

DRAFT MINUTES

MEETING: **COASTAL RESOURCES COMMISSION (CRC)**

LOCATION: Archdale Building
Raleigh, North Carolina

DATE: July 24-25, 2002

PRESENT: **CRC Members**

Eugene Tomlinson, Chairman
Courtney Hackney, Vice Chairman

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| Bob Barnes | Ernie Larkin |
| Bob Emory | Bill Peele |
| Peggy Griffin | Larry Pittman |
| Mary Price Harrison | Melvin Shepard |
| Patricia Howe | |

Coastal Resources Advisory Council (CRAC) Members

Ginger Webster, Chairman
Bob Shupe, Vice Chairman

| | |
|----------------|-------------------|
| Joe Beck | Harrison Marshall |
| Don Davenport | Gary Mercer |
| Joe Dooley | Joe Morris |
| Tom Ellis | Bill Morrison |
| Webb Fuller | Spencer Rogers |
| George Gilbert | Lester Simpson |
| Wade Horne | Mike Street |
| Joe Johnson | Dave Weaver |
| *Ruth Liggett | |

*Representing Lee Padrick

Wednesday, July 24, 2002

Chairman Tomlinson called the meeting to order at 10:00 a.m. Chairman Tomlinson encouraged members of the CRC and CRAC to take time to get to know each other and to take time to get to know the members of the Division of Coastal Management (DCM) staff. Chairman Tomlinson asked members of the CRC to state, as the roll was being called, whether they had any known conflict of interest or appearance of conflict with matters before the CRC today.

Roll Call

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| Eugene Tomlinson: | Present. No conflict. |
| Alton Ballance: | Not present. |
| Bob Barnes: | Present. No conflict. |
| David Beresoff: | Not present. |
| Bob Emory: | Present. No conflict. |
| Peggy Griffin: | Present. No conflict. |
| Courtney Hackney: | Present. No conflict. |
| Mary Price Harrison: | Present. No conflict. |

Patricia Howe: Present. No conflict.
Doug Langford: Not present.
Ernie Larkin: Present. No conflict.
Jerry Old: Not present.
Bill Peele: Present. No conflict.
Larry Pittman: Present. No conflict.
Melvin Shepard: Present. No conflict.

Approval of April Minutes

Mary Price Harrison moved that the minutes of the April 24-25, 2002, CRC meeting be approved. Ms. Harrison stated, however, that she would like to clarify language in the April minutes regarding her discussion of the real estate disclosure matter. Ms. Harrison advised that she would give this clarifying language to the CRC's recording secretary. Ms. Harrison's motion was seconded and approved.

Approval of January Minutes

Mary Price Harrison moved that the minutes of the January 23-24, 2002, CRC meeting be approved and her motion was seconded and approved.

Comments from Ryke Longest on January and April Minutes

Ryke Longest said he had to beg the CRC's forgiveness because in both of the sets of minutes the CRC had just been approved he made misstatements. Mr. Longest advised that both of the minutes accurately reflected what he had said but he had advised the CRC wrong and would like to clarify both of these matters.

Mr. Longest advised that on page 5 of the April minutes under the Tuchscher appeal (CRC-CC-02-03) he had indicated that the CRC's options with respect to the Tuchscher appeal were to either allow the Administrative Law Judge's (ALJ's) Recommended Decision to be adopted by inaction or to change that decision. Mr. Longest stated that he had been contacted by Ms. Tuchscher and she had withdrawn orally her appeal and after thinking about it over time he realized that what he should have told the CRC was that operated as a voluntary dismissal and the CRC did not have any action to take. Mr. Longest stated that, accordingly, the CRC did not receive a copy of the ALJ's Recommended Decision and there was no need to hold a telephone conference call as reported in the April minutes to deal with this case. Mr. Longest advised that Ms. Tuchscher withdrawing her appeal at that point operated as a voluntary dismissal of her petition so there was no need for the CRC to take any action on that appeal.

