

**NC COASTAL RESOURCES COMMISSION (CRC)**  
**July 26-27, 2007**  
**Holiday Inn Brownstone**  
**Raleigh, NC**

**Present CRC Members**

Courtney Hackney, Chairman  
Doug Langford, Vice Chair

Charles Elam  
Bob Emory  
Joan Weld  
Bob Wilson  
Jerry Old  
Melvin Shepherd  
Jim Leutze

Bill Peele  
Wayland Sermons  
Chuck Bisette  
Joseph Gore  
Lee Wynns  
Renee Cahoon (arrived at 9:35 a.m.)

**Present Coastal Resources Advisory Council Members (CRAC)**

Bill Morrison, Chair  
Dara Royal, Co-Chair

Deborah Anderson  
Bert Banks  
Randy Cahoon  
Eddy Davis  
Paul Delamar (Chris Mele)  
Webb Fuller  
William Gardner, Jr.  
Renee Gledhill-Earley  
Judy Hills  
Al Hodge  
Maximillian Merrill  
Travis Marshall (Phil Harris)  
Wayne Mobley  
J. Michael Moore  
Lee Padrick

Spencer Rogers  
Frank Rush  
Robert Shupe  
Harry Simmons  
Lester Simpson  
Steve Sizemore  
Michael Street  
Ray Sturza  
Tim Tabak  
Penny Tysinger  
Joy Wayman  
David Weaver  
Traci White  
Don Yousey (David Stanley)

**Present Attorney General's Office Members**

Jill Hickey  
Allen Jernigan  
Merrie Jo Alcoke  
Christine Goebel

## **CALL TO ORDER/ROLL CALL**

Chairman Hackney called the meeting to order and reminded Commissioners of the need to state any conflicts due to Executive Order Number One and also the State Government Ethics Act.

Angela Willis called the roll. Renee Cahoon was absent for the roll call. Based upon this roll call, Chairman Hackney declared a Quorum.

## **MINUTES**

**Doug Langford made a motion to accept the minutes of the May 2007 CRC meeting with no corrections noted. Joseph Gore seconded this motion. Motion passed unanimously (Weld, Elam, Old, Sermons, Bissett, Peele, Emory, Langford, Shepard, Gore, Wynns, Leutze, Wilson) (Cahoon was absent for vote).**

## **EXECUTIVE SECRETARY'S REPORT**

### **BIMP**

DCM and Water Resources are continuing to make progress in the development of a State Beach and Inlet Management Plan. The BIMP is a joint project between the Division of Water Resources and DCM and has received \$500,000 in funding with an additional \$250,000 request in this year's pending budget. The engineering firm of Moffatt and Nichol has been contracted to assist with the 18-month project. DCM and DWR have also begun conducting meetings of a BIMP advisory committee.

### **CELCP Award**

NOAA has recommended that Congress award the State of NC three million dollars under the Coastal & Estuarine Land Conservation Program for the conservation purchase of approximately 930 acres in Gates County. If approved, it will be the second CELCP project funded in the state. Local governments and certain state agencies are eligible to apply for CELCP grants. Interested parties should monitor the DCM website for the FY2009 funding notice.

### **Clean Beaches Week**

The Clean Beaches Council sponsored National Clean Beaches Week from June 29th – July 5th, 2007. North Carolina is one of several states to issue proclamations honoring Clean Beaches Week this year.

### **NERR Office**

Our Beaufort NERR staff has moved into their offices in a newly constructed NOAA building on Pivers Island. The building is a joint facility with the NOAA Beaufort lab and includes office space for both NOAA and the Reserve staff, an auditorium, teaching classroom, and conference room. An open house to dedicate the new building will be held September 20.

### **Oyster Roast**

Several DCM staff participated in the 2007 Legislative Oyster Roast in Raleigh on May 30th. Special thanks go to Bill Morrison and Dara Royal for helping to shuck and serve oysters to our Lawmakers.

