

NC COASTAL RESOURCES COMMISSION (CRC)

Special Meeting

December 8, 2015

DEQ-Wilmington Regional Office

Participating CRC Members

Frank Gorham, Chair

Renee Cahoon, Vice-Chair

Neal Andrew, Second Vice-Chair

Larry Baldwin

Greg Lewis

Russell Rhodes, Jr.

John Snipes

Bill White

Participating Attorney General's Office Members

Mary Lucasse, CRC counsel

Christine Goebel, Counsel for DCM

Scott Slusser, Co-council for Petitioner

Thomas Henry, Co-council for Petitioner

CALL TO ORDER/ROLL CALL

Frank Gorham called the meeting to order reminding the Commissioners of the need to state any conflicts due to Executive Order Number One and the State Government Ethics Act. The State Government Ethics Act mandates that at the beginning of each meeting the Chair remind all members of their duty to avoid conflicts of interest and inquire as to whether any member knows of 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. Russell Rhodes, Jr. read his November 2015 Evaluation of Statement of Economic Interest which indicated that there were no actual conflicts and any potential conflicts would not preclude service. Gwen Baker, Marc Hairston, Phil Norris, and Jamin Simmons were absent. No actual conflicts were reported. Based upon this roll call Chairman Gorham declared a quorum.

VARIANCES

North Carolina State Ports Authority (CRC VR 15-09)

Christine Goebel

Robb Mairs, DCM field representative, gave an overview of the site. Christy Goebel of the Attorney General's office stated the Petitioner is the North Carolina Ports Authority which develops and administers the state port facility in Wilmington, south of the Cape Fear Memorial Bridge on the Cape Fear River. In October 2015, Petitioner sought a major modification to an existing CAMA major development permit in order to perform new dredging to enlarge the existing turning basin and the associated relocation of existing facilities. This area of the Cape Fear River is designated as a Primary Nursery Area (PNA) by the Marine Fisheries Commission and per CRC rule 15A NCAC

07H .0208, new dredging in a PNA is prohibited. Based on this rule, DCM denied Petitioner's permit application on November 30, 2015. Petitioner seeks a variance to allow the proposed new dredging. Ms. Goebel reviewed the stipulated facts of the variance request and stated that staff agrees with Petitioners on all four variance criteria.

Scott Slusser of the Attorney General's office spoke and confirmed that Petitioner agrees with staff on all four variance criteria. He reviewed those stipulated facts which Petitioner contends supports the granting of the variance request including the refinement of the amount of dredging from 300,000 to 100,000 cubic yards.

Neal Andrew made a motion to support staff's position that strict application of the applicable development rules, standards or orders issued by the Commission cause the petitioner unnecessary hardships. Renee Cahoon seconded the motion. The motion passed unanimously (Gorham, Andrew, Baldwin, Cahoon, Lewis, Rhodes, Snipes, White).

Neal Andrew made a motion to support staff's position that hardships result from conditions peculiar to the Petitioner's property. Renee Cahoon seconded the motion. The motion passed unanimously (Gorham, Andrew, Baldwin, Cahoon, Lewis, Rhodes, Snipes, White).

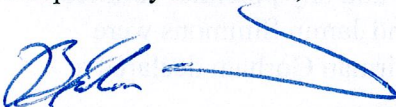
Neal Andrew made a motion to support staff's position that hardships do not result from actions taken by the Petitioner. Renee Cahoon seconded the motion. The motion passed unanimously (Gorham, Andrew, Baldwin, Cahoon, Lewis, Rhodes, Snipes, White).

Neal Andrew made a motion to support staff's position that the variance request will be consistent with the rules, standards or orders issued by the Commission; will secure the public safety and welfare; and preserve substantial justice. Renee Cahoon seconded the motion. The motion passed unanimously (Gorham, Andrew, Baldwin, Cahoon, Lewis, Rhodes, Snipes, White).

This variance request was granted.

With no further business, the CRC adjourned.

Respectfully submitted,



Braxton Davis, Executive Secretary



Angela Willis, Recording Secretary