Mr. Longest stated that the second misstatement he wanted to clarify was during the discussion of the Sammie Williams contested case (CRC-CC-02-01) at the January 23, 2002, CRC meeting. Mr. Longest said on page 11 of the minutes in the third paragraph at the bottom of the page the minutes quoted him as saying:

He said the third item he did not think he was very clear on earlier but under 15 A NCAC 7H .0208(a)(3) it was fairly clear there was some authority within the CRC to look at measures to mitigate impacts to the project as well as the items Mr. Simonsen had pointed to the public benefits.

Mr. Longest advised that the rule he quoted allowed for mitigation only for public projects such as roads, highways or public facilities. Mr. Longest said he had been confused when he advised the CRC on this. Mr. Longest reported that

.0208(a)(3) would not have applied in the Sammie Williams case.

Executive Secretary's Report

Donna Moffitt presented the Executive Secretary's Report. (SEE ATTACHMENT 1 FOR WRITTEN COPY OF REPORT.)

Ms. Moffitt advised that there were several agenda changes. She reported that under the Implementation and Standards (I&S) Committee meeting the presentation on Department of Environment and Natural Resources (DENR) Ecosystem Enhancement Program by Bill Gilmore was being postponed until the October meeting. Ms. Moffitt advised that the Shoreline Subcommittee was being added to the I&S Committee's agenda and that would be handled together with the other business of the I&S Committee. Ms. Moffitt reported that the Planning and Special Issues (P&SI) Committee would be meeting in the Archdale Building, 14th floor, conference room 3. Ms. Moffitt said one item called Land Use Planning Updates by Kathy Vinson would be added to the P&SI Committee's agenda. Ms. Moffitt said the full CRC would reconvene in the Ground Floor Hearing Room at 4:30 p.m. today for public hearings. Ms. Moffitt advised that all of the rules going to public hearing today would be eligible for adoption at the CRC's meeting tomorrow. Ms. Moffitt said at this time she knew of no changes to the CRC's Thursday agenda.

DENR Secretary's Remarks

Chairman Tomlinson thanked Secretary Bill Ross for taking time out of his busy schedule to address the CRC.

Secretary Ross said it was a pleasure to be able to join the CRC. Secretary Ross thanked the CRC for the work they were doing. He said it was incredibly important work and he knew there were many issues and much controversy involved. Secretary Ross stated that the coastal management program and the Coastal Area Management Act (CAMA) had been in existence for some thirty years. He said when it began, and since it had been operating, North Carolina's coastal area management program had been an effective, innovative and an "on the cutting-edge" program which had a very proud history and which had done many wonderful things to protect North Carolina's coastal resources. Secretary Ross said he wanted to let the CRC know that he was interested in doing all that he could and was pledging DENR to do all that it could to work with the CRC to continue that proud history and record of effectiveness.

Secretary Ross said if the CRC really wanted to frame-up the issues that any state with a coast faced these days and wanted to see specifically the challenges the State of North Carolina was facing he would encourage the CRC to read the Pew Ocean Commission's report on coastal sprawl. Secretary Ross said this was the best and clearest discussion of the issues that face a coastal program that he had read recently. Secretary Ross stated that one of the points this report made was that if the only thing the CRC was dealing with was the number of people who were already in a state's coastal zone or the number of people who were already there and the number of people who were going to move there in the next 25 years that would be plenty of challenge in itself but the fact was that the rate of coastal development and the conversion of land to a variety of uses away from an undeveloped state or in open space was taking place at a rate many times faster than the already fast rate of population growth so that what was seen was the footprint of an urban or metropolitan area spreading out many times faster than the actual rate of population growth. He said he thought what this meant was that unless North Carolina was smart enough to somehow get the land use issues right, North Carolina's coast was going to face a very severe, and perhaps irreversible,

decline in the ecosystem's resources over the next 25 years. Secretary Ross said North Carolina's coastal management program had done a lot of good things over the last 30 years but it was at a critical period now and North Carolina's coastal resources were at a critical period and working together we had to find a way to deal with all the issues that we were facing. Secretary Ross reviewed what he felt some of these critical issues were that North Carolina would be facing and he reviewed some of the efforts that were currently being undertaken by DENR and others to meet the challenges of these critical issues.