### **Staff news**

We have had several additions to our staff over the past few months:

Our four Compliance and Enforcement Representatives have begun their new positions in the past weeks. They are:

- Tara Anne MacPherson-Croft in Wilmington
- Lynn Mathis in Elizabeth City
- Kim Hedrick in Washington
- and Ryan Davenport in Morehead City.

Robin Beveridge is our new major permits file clerk in Morehead City. She comes to us from a similar position with Carteret County.

Jill Fegley is our new Reserve Education Coordinator in the Beaufort office. Jill has a PhD in Ecology and Environmental Science from the University of Maine and has extensive experience in communicating science-based information to K-12 students and teachers, undergraduates, and general public audiences.

Arthur Stadiem has joined DCM as our new budget officer. Arthur has an extensive fiscal background in both private business and public service, and has been with the Department of Revenue for the last 8 years.

Donna Parrott has joined the Division as our new Personnel Technician. She has an extensive background in Human Resources administration, and was previously the Human Resources manager for a company in the Kinston area.

We also have several new field representatives:

Brad Connell is a new field representative in the Morehead City Office. Brad comes to us from the Division of Water Quality and has also worked for the Division of Marine Fisheries.

Jim Hoadley is our new DOT field representative in Elizabeth City. For the last several years he has worked as a consultant in the northeast.

Holley Snider is a new Field Representative in Elizabeth City. Holley is from the Tidewater area of Virginia and has been working for the Division of Marine Fisheries.

Heather Styron will join the Morehead City office August 1 as a new field representative. Heather comes to DCM with 7 years of experience as a Registered Sanitarian with the Carteret County Health Department.

July marks the last month of Patrick Limber's NOAA Coastal Services Center (CSC) fellowship. During his two-year tenure, Patrick's primary efforts have focused on shoreline datum analysis for the NC coast. Using a 2004 aerial photo and LiDAR dataset, Patrick has developed a better understanding of the similarities and differences between photo-derived wet/dry shorelines and LiDAR-derived mean high water shorelines. The dataset used in Patrick's research makes his study the largest of its kind. Results have been presented to the CRC Science Panel as well as at international meetings, and an academic manuscript is in preparation. Patrick has also been integral in development of the sediment criteria, the re-delineation of inlet hazard areas and the analysis of oceanfront setback statistics. The entire DCM staff wishes Patrick well as he begins his PhD in earth and ocean sciences at Duke University next month.

DCM is also looking forward to the arrival of a new NOAA CSC Fellow, Lauren Theodore. Lauren also will be based out of the Raleigh office but her project will focus on the development of the beach and inlet management plan. Lauren earned her BS degree from Bryn Mawr College and her MS from the University of Michigan. Her experience is in natural resources management, and she currently works for the Virginia Department of Environmental Quality.

### **CHAIRMAN'S COMMENTS**

Chairman Hackney stated that information was handed out on global warming. This is an issue that several Commissioners have asked about. He also stated that he is a member of the environmental advisory board for the Corps of Engineers. At their meeting last week, the Corps publicly went over how the hurricane Katrina disaster occurred. During that presentation they admitted that over a timeline, there were serious faults that led to the disaster. These faults are the same issues that the CRC deals with daily. He stated that with sea level rise and other factors, the Commission needs to keep in mind what the "big picture" is. Keep in mind what the goal is and what the CRC's charge is in CAMA. CAMA is the blue print given by the General Assembly.

Chairman Hackney stated that he is retiring from UNCW at the end of the year.

### **CONTESTED CASES**

Robert D. Bryant (05 EHR 2185)

Robert Bryant filed a Contested Case Hearing contesting a decision by the Division of Coastal Management to issue a development permit under the North Carolina Coastal Management Act to Stanley McCauley for construction of a pier in Bumps Creek in Onslow County, North Carolina. The Administrative Law Judge ruled in favor of the Petitioners and overturned the agency's permit decision.

John Ceruzzi of Lanier, Fountain, and Ceruzzi Attorneys at Law spoke on behalf of Stanley McCauley the Respondent-Intervenor in this case. Mr. Ceruzzi reviewed the Intervenor's exceptions to the Administrative Law Judge's decision.

