the higher CAMA planning targets for sea-level rise over the next century. Around 46% of the coastal communities have adopted at least 2 feet of freeboard. Because some of the largest communities are included, about 70% of the coastal population is already living

with at least 2 feet of freeboard. Overall, 61% of the coastal communities, representing 76% of the population, have already chosen to implement 1 foot or more of freeboard. Although adopted for higher hurricane hazard standards, three out of four coastal residents live in areas where communities have already adapted to 1 foot or more of potential sea-level rise due to locally implemented freeboard requirements.

Effective March 1, 2012, the N.C. Residential Building Code amendments require 1 foot of freeboard for all new houses in the state. Therefore, all new houses will have effectively adapted to 1 foot of sea-level rise in all of the 112 CAMA coastal communities.

NC Coastal Communities Requiring Freeboard

Freeboard	#	%	Cumulative %	Cumulative % of Population
3 feet	3	3%	3%	0.5%
2 feet	48	43%	46%	70%
1 foot*	17 / 64	15% / 57%	61% / 100%	76% / 100%
No freeboard*	44 / 0	39% / 0%		24% / 0%

*Local / N.C. Residential Building Code (effective 3/1/12)

Most coastal property owners with a flood insurance policy qualify for somewhat lower premiums for community-adopted freeboard thru CRS. However the individual building owners that are either required to add freeboard or, where not required, choose to add freeboard, can qualify for even larger annual premium discounts for each foot of freeboard the building is constructed above the 100-year flood elevation. Discounts depend on the flood zone, increasing with higher risk. The highest discounts are available for 3 feet of freeboard in the V-zone, where the added floor elevation reduces premiums by about two-thirds of the normal premium. Any community CRS discount further lowers the annual cost.

Other hidden sea-level rise adaptations in place

Historical shoreline erosion rates: In North Carolina, erosion rates are used to establish minimum ocean setbacks for new construction without any consideration for future acceleration in the rate of sea-level rise. However, the historical erosion rates include the historical sea-level rise that occurred over the study period, typically around 70 years. The result is a statewide setback requirement based on erosion rates that include a future sea-level rise of 1 to 1.5 feet per century, depending on the community.

Sea-level rise frequently gets blamed in the media for some of our worst erosion problems. Unfortunately no one has accurately measured or modeled the historical impact of sea-level rise as a share of our observed erosion rates. However, it is clear that the highest erosion rates are due to local causes, unrelated to sea-level rise. The highest erosion may make the headlines but a better indicator of the impact of sea-level rise is better evidenced by the fact that about half the N.C. coast has a historical erosion rate of 1 foot per year or less. On that basis, a reasonable best guess for the historical impact of sea-level rise on the erosion rate is 1 foot per year. Planning future erosion rates for twice the historical sea-level rise rate would not double the erosion rate but rather add around a foot per year. For half the state with historical erosion rates at 1 foot per year or lower, the minimum setback is already 2 feet per year and therefore already included in the present regulations. Where historical erosion is now 2 feet per year,

doubling the historical rate of sea-level rise would suggest an erosion rate of 3 feet per year. In Rodanthe, doubling the rate of future sea-level rise would only increase the erosion rate from 14 to 15 feet per year. Where other erosion causes are already very high, sea-level rise becomes an insignificant factor in the accuracy of future shoreline predictions.

Natural inlet adjustments: The state's highest shoreline erosion rates always will be around our tidal inlets. Short-term changes of over 100 feet per year are not uncommon. It is surprising to most people that inlets are one of the few geographic features that self-regulate to minimize change due to sea-level rise. The minimum size of the inlet opening varies around a cross-section dictated by the ocean tide range, the tidal prism (or volume of water that rises and falls behind the barrier islands, moving thru the inlet) and the volume of longshore sand transport along the ocean shoreline. The ocean tide drives the tidal prism in and out, attempting to enlarge the inlet, while the longshore sand transport attempts to fill in or close the inlet. The result is a widely varying inlet opening size around some average cross-section.