Secretary Ross requested that CRC members read an article in the recent issue of Wildlife magazine entitled "Sea Change". Secretary Ross stated that he would like to have feedback from the CRC on whether they felt the ideas mentioned in that article were worthwhile from their perspective. Secretary Ross advised that at the CRC's next meeting they would get a briefing on another initiative he was very encouraged and positive about which was a partnership among the Corps of Engineers (COE), the Department of Transportation (DOT) and DENR on ways to improve compensatory mitigation. Secretary Ross said he likewise would look forward to the CRC's feedback about that.

Secretary Ross stated that the CRC had asked that he and his office get involved in the Futch Creek coastal land trust issue and they had done that and had been looking for a solution to the issue the CRC had framed in their resolution to him. Secretary Ross advised that a solution to that issue had not been figured out to date but he hoped by the CRC's next meeting they would be able to report to the CRC that they had found a solution to the concerns the CRC had raised.

Secretary Ross advised that another area DENR was working hard on was environmental education. The Secretary reported that DENR was trying to get all the various environmental education programs within DENR to focus on and raise the public's awareness of the impacts of runoff pollution. He said he felt this was the biggest water quality issue the State of North Carolina was facing today and one that education really needed to be done on.

Secretary Ross said DENR would soon be releasing an enforcement report for this year. He stated this report would detail the activities of each enforcement program, including DCM, within DENR. Secretary Ross encouraged the CRC to look at the information that would be presented in this report and provide him with any ideas and feedback about how those programs could be made to work better.

Secretary Ross advised that the budget problems of the state were having an impact on the coastal management program as they were on other programs. Secretary Ross said he felt good about the work that the people in DENR who worked on the budget had done. Secretary Ross stated that Donna Moffitt and the other DENR division directors and budget personnel within DENR had done stellar work in making the best that could be made of a very difficult situation. Secretary Ross commended Ms. Moffitt for the work she had done. Secretary Ross stated that one of the problems with the budget was that it made it a very discouraging time to be an employee of the state. He advised that one of the things he had appreciated most about his time as DENR Secretary was the way the people in DENR had hung in there despite plenty of reasons to be discouraged and plenty of reasons to have low morale. He said DENR had a very diligent, effective and committed work force and he hoped that the CRC would take an occasion to pat them on the back because it was needed. Secretary Ross said another negative impact on DCM staff morale was the General Assembly's proposal to move the entire Raleigh staff to an unspecified coastal area in a very short period of time. He said there were a number of reasons he felt this proposal was not a good idea.

Secretary Ross reiterated that the CRC and DCM staff were doing an excellent job despite the challenges they were facing and he wanted them to know that they had his commitment and DENR's commitment to work with them and support them in what they did.

Variance Requests

Dave Heeter advised that he was with the Attorney General's Office and he would be representing DCM on several variance requests this morning.

Dennis L. Carroll (CRC-VR-02-04)

Mr. Heeter said that Mr. and Mrs. Carroll owned a lot in the Brigands Bay Subdivision on the shoreline of the Pamlico Sound in Frisco, North Carolina. Mr. Heeter reported that the petitioners had applied for a CAMA minor development permit to construct a multi-story residence and their permit application was denied because it was inconsistent with the 30 foot buffer requirement in the coastal shoreline's Area of Environmental Concern (AEC). Mr. Heeter advised that they applied to the CRC for a variance and DCM opposed that variance request because it believed that they could comply with the exemption for residences of 1200 square feet or less on lots platted prior to July 1, 1999. Mr. Heeter reported that, as a result of DCM's position, the petitioners had modified their development proposal to some degree. Mr. Heeter advised that what they were now seeking was to construct a residence with a heated area of 1200 square feet and then 135 square feet overhang and gutter overhang and then they would also like permission to construct 680 square feet of multi-story open decking. He advised that 200 square feet of that decking would be exempt under the CRC's rules so they would then need a variance for 480 square feet of that decking. Mr. Heeter advised that the Carrolls had submitted a letter stating what they were proposing and he handed out this letter to CRC members. Mr. Heeter advised that the net result of this was that they had come closer to satisfying the exemption for a residence of 1200 square feet or less. He said the basic change was some 53 square feet of overhang of the house and associated structures. Mr. Heeter reported that DCM still opposed this variance request because they felt the petitioners could still meet the 1200 square foot exemption but the petitioners had made some effort to reduce the size of the project.