Bill Raney of Wessell and Raney, LLP Attorneys at Law spoke on behalf of Robert Bryant the Petitioner in this case. Mr. Raney reviewed the Petitioner's exceptions to the Administrative Law Judge's decision.

Merrie Jo Alcocke of the Attorney General's Office spoke on behalf of the Division of Coastal Management the Respondent in this case. Ms. Alcocke reviewed the one exception submitted to the Administrative Law Judge's decision. She stated that the Division has decided not to file substantive exceptions in this case.

**Bob Emory made a motion to adopt the Administrative Law Judge's decision with the exception submitted by Ms. Alcocke and the technical corrections submitted by Mr. Raney. Bob Wilson added an amendment to this motion that "arbitrary and capricious" be stricken from finding of fact #14 and replaced with "was in error". Charles Elam seconded this motion. This motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bisette, Wilson, Weld, Elam) (Cahoon was absent for vote).**

Robert Don Foster/Andrew Price (06 EHR 1833/06 EHR 1834)

These contested case hearings were heard jointly in a consolidated hearing based on petitions for Contested Case Hearing regarding the Division of Coastal Management's issuance of a minor permit under the Coastal Area Management Act for development of property owned by William Canady in New Hanover County, North Carolina. The Administrative Law Judge ruled in favor of the Petitioners and overturned the agency's permit decision.

Kenneth Shanklin of Shanklin and Nichols LLP Attorneys at Law spoke on behalf of William Canady the Intervenor-Respondent in this case. Mr. Shanklin reviewed the Intervenor's exceptions to the Administrative Law Judge's decision.

William Raney of Wessell and Raney LLP Attorneys at Law spoke on behalf of Robert Foster and Andrew Price the Petitioners in this case. Mr. Raney reviewed the Petitioners' brief in support of the decision of the Administrative Law Judge.

Merrie Jo Alcocke of the Attorney General's Office represented the Division of Coastal Management the Respondent in this case. Respondent has chosen not to file any

exceptions to the Administrative Law Judge's decision and did not request any oral arguments.

**Melvin Shepard made a motion to uphold the Administrative Law Judge's decision. Renee Cahoon seconded this motion. This motion passed with twelve votes (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Emory, Wilson, Cahoon, Weld, Elam) and two against (Langford, Bissette).**

### **VARIANCE REQUEST**

Mohr – (CRC-VR 07-09) Ocean Isle Beach, House on Two Canal Lot, Buffer Issue  
Christine Goebel of the Attorney General's Office, representing staff, reviewed the stipulated facts for the variance request filed by John Mohr. Petitioner Mohr proposes to build a single-family residence on a two-canal lot in Ocean Isle Beach. This proposed development is inconsistent with the CRC's 30-foot buffer rule.

Ms. Goebel stated that staff's position in this case is that a variance is not warranted. Ms. Goebel explained why Petitioners have not met the first, second or third statutory criteria that must be met in order for the CRC to grant a variance.

William Raney of Wessell and Raney Attorneys at Law spoke on behalf of the Petitioners. Mr. Raney reviewed some of the key facts that he contended supported the granting of the variance with emphasis being placed upon stipulated fact number 22. Mr. Raney addressed the four variance criteria.

**Bob Emory made a motion to support the Petitioner's position that strict application of the applicable rules, standards or orders issued by the CRC does cause the Petitioner unnecessary hardship. Bob Wilson seconded this motion. This motion failed with four votes in favor (Gore, Emory, Wilson, Elam) and 10 votes against (Old, Shepard, Sermons, Wynns, Leutze, Peele, Langford, Bissette, Cahoon, Weld).**

**Wayland Sermons made a motion to support the Staff's position that strict application of the rules will not cause the Petitioner and unnecessary hardship. Jerry Old seconded the motion. The motion passed with eleven votes (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Bissette, Cahoon, Weld) and three against (Emory, Wilson, Elam).**