Most climate predictions suggest that these factors will remain unchanged with rising sea-level. The bottom of the inlet openings will gradually rise in elevation with sea-level but will maintain the same size ranges and continue the historical high shoreline change rates. N.C. inlets are generally self-adjusting to sea-level rise.

Conclusions

Sea level historically has been rising in North Carolina over the last few centuries. We may not know the cause, but the rate of rise shows no sign of slowing. Based on other climate observations, the rise probably will accelerate over the next century. Planning for a threat 100 years in the future for something changing so slowly that we cannot likely see the change over 20 years, using science that is still actively being debated, will be very difficult to market to decision makers and to the public. Tools to make a better case for sea-level rise planning will not get much better in the foreseeable future.

However, the most severe consequence of long-term sea-level rise is an imperceptibly slow increase in the severity of the coastal hazards that we will face tomorrow, next hurricane season or in some communities, last hurricane season. Many of the actions already in place — such as participation in the Community Rating System; freeboard increases either by local regulation or homeowner choice; or the use of historical erosion rates for shoreline setbacks — have been implemented for other reasons. However, these same actions and programs also will be effective for long-range sea-rise planning and adaptation.

The damage reports from every coastal storm should be an obvious indicator that we need to do a better job at planning for the short-term coastal hazards. Rather than panic over the suggestion for long-range sea-level rise planning, it would be better to recognize it as another item on a long list of reasons to make better plans for a variety of coastal hazards.

3/1/2012

**COMMUNITY FREEBOARD ADOPTION AND COMMUNITY
RATING SYSTEM PARTICIPATION
NC CAMA Coastal Counties**

NC COASTAL COMMUNITIES IMPLEMENTING FREEBOARD REQUIREMENTS				
Communities requiring:	#	%	Cumulative %	Cumulative % by Population
3 feet of Freeboard	3	3%	3%	0.5%
2 feet of Freeboard	48	43%	46%	70%
1 feet of Freeboard Local/Building Code*	17 / 64	15% / 57%	61% / 100%	76% / 100%
No Freeboard Local/Building Code*	44 / 0	39% / 0%		24% / 0%

CAMA Coastal Counties: 20
Incorporated Communities: 92

* Residential Building Code
(effective 3/1/12)

NC COASTAL COMMUNITIES PARTICIPATING IN THE COMMUNITY RATING SYSTEM				
Communities requiring:	#	%	Cumulative %	Cumulative % by Population
20% Discount	4	4%	4%	1%
15% Discount	7	6%	10%	2%
10% Discount	29	26%	36%	48%
5% Discount	9	8%	44%	50%
None	63	56%		50%

(in effect Nov. 2011)

Community Name	County	Freeboard (ft)	Notes	Community	Community	Population
				Rating System	CRS Discount	
				Class	(%)	
_Beaufort County	Beaufort			8	10	47,759
Aurora, Town of	Beaufort					520
Bath, Town of	Beaufort					249
Belhaven, Town of	Beaufort			8	10	1,688
Chocowinity, Town of	Beaufort					820
Pantego, Town of	Beaufort					179
Washington Park, Town of	Beaufort			8	10	451
Washington, City of	Beaufort		repealed 1' ~2001	8	10	9,744
_Bertie, County of	Bertie	1				21,282
Askewville, Town of	Bertie					241
Aulander, Town of	Bertie	1				895
Colerain, Town of	Bertie	1				204
Lewiston-Woodville, Town of	Bertie					549
Roxobel, Town of	Bertie	1				240
Windsor, Town of	Bertie	3				3,630
_Brunswick County	Brunswick	2				107,431
Bald Head Island, Village of	Brunswick					158
Belville, Town of	Brunswick	2				1,936
Bolivia, Town of	Brunswick	2				143
Calabash, Town of	Brunswick	2				1,786
Caswell Beach, City of	Brunswick	2		7	15	398
Holden Beach, Town of	Brunswick			8	10	575
Leland, Town of	Brunswick	2				13,527
Navassa, Town of	Brunswick					1,505
Northwest, City of	Brunswick	2				735
Oak Island, Town of	Brunswick	1		8	10	6,783
Ocean Isle Beach, Town of	Brunswick	3		8	10	550
Sandy Creek, Town of	Brunswick	2				260
Shallotte, Town of	Brunswick					3,675
Southport, City of	Brunswick	3		8	10	2,833
St. James, Town of	Brunswick	2				3,165
Sunset Beach, Town of	Brunswick	1		8	10	3,572
Varnamtown, Town of	Brunswick					541
_Camden County	Camden	1				9,980
_Carteret County	Carteret			8	10	66,469
Atlantic Beach, Town of	Carteret		repealed in 2009	8	10	1,495
Beaufort, City of	Carteret	1		8	10	4,039
Bogue, Town of	Carteret	2				684
Cape Carteret, Town of	Carteret	2		8	10	1,917
Cedar Point, Town of	Carteret			8	10	1,279
Emerald Isle, Town of	Carteret	2		7	15	3,655
Morehead City, Town of	Carteret	1		8	10	8,661