Mr. Heeter reviewed the Stipulated Facts contained in Attachment B of CRC Agenda Item No. CRC-VR-02-04 (CRC VR 2002-04). Mr. Heeter advised that the Carrolls were still proposing essentially what was in the CRC's package material but there had been some downsizing to reduce the total square footage of impervious surfaces by some 53 square feet but they would still need a variance if they were going to build what they wanted on their property.

Mr. Carroll thanked the CRC for considering their request. He stated they were permanent residents of Hatteras Island and were very supportive of the CAMA regulations. Mr. Carroll advised that they had purchased this lot five years ago in order to build a retirement home. Mr. Carroll said, as stated in their letter, they were requesting to build a 1200 square foot structure excluding what they considered just a minimal roof overhang which would also include the gutter required for the stormwater system and also to build a deck as shown in the CRC's package. Mr. Carroll stated that the deck was relatively modest and most of it was only six feet wide but it did have an overhanging balcony above it so the square footage did exceed the 200 square foot limitation. Mr. Carroll advised that they did agree to install the stormwater management system. Mr. Carroll said their house would be very similar, if not smaller, than most of the recent construction in the neighborhood but they thought it was going to have much less

impact and provide much better protection than the most recent construction. Mr. Carroll said if they did have to reduce the size of the house again, they would have to give up some things they felt were important to them in a permanent home such as a cover over the front entrance, a small screen porch and so forth so he did appreciate the CRC's consideration.

Mr. Heeter passed out photographs provided by Mr. Carroll showing the adjacent properties and the lot itself.

Mr. Heeter advised that DCM still believed that the Carrolls could develop this lot consistent with the exemption for structures of 1200 square feet or less. Mr. Heeter reported that the variance the petitioners needed was for 135 square feet of roof overhang and guttering and then a variance for some 480 square feet of open slatted decking. Mr. Heeter reviewed staff's response to the variance criteria contained in Attachment C of Agenda Item No. CRC-VR-02-04 (CRC VR 2002-04).

Mr. Heeter and Mr. Carroll responded to questions from CRC members.

Ernie Larkin moved that the CRC deny this variance request and his motion was seconded.

Courtney Hackney asked if there were reasons that the structure could not be moved towards the road. Mr. Carroll responded that they already had the very minimum setback that Dare County would allow to include the septic system that met the requirements so they could not reduce the front setback. Dr. Hackney asked if the septic system was in the front and Mr. Carroll responded that it was. Dr. Hackney said that it seemed to him that what the CRC was really thinking about here was whether there were advantages to having a stormwater system and having the structure a little further out versus no stormwater collection system and having the structure further away from the water. Mr. Heeter said that was correct. Mr. Heeter stated that if the Carrolls met the 1200 foot exception they would have to reduce the size of the dwelling and the impervious surfaces but there would be no stormwater management requirement.

Bob Emory stated that he felt it was almost a toss up as to whether it would be more beneficial to have the stormwater collection system as currently proposed as opposed to not having to install one if they met the strict requirements of exception and, that being the case, he guessed he was speaking against the motion on the floor.

Dr. Hackney said he felt the CRC would gain more by having a stormwater collection system than having a smaller structure a few feet back and not having a stormwater collection system. Dr. Hackney said that if the goal of the CRC's regulation was to protect water quality then the CRC would be served better by having the stormwater system even though a little would be lost into the buffer so he was going to oppose the motion.

The CRC voted against Dr. Larkin's motion to deny the variance request as submitted by a vote of 2 in favor of the motion (Ernie Larkin, Melvin Shepard) and 8 opposed to the motion (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Patricia Howe, Bill Peele, Larry Pittman).