**Jerry Old made a motion to adopt Staff's position that difficulties and hardships do not result from conditions which are peculiar to the property. Doug Langford seconded this motion. The motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Wilson, Cahoon, Weld, Elam).**

**Wayland Sermons made a motion to support the Staff's position that hardships are a result of actions taken by the Petitioner. Jerry Old seconded this motion. The**

**motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Wilson, Cahoon, Weld, Elam).**

**Doug Langford made a motion to support the Staff's position that the variance is consistent with the spirit, purpose and intent of the rules; will secure the public safety and welfare; and preserve substantial justice, Joseph Gore seconded this motion. The motion passed with thirteen votes (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Wilson, Cahoon, Elam) and one against (Weld).**

**This variance was denied.**

LeNeave – (CRC-VR-07-12) Ocean Isle Beach, House on Two Canal Lot, Buffer Issue  
Christine Goebel of the Attorney General's Office, representing staff, reviewed the stipulated facts of this case. Petitioner Greg LeNeave is requesting a variance for a single-family residence which is inconsistent with the Commission's thirty-foot buffer rule. Mr. LeNeave's property is located in Ocean Isle Beach in Brunswick County.

Ms. Goebel stated that staff's position in this case is that a variance is not warranted. She further stated that staff does not believe that criteria one, two or three are met as is required to grant a variance.

Greg LeNeave addressed the four variance criteria and the facts that he feels are supportive to granting this variance.

**Bob Wilson made a motion to adopt the Petitioner's position that strict application of the rules would be an unnecessary hardship. Charles Elam seconded this motion. The motion failed with four votes in favor (Emory, Bissette, Wilson, Elam) and ten opposed (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Cahoon, Weld).**

**Melvin Shepard made a motion to adopt Staff's position that strict application of the rules would not cause Petitioner any unnecessary hardship. Joan Weld seconded this motion. The motion passed with ten votes in favor (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Cahoon, Weld) and four against (Emory, Bissette, Wilson, Elam).**

**Jerry Old made a motion to support Staff's position that difficulties or hardships do not result from conditions which are peculiar to the property. Doug Langford seconded this motion. The motion passed with thirteen votes (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Cahoon, Weld, Elam) and one opposed (Wilson).**

**Bill Peele made a motion to adopt Staff's position that the hardships result from actions taken by the Petitioner. Wayland Sermons seconded this motion. The**

**motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Wilson, Cahoon, Weld, Elam).**

**Doug Langford made a motion to adopt Staff's position that the variance will be consistent with the spirit, purpose and intent of the rule; secure the public safety; and preserve substantial justice. Wayland Sermons seconded this motion. The motion passed with thirteen votes (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Wilson, Cahoon, Elam) and one against (Weld).**

**The variance was denied.**

## **PRESENTATIONS**

### **Sand Bag Policy Discussion (CRC-07-06)**

**Mike Lopazanski and Scott Geis**

Mike Lopazanski began the discussion with the May 2008 deadline for sandbag removal as discussed at the May 2007 CRC meeting. The time period for temporary erosion control structures may remain in place for up to two years if the structure has a total floor area of 5,000 square feet or less or up to five years if the building has a total floor area of more than 5,000 square feet. Sandbag structures can also remain in place if it is protecting a bridge or a road. The CRC granted an extension on sandbag time periods for communities seeking beach nourishment projects up until May 2008. An estimate was given at the last meeting for the total number of sandbag structures along the ocean shoreline. The estimate was based on permits that were issued by the Division since 1996. Prior to 1996, local governments permitted sandbag structures. A total of 269 sandbag structures have been permitted, but the records indicate that there are an estimated 100 more sandbag structures that were permitted prior to that time or were installed without authorization. This brings the total number of sandbag structures on the coast to 369.

Estimating the number of sandbag structures to be removed by May, the Division realizes that the covered and vegetative provisions covered under 7H .0308(a)(2)(h), which states that sandbag removal shall not be required if they are covered by dunes with stable, natural vegetation. An estimate had to be made regarding sandbags which are uncovered. The estimate was 149 structures are subject to removal.