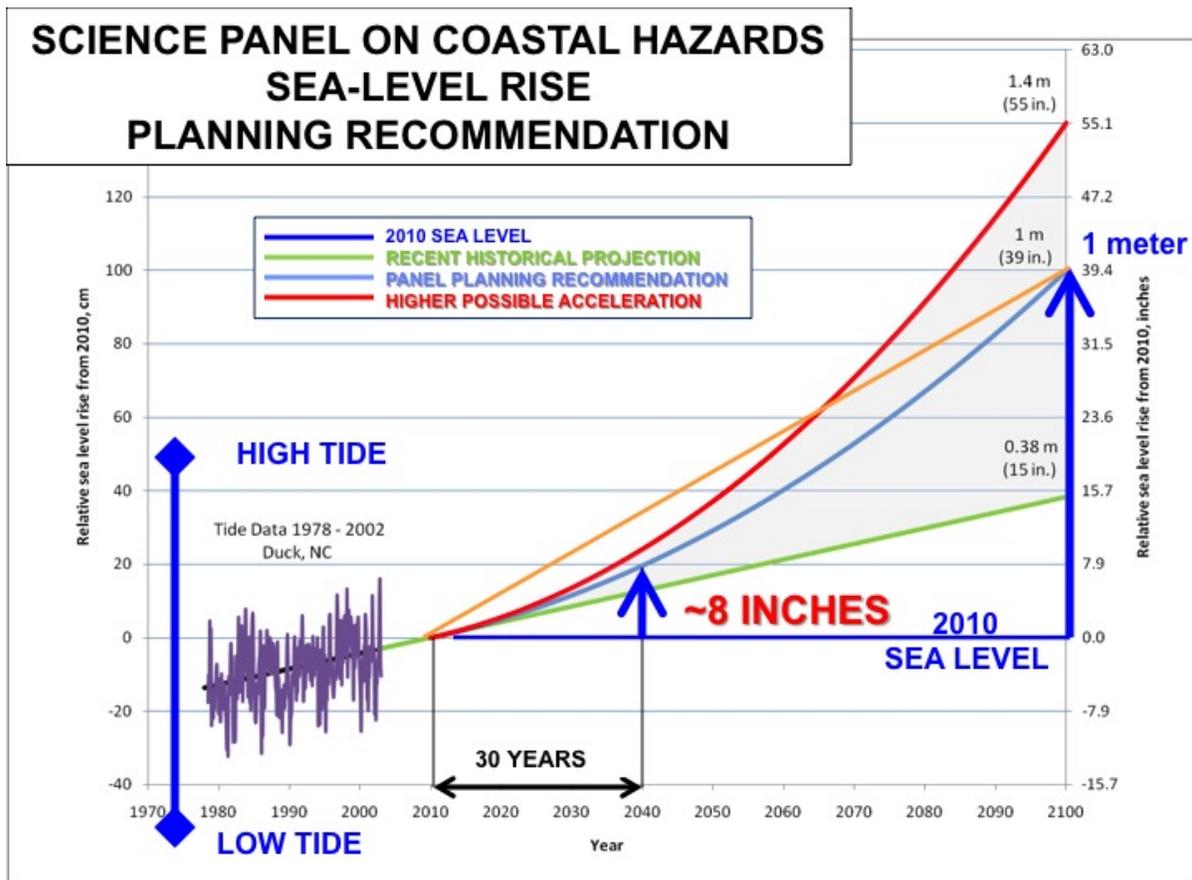
<u>Community Name (cont'd)</u>	<u>County</u>	<u>Freeboard (ft)</u>	<u>Notes</u>	<u>Community</u>		<u>Population</u>
				<u>Rating System</u>	<u>CRS Discount (%)</u>	
Newport, Town of	Carteret	1		8	10	4,150
Peletier, Town of	Carteret	2				644
Pine Knoll Shores, Town of	Carteret	2		7	15	1,339
Indian Beach, Town of	Carteret					112
_Chowan County	Chowan	2				14,793
Edenton, Town of	Chowan	2		9	5	5,004
_Craven County	Craven	2		8	10	103,505
Bridgeton, Town of	Craven	2				454
Havelock, City of	Craven			8	10	20,735
New Bern, City of	Craven	2		10	0	29,524
River Bend, Town of	Craven	2		8	10	3,119
Trent Woods, Town of	Craven					4,155
Vanceboro, Town of	Craven					1,005
_Currituck County	Currituck			8	10	23,547
_Dare, County of	Dare			8	10	33,920
Duck, Town of	Dare			7	15	369
Kill Devil Hills, City of	Dare			6	20	6,683
Kitty Hawk, Town of	Dare	1		6	20	3,272
Manteo, Town of	Dare			8	10	1,434
Nags Head, City of	Dare			6	20	2,757
Southern Shores, Town of	Dare	2		7	15	2,714
_Gates County	Gates	2				12,197
Gatesville, Town of	Gates	2				321
_Hertford, County of	Hertford	2				24,669
Ahoskie, Town of	Hertford					5,039
Cofield, Village of	Hertford	2				413
Como, Town of	Hertford	2				91
Harrellsville, Town of	Hertford					106
Mufreesboro, Town of	Hertford	2				2,835
Winton, Town of	Hertford	2				769
_Hyde County	Hyde	1		9	5	5,810
_New Hanover County	New Hanover	2		8	10	202,667
Carolina Beach, Town of	New Hanover		repealed 2' in 2007	7	15	5,706