Courtney Hackney moved that the CRC grant the variance subject to the changes proposed in the letter handed out by Mr. Heeter and his motion was seconded. Dr. Hackney's motion was approved by a vote of 8 in favor of the motion (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Patricia Howe,

Bill Peele, Larry Pittman) and 2 opposed (Ernie Larkin, Melvin Shepard).

Melvin Shepard stated that he would like to make an observation. Mr. Shepard said that when facts changed so that there was confusion among the CRC about what map applied and what map did not apply it would seem to him that the introduction of new information should be cause to prolong variance requests until such time as proper information could be provided to CRC members and he would like to see that happen.

Mark Saulnier (CRC-VR-02-05)

Dave Heeter advised that this variance request was being postponed.

Donald Edwards (CRC-VR-02-07)

Dave Heeter stated that Mr. Edwards could not be present today due to an illness in his family but he had asked that the CRC go ahead and hear this variance request.

Mr. Heeter advised that Mr. Edwards had a piece of property at Sneads Ferry, Onslow County. Mr. Heeter showed the CRC photographs of the property in question.

Mr. Heeter said that what Mr. Edwards wanted to do was add an 8 foot by 16 foot covered porch to his existing house on the waterward side of the house. Mr. Heeter advised that it was 33 feet from the water line to the front of the house.

Mr. Heeter stated that the CAMA Local Permit Officer (LPO) denied the permit application because of inconsistency with the 30 foot buffer requirement. Mr. Heeter advised that Mr. Edwards was seeking a variance from the buffer requirement so he could build a covered porch.

Mr. Heeter reviewed the Stipulated Facts contained in Attachment B of Agenda Item No. CRC-VR-02-07 (CRC VR 2002-07). He then reviewed the petitioner and staff's response to the variance criteria contained in Attachment C of Agenda Item No. CRC-VR-02-07 (CRC VR 2002-07). Mr. Heeter said DCM opposed Mr. Edwards' variance request.

Mr. Heeter responded to questions from CRC members.

Melvin Shepard moved that the CRC deny this variance request and his motion was seconded and unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Patricia Howe, Ernie Larkin, Bill Peele, Larry Pittman, Melvin Shepard).

Dawkins (CRC-VR-02-08)

Dave Heeter advised that the petitioner owned a lot adjacent to a manmade canal off a tributary to Bogue Sound in Atlantic Beach. Mr. Heeter stated that Mr. Dawkins had applied for a CAMA Minor Development Permit to construct a single family residence on the lot and the local LPO had denied his permit application because of the 30 foot buffer requirement. Mr. Heeter stated that Mr. Dawkins was seeking a variance from the buffer requirements so he could construct his residence. Ted Tyndall explained the photographs of the site that he had just handed out.

Mr. Heeter reviewed the Stipulated Facts contained in Attachment B Agenda Item No. CRC-VR-02-08 (CRC VR 2002-08).

Mr. Dawkins thanked the CRC for their consideration of his variance request. He

advised that he and his wife had purchased this property approximately 15 years ago and had always had the desire to build on this lot. Mr. Dawkins stated that around this body of water, which was located behind Crow's Nest Marina at Atlantic Beach, there were approximately 80 homes and everyone of them encroached onto the CRC's 30 foot buffer setback mainly because they were built prior to 1999. Mr. Dawkins said this was the last vacant lot and he would appreciate any consideration the CRC could give him.

Mr. Heeter reviewed staff's response to the variance criteria contained in Attachment C of Agenda Item No. CRC-VR-02-08 (CRC VR 2002-08). Mr. Heeter stated that DCM staff supported this variance request.