At the last meeting, there was discussion regarding the technology available to improve the biodegradability of sandbags. Scott Geis continued the presentation with this information.

Scott provided samples of the materials which he was presenting to the Commission. Current practice is to use polypropylene or polyester material as it is a high tenacity fiber. The industry feels that it is a strong material which can stand up to the impact of the waves and a lot of the variables which are found in the oceanfront environment. Some

estimates are that this material has a 400-500 pound per linear inch strength. The industry puts on a standard five-year UV inhibitor. The color also plays a role. Pigment will naturally absorb UV rays. UV radiation is not the only variable when a bag is put on the beach. A primary concern is if sandbags are permanent structures? The second concern is debris from the bags.

Cotton and burlap are other choices for sandbag applications. Eco-safe plastics are also available. Cotton is a cellulosic fiber. It is measured at about 150 pounds of tensile strength. Cotton has performed well in UV tests, but the biodegradability has not been studied in several years. Concerns with cotton are that the conditions of the near-shore environment are difficult to estimate. Cotton dries out and becomes brittle and hard at temperatures above 77 degrees Fahrenheit. There is also a greater chance for microorganisms and mold to attack the cotton bags. As a result, the top of the bag will break apart from the UV rays, also the microorganisms will eat the sides and bottoms and pieces of the bag will break apart and wash away. An attempt was made to extend the life of cotton sandbags for up to two years with the use of chemical application, but the chemical is toxic to fish and crustaceans.

Burlap is a dense, woven fiber. It is often made up of a composite of jute, flax, hemp or vegetable fibers. Hemp can withstand water better than any other textile product, but when creased it will break over time. The concerns with burlap are the extreme environment they are subject to and it will deteriorate very quickly in the presence of salt water. Estimates from the industry indicated that burlap would rot away within twenty days. It will also be attacked by mold and the whole bag would be broken up and washed away.

The Army Corps did an unpublished report in 2005. They evaluated sandbag materials that are commonly used. They tested six different materials with intervals from one month to one year. They put the materials in a simulated desert environment with straight UV light to see the degradation rate of these materials. The obvious discrepancy is there was no water involved. Cotton performed the best in this report.

Estimates from the industry indicate that with cotton or burlap bags, the worst-case scenario is in 1600 hours (66 days) the bag will be completely gone. The costs are comparable or less expensive for burlap. Linen is two to three times stronger than cotton, however could be more expensive in its application. Silk is the strongest fiber and is a natural protein, but the expense issue exists. Ramie has an unusual resistance to bacteria and mold. Eco-plastics degrade as an organic carbon that is later ingested by microorganisms.

In conclusion, there are a variety of materials. But it is unsure how they will react in an oceanfront setting. There are unknown impacts of small and more numerous pieces and it is difficult to estimate how long they would last.

*Discussion continued Friday, July 27, 2007.*

Spencer Rogers gave a summary of what the science panel recommends on this issue.

After discussion, it was determined that the current rule would be enforced and all uncovered sandbags would have to be removed in May 2008. Sandbag permits could still be applied for throughout this process. Renee Cahoon suggested that the sandbag rules be modified for future use. Chairman Hackney stated that this would appear as a discussion item for the P&SI Committee on the agenda for the next meeting.

### **Static Line and Setbacks (CRC 07-07)**

#### **Jeff Warren**

Jeff Warren began his discussion by stating that these rules (7H .0305 and 7H .0306) deal with oceanfront development policies. Staff has been working with stakeholders on this issue. Increased setbacks and limited development under limited conditions were looked at. The new proposal gives Towns the option to come before the Commission and ask for limited development when there has been successful beach fill. Minor changes would still be needed once these rules go to public hearing because there are stakeholders that will not comment until it goes to public hearing. Staff does support sending this rule to public hearing.