Kure Beach, Town of	New Hanover					2,012
Wilmington, City of	New Hanover	2				106,476
Wrightsville Beach, Town of	New Hanover	2		8	10	2,477
_Onslow County	Onslow	2				177,772
Holly Ridge, Town of	Onslow	2				1,268
Jacksonville, City of	Onslow	2		8	10	70,145
North Topsail Beach, Town of	Onslow	2		7	15	743
Richlands, Town of	Onslow	2				1,520
Swansboro, Town of	Onslow	2				2,663
_Pamlico, County of	Pamlico	2		9	5	13,144
Alliance, Town of	Pamlico	2		9	5	776
Arapahoe, Town of	Pamlico	2				556
Bayboro, Town of	Pamlico			9	5	1,263
Grantsboro, Town of	Pamlico	2				688
Mesic, Town of	Pamlico	2				220
Minnesott Beach, Town of	Pamlico	2		9	5	440
Oriental, Town of	Pamlico			9	5	900
Stonewall, Town of	Pamlico	2		9	5	281
Vandemere, Town of	Pamlico	2		9	5	254
_Pasquotank County	Pasquotank					40,661
Elizabeth City, Town of	Pasquotank					18,683
_Pender County	Pender	2				52,217
Atkinson, Town of	Pender	2				299
Burgaw, Town of	Pender		repealed 6" in 2003			3,872
Saint Helena, Village of	Pender		repealed 6" in 2003			389
Surf City, Town of	Pender					1,853
Topsail Beach, Town of	Pender	1		6	20	368
Watha, Town of	Pender					190
_Perquimans County	Perquimans					13,453
Hertford, Town of	Perquimans					2,143
Winfall, Town of	Perquimans					594
_Tyrrell County	Tyrrell					4,407
Columbia, Town of	Tyrrell	2				891
_Washington County	Washington	1		8	10	13,228
Creswell, Town of	Washington	1		8	10	276
Plymouth, Town of	Washington	1		8	10	3,878
Roper, Town of	Washington	1		8	10	611
Total	112	68				1,401,672