Courtney Hackney moved that the CRC grant this variance request. Dr. Hackney said DCM staff probably remembered that the CRC had several people come to them during the rulemaking process asking how the CRC would handle a lot similar to this and the CRC had wrestled with how to write the regulation and finally decided there were too many possibilities and the CRC would deal with these on a case by case basis. Dr. Hackney advised that he felt this was one of the things the CRC did anticipate but they just could not figure out how to put it in the rules. **Dr. Hackney's motion was seconded and approved by a vote of 8 in favor of the motion (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Patricia Howe, Bill Peele, Larry Pittman, Melvin Shepard) and 2 opposed to the motion (Ernie Larkin, Melvin Shepard).**

Ernie Larkin stated that he would like to make an observation. Dr. Larkin said that he felt the CRC needed to find a way to be consistent on these variances for the CRC's 30 foot buffer rule. Dr. Larkin advised that the CRC had a hard enough time getting the rule in place. Dr. Larkin said that 30 feet was about the minimum buffer. He stated that the reason for the buffer in the first place was that there was good science showing that it did protect water quality. Dr. Larkin said with the last lot in a fully developed subdivision there was probably not much incremental protection but he wondered where the CRC should draw that line. Dr. Larkin said what the CRC had done today was approved a variance for a stormwater handling system that put the stormwater into the buffer, they had denied one that ran it back away from the buffer area with gutters and then had approved one that he would dare say none of the CRC members understood what the stormwater system was. He said it was innovative, they knew that, but that was all they knew about it. Dr. Larkin stated that he felt the CRC needed to think a little more about some consistency with how to apply this rule.

Courtney Hackney said he thought those were some important questions. He stated that the whole purpose of the 30 foot buffer rule was primarily stormwater runoff as Dr. Larkin had said and there was good science to argue that was a good idea. Dr. Hackney said whenever someone came before the CRC requesting a variance and they had thought about that and they had put in a stormwater handling system he thought that was a measure towards where the CRC wanted to be but he also looked at the lot size. Dr. Hackney said if this was a tiny lot that was going to be 70% covered, that would have been a little different story than a fairly large piece with the unusual three sided kind of a deal. Dr. Hackney stated that he thought the CRC was always going to have to look at these on an individual basis and make some rational decisions about what was there and what was not. He said that one of the things that came from writing rules over the years was that you had to accept the fact that you could not write a rule that worked every single time and he was really glad the CRC had the variance process in place because it did allow someone to come before the CRC. Dr. Hackney said he felt the CRC was always going to deal with this and it was good the CRC had 15 people who could make these judgments.

Melvin Shepard stated that in his estimation he felt Dr. Larkin raised some legitimate points although he thought he had probably inadvertently volunteered to serve on a committee to look further into some of these things. Mr. Shepard said that early on in the CRC's deliberation on this very subject they had talked about stormwater collection devices and his comments then were that the engineers he had talked to asking about what kind of system would it take to contain and control and do the things the CRC would want to do in lieu of a 30 foot buffer, which George Gilbert with Shellfish Sanitation said was the best thing the CRC had ever done, and all he got from them was questions that said precisely what kind of system were you talking about. Mr. Shepard said he had not heard that today. Mr. Shepard stated that the CRC probably needed a presentation from some of the engineers that were capable of doing things along this line that would tell the CRC more of what they ought to look for or require as far as information is concerned about a specific system rather than just a statement that says we are willing to install an innovative system. Mr. Shepard said the other question at that time was who polices the future of these devices. Mr. Shepard stated that the 30 foot buffer policed itself and it was there and was in place but who policed these stormwater collection systems as they deteriorate. Mr. Shepard said he thought Dr. Larkin was volunteering without thinking about it.

Chairman Tomlinson stated that according to what Mr. Shepard had just said at a future meeting the CRC needed a presentation from a qualified engineering firm who could tell the CRC about these collection systems and what the CRC could expect of them in the future.

Robert Kenefick et al (CRC-VR-02-09)

Merrie Jo Alcoke advised that she was representing DCM in this variance request. She advised that this variance was filed by seven property owners on the north end of Figure Eight Island. Ms. Alcoke said the name the variance was being called was Kenefick but there were actually seven individual property owners seeking variances from the CRC's sandbag rule. Ms. Alcoke advised that Mr. Bill Raney was representing those property owners and that he was currently passing out to CRC members better copies of some of the pages the CRC had already received in their packet. Ms. Alcoke also expressed her thanks to Tom Wilson who was a third year law student at St. Louis University and a summer associate in the AG's office who had helped her a great deal preparing this variance request.