The advent of large homes has brought on these issues. In the 1980's the average home size was about 2000 square feet. Now there are homes in excess of 12,000 square feet on the oceanfront. There is a single-family exemption in the current rule, which allows for this development to be 30 times the erosion rate back. In addition, there is also a push for larger and taller development on the oceanfront. Staff feels that this large development needs to be set even further back from the ocean. Beach fill is being used on a municipal and community level to hold off on the inevitable. Beach fill is not going to stop erosion. It will move where the erosion is taking place and will buy time for these beaches. The current policy the CRC has on the static line embraces the issue that beach fill requires maintenance.

There are five major components to the setback recommendations. The setbacks should be based on size and not use. It will also eliminate the single-family exemption. There will be no setback relief for higher erosion rates. Buildings less than 5,000 square feet will be set back 30 times the erosion rate. There will be a graduated increase in setback factors from 60 to 90 times the erosion rate for buildings larger than 5,000 square feet. There will be no cantilevering oceanward of the setback. This is not including decks and walkways, only for structurally attached covered porches. Infrastructure will be treated differently. With a 90 times the erosion rate setback, roads and parking lots would not have to go any further back than they currently do (maxed out at 60 times the erosion rate). Utilities (telephone, electric lines, fiber optic lines, sewer lines) are measured in a linear fashion and are limited to 30 times the erosion rate.

For static line recommendations, staff is asking the Commission to consider the hazard mitigation effect of large-scale maintained beach fill. As vegetation marches back, any potential development will go back with it and once it reaches the static line, setback

must be measured from the static line. This gives Town's the opportunity to look at their street-side setbacks. There is also a case-by- case basis provision in the rule for the Division to use. There are going to be unbuildable lots because the vegetation has not come back or the Town does not have funding in place for nourishment.

**Wayland Sermons made a motion to send 7H .0305 and 7H .0306 to public hearing. Renee Cahoon seconded this motion. This motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Cahoon, Weld, Elam) (Wilson absent for vote).**

### **PUBLIC HEARINGS**

15A NCAC 7J .0701 Variance Petitions – Chairman Hackney stated that the rule language which was posted in the NC Register left out a sentence which required an individual to represent themselves or have an attorney. Jill Hickey has advised the CRC that this already happens. (rule language as published in register is attached).

Amos Dawson of Williams Mullen Maupin Taylor Law Offices made comment on these proposed rules. He stated that he was concerned that the CRC's statutory authority. (comments attached).

15A NCAC 7J .0702 Staff Review of Variance Petitions  
*No comments received.*

15A NCAC 7J .0703 Variance Procedures for Deciding Petitions  
*No comments received.*

### **COMMITTEE REPORTS**

#### **CRAC Report**

Bill Morrison presented the minutes from the CRAC meeting. (SEE ATTACHMENT FOR WRITTEN REPORT).

#### **P & SI Committee Report**

Bill Peele presented the minutes from the P & SI Committee meeting. (SEE ATTACHMENT FOR WRITTEN REPORT).

The CRC took the following action:

**Bill Peele made a motion to approve the Town of Bath Land Use Plan Certification. The motion passed unanimously (Old, Shepard, Wynns, Gore, Leutze, Langford, Emory, Bissette, Wilson, Cahoon, Weld, Elam) (Sermons and Peele recused themselves from the vote).**

**Bill Peele made a motion to approve the Town of Manteo Land Use Plan Certification. The motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Wilson, Cahoon, Weld, Elam).**

**Bill Peele made a motion to send 7H .1200 and 7H .0208 (docks and piers) to public hearing. This motion passed with twelve votes (Old, Shepard, Sermons, Gore, Leutze, Peele, Langford, Emory, Bissette, Cahoon, Weld, Elam) and two against (Wynns, Wilson).**

**Bill Peele made a motion to send 7H .0209 (urban waterfronts) to public hearing. This motion passed with ten votes (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Elam) and three against (Bissette, Cahoon, Weld) (Wilson absent for vote).**

#### I & S Report

Bob Emory presented the minutes from the I & S Committee meeting. (SEE ATTACHMENT FOR WRITTEN REPORT).