Putting N.C. Sea-Level Rise in Human Terms

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I am a member of the state's Science Panel on Coastal Hazards, a group of scientists and engineers that was asked by the N.C. Coastal Resources Commission to recommend a planning target for sea-level rise in North Carolina through the year 2100. The panel's report is technical and includes a number of significant assumptions and uncertainties for the state's first planning effort. The report includes recommendations to refine the assumptions and reduce the uncertainties as the issue is updated every five years. The panel recommended using a planning target of 1 meter, or 39 inches, by 2100.



Based on graph from the N.C. Coastal Resources Commission's Science Panel on Coastal Hazards document, titled "North Carolina Sea Level Rise Assessment Report." Click [here](#) for larger PDF version of the graph. Click [here](#) for full report.

This number reflects a combined rise based on historical data and anticipated but not-yet-observed acceleration due to climate warming. (See graph.) But sea-level rise discussions go beyond scientific issues. Although useful for some planning purposes, almost no one plans for 90 years in the future. As a Sea Grant outreach educator, I will try to put the science of the recommendations into a human perspective and a more realistic timeline.

Changes in sea level are very small trends in a constantly changing water level. Consider that most ocean tides are driven by the gravity of the moon (80%) and the sun (20%). The average daily tidal range on the N.C. open coast varies from about 3 feet in Corolla to 5 feet in Sunset Beach. The relative position of the earth, moon and sun vary over a ~19-year period before repeating. Thus, measuring sea level requires observing a few inches of annual change in a twice-a-day cycle for at least a 20-year period.

The panel's 2100 recommendation to plan for 1 meter is similar to international studies that predict various ranges, most falling between 0.5 and 2 meters. But it is likely that no one reading this today will be around in 2100. Even a 1-meter (39-inch) rise in sea level sounds scary. What should one expect next year, or over timelines that are more likely to be meaningful to the average person.

The historical rate of sea-level rise at the U.S. Army Corps of Engineers research pier in Duck has been a little more than the thickness of 2 nickels — stacked flat, on top of one another — per year. If you averaged the predicted accelerated rate for the next 90 years, the annual rise would be a little less than 6 nickels thick.

Because almost no one plans for events 90 years into the future, a more common reference might be that of a 30-year mortgage or 30-year ocean setback line. To look at shorter periods, it is important to note that most sea-level studies, like the panel's, do not observe any recent acceleration in the rate of rise.

If climate gradually warms as expected, it is unlikely that the rate of sea-level rise will instantly triple. Rather, most predict a gradually (constantly) accelerating increase in the rate of rise. The difference is not clearly described in most studies, but can be seen in most of the prediction graphs. It is the difference between the curved predictions and a straight line between the present level and the 2100 prediction.

The panel's planning recommendation to the CRC, averaged over the next 30 years, reflects an acceleration of about another nickel thickness per year to the historical rate, bringing the total to a little more than 3 nickels per year. Over the next 30 years, that would add up to a little less than 8 inches in rise, including less than 3 inches in acceleration above the historical projection.

Can coastal North Carolina survive such rates of sea-level rise? Well, sure. Anyone born on the Outer Banks and now aged 46 or older has already lived through the accelerated sea-level rise that the panel has recommended planning for in the next 30 years.

My conclusion: The Science Panel on Coastal Hazards' planning recommendations for the Coastal Resources Commission over the next 30 years amounts to small change, that is just more than the thickness of 3 stacked nickels a year. Might this be a level for which residents, businesses and communities can begin to plan?

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