Ms. Alcoke said that all of the seven property owners were located on the north end of Figure Eight Island in New Hanover County. She said they were on two streets but were adjacent property owners. Ms. Alcoke stated these were lots 9 through 12 on Comber Road and lots 5 through 7 on Inlet Hook. Ms. Alcoke advised that all of these properties had suffered erosion and were seeking sandbags to protect their property. Ms. Alcoke said all of the lots were located in the Ocean Hazard and the Ocean Erodible AEC and four of the seven lots were also located in the Inlet Hazard AEC. Ms. Alcoke advised that the petitioners applied to install sandbags that would tie in with some existing sandbags that had already been approved on adjacent properties along the same stretch. Ms. Alcoke said that DCM sent a letter denying all of those requests for a general permit for sandbagging because none of the property owners were yet qualified for them. Ms. Alcoke advised that the general permit addressing placement of sandbags only allows sandbags to protect imminently threatened roads and associated right of ways, buildings and associated septic systems. Ms. Alcoke stated that imminently threatened was defined in the rules as meaning within 20 feet of the erosion scarp. She said that buildings that were more than 20 feet could also be found to be imminently threatened when conditions such as a flat beach profile or

accelerated erosion tend to increase the risk of imminent damage to the structure.

Ms. Alcoke advised that DCM had determined none of the properties were imminently threatened under that standard and, therefore, did not qualify for sandbags.

Ms. Alcoke reported that the seven properties were similarly situated in that they were adjacent and were experiencing the same erosion phenomenon but they had varying degrees of erosion with the majority of the structures ranging from about 30 to 50 feet and one at 82 feet from the erosion scarp. Ms. Alcoke drew the CRC's attention to Stipulated Fact No. 5 which enumerated each of the properties and the measurements that were taken at the time the sandbags were denied. Ms. Alcoke advised that those numbers had not changed much since that time. Ms. Alcoke reported that Ed Brooks, the DCM field representative handling this variance request, had taken new measurements this past Monday and four of the seven properties had experienced some additional erosion that ranged from 6 inches to 2 1/2 feet.

Ms. Alcoke stated that the petitioners had included many exhibits that spoke for themselves which she would allow Mr. Raney to explain to the CRC further. Ms. Alcoke advised that most of the exhibits were illustrations of the work of Dr. William Cleary who had been investigating the inlet at this location for many years. Ms. Alcoke stated that it was stipulated that the height of the erosion escarpment along each of these properties ranged from 5 to 10 feet for each lot. Ms. Alcoke reported that the petitioners had also stipulated that the sandbags would not be installed unless approval was obtained from the North Carolina Wildlife Resources Commission, U. S. Fish and Wildlife Service and the National Marine Fisheries Service regarding any sea turtle impacts.

Ms. Alcoke then showed some photographs of the properties involved in this variance request.

Ryke Longest stated he had a question about the Stipulated Facts. He said that Stipulated Facts No. 12 and No. 13 in his opinion seemed fairly unusual. Mr. Longest said there were two facts here that incorporate an opinion or reference to an opinion and he asked if there was any stipulation between the parties on the contents of that opinion. Ms. Alcoke responded there was not. She advised that the purpose of including Stipulated Facts No. 12 and No. 13 was simply to make reference to petitioners' arguments. Ms. Alcoke stated that DCM staff had not stipulated to the substance of the opinion presented by Dr. Cleary because it had not made an independent investigation of that and would probably not necessarily be qualified to do so. Ms. Alcoke said DCM staff did not have a basis for opposing Dr. Cleary's opinion but they did not accept his opinion as stipulated facts.

Mr. Longest clarified that there were two types of variances the CRC were allowed to use. He stated that one was a contested variance and the other was an uncontested variance. Mr. Longest said that, so there was no mistake in anyone's mind, the attachment was not something that was being stipulated to between the parties. He said it was also not apparently being contested by the parties so this was not a contested variance which meant the CRC had an uncontested variance.