The CRC took the following action:

**Bob Emory made a motion to send 7H .0312 (sediment criteria) to public hearing. This motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Emory, Bissette, Cahoon, Weld, Elam) (Langford abstained and Wilson was absent for vote).**

#### PUBLIC COMMENT AND INPUT

Stephanie Stone, of Rankin Surveying, spoke on behalf of eighteen property owners in Frisco, North Carolina regarding the Cape Hatteras Well Field AEC. (comments attached). Chairman Hackney requested that DCM provide a presentation with an overview of this area to look at potential future changes.

Richard Murphy, private consulting engineer from Raleigh, made oral comments. He requested that the CRC put on the agenda for the next meeting their position on beach renourishment. He stated that Nags Head is fragile due to storms. Global warming and the rise of sea level are creating negative publicity for the coast. There is no industry; tourism is the only source of income. Mr. Murphy stated that there is development on lots and subdivisions which should not have been approved.

#### ACTION ITEMS

##### **15A NCAC 07J .0701**

Comments that were presented at public hearing were provided to the Commission. There was a sentence left out of the NC Register.

**Jerry Old made a motion to adopt 7J .0701. Wayland Sermons seconded this motion. This motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Cahoon, Weld, Elam) (Wilson absent for vote).**

**15A NCAC 07J .0702**

**Jerry Old made a motion to adopt 7J .0702. Wayland Sermons seconded this motion. This motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Cahoon, Weld, Elam) (Wilson absent for vote).**

**15A NCAC 07J .0703**

**Jerry Old made a motion to adopt 7J .0703. Joseph Gore seconded this motion. This motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Bissette, Cahoon, Weld, Elam) (Wilson absent for vote).**

**OLD/NEW BUSINESS**

2007 – 2009 CHHP Implementation Plan (CRC 07-09)

Jimmy Johnson, DENR

Jimmy Johnson began his presentation by stating that in 1997, the Fisheries Reform Act completely changed the way that fisheries is managed within the State of North Carolina. One of the components of this act was the Coastal Habitat Protection Plan (CHPP). After many years of working on the plan it was formally adopted by the CRC, EMC and MFC in 2004, signed by the Chairs in 2005, and shortly thereafter the initial implementation plan was developed and voted on by the individual Commissions. That initial plan is over and it is time for the next two years. The CHPP steering committee has gone over this twice and there are two members of this committee on the CRC (Hackney and Emory). The technical committee from each Division has also been over this plan. The Coastal Management and CRC action items were provided to the Commission. The goal of the CHPP is the long-term enhancement of the coastal fisheries that are associated with each of the six identified habitats within the CHPP.

**Doug Langford made a motion to approve the 2007-2009 CHHP Implementation Plan. Jerry Old seconded this motion. This motion passed unanimously (Old, Shepard, Sermons, Wynns, Gore, Leutze, Peele, Langford, Emory, Cahoon, Weld, Elam).**

Joan Weld stated that at the last meeting, Commissioner Old wanted discussion and policy setting for sea level rise. She stated there needs to be an agenda item to address sea level rise. Jerry Old stated that he wants to see a definitive position on this issue. Chairman Hackney stated that he would work with Jim Gregson to schedule a discussion.

Melvin Shepard stated that he wants to learn more about the process for taking out sandbags. He said that if DCM would let the CRC and CRAC know when they were out

on a site with sandbag removal in progress, they could witness it first hand. Then they can see what the problems are. Jim Gregson stated that he would give updates on where DCM is in the process of sending letters and how many bags would have to be removed. He will ensure that an update is given at each meeting.

Doug Langford asked about definitions in the CRC's rules which are generated by other Commissions. He stated that information should be shared between each Commission and a time frame should be set for definition changes. He would like to see other Commissions advise the CRC in writing when they change a definition. Ted Tyndall stated that this occurs through quarterly meetings of CHHP.

With no further business, the CRC adjourned.

Respectfully submitted,

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James H. Gregson, Executive Secretary

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Angela Willis, Recording Secretary