Mr. Longest stated that apparently the existence of an opinion was being stipulated to and the fact that, yes, someone had an opinion was being stipulated but the parties had not agreed between themselves as to whether Dr. Cleary's opinion was correct or not. Mr. Longest asked Mr. Raney if he felt that was a fair statement. Mr. Raney responded that he felt that was a fair statement. Mr. Raney said, of course, as the CRC would see, a lot of the arguments the petitioners had were dependent in some part on the opinion of Dr. Cleary and he had suggested that they simply stipulate that Dr. Cleary had this opinion and the

CRC could consider whatever it felt was worthy. Courtney Hackney stated that he was not sure he understood how this was going to work. Dr. Hackney said, if there was an opinion but it had not been stipulated to, then all the CRC was going to understand was that someone had an opinion. Mr. Longest responded that it boiled down to argument. He said basically he guessed the point would be that it was an opinion that Mr. Raney was going to use in his argument but it was not a matter of fact that had been established between the parties. Ms. Alcoke said that was correct. Mr. Longest said that the only fact that was between the parties was that there was this Dr. Cleary and he had informed some of the homeowners arguments. Mr. Longest said the facts were what had been laid out. Dr. Hackney asked if it was correct that none of the opinions or anything of that nature they had before them should weight on any of the graphics or anything the CRC had before them. Mr. Longest responded that they could be used in argument but they were not to be considered to be found facts. Mr. Longest stated that the fact that Dr. Cleary had an opinion was a fact. He stated that the fact of whether or not Rich Inlet was a relatively large inlet separating Hutaff Island and all the other information laid out in Exhibit D were not facts in this case. Mr. Longest asked Dr. Hackney if he understood what he had just advised. Dr. Hackney responded that yes he understood this but that if those were not facts as stipulated then the CRC should not have been presented with them and that this was the way he understood stipulated facts. Ms. Alcoke said when a petitioner submitted a variance petition it included all kinds of things that DCM staff did not stipulate to and these had always been given to the CRC. She stated that they were not excluded. Ms. Alcoke advised that anything that a petitioner submitted was always also provided to the CRC and in this case that was the same thing. She said it was a part of the petitioners' variance request material. Mr. Longest said it was in the nature of the argument and the only reason that he wanted to clarify it was because the CRC usually did not have in the argument a stipulated fact that said attached Exhibit D is Mr. Raney's argument. He said the CRC usually did not have that the argument was being informed by opinions from others. Mr. Longest said that was why he wanted to clarify this. He said it did not have for the CRC any greater effect than any legal argument which would be presented by Mr. Raney. Chairman Tomlinson said it was a recognized fact that there was an inlet there and there was a high erosion rate. Chairman Tomlinson said he was not stipulating he was recognizing. Dr. Hackney said that he understood that and when someone presented the CRC with a photograph that basically spoke for itself but when there were opinions he had concern that the opinions would be used to make the argument and if that was the case, then there should be opposing opinions if the staff had not agreed to it which put it in a contested case mode and he was just trying to preempt where he thought the CRC might be going here in a few minutes. Mr. Longest said he recognized it posed challenges and that was why he wanted to try and get clarification on what was stipulated to and what was not. Dr. Hackney asked if Mr. Raney was going to be able to make arguments without using the data from Dr. Cleary. Mr. Longest said he could refer to them but it was not agreed and he guessed that was the point he was making. Dr. Hackney responded that was his problem. Dr. Hackney said, if there was an argument on the other side that could be inferred, the CRC was dealing with stipulated facts that had not been stipulated. Dr. Hackney said he was wondering if the CRC was in the right procedural mode here. Mr. Longest said the bottom line question always between a contested variance and uncontested variance was were there enough facts on which to make a decision. Mr. Longest said did both parties feel very confident that in the stipulated facts section of this that there were enough facts to make a variance decision one way or the other. Ms. Alcoke responded that she did feel that way. She said they had stipulated that the area had experienced rapid erosion and the opinions of Dr. Cleary would just expand on that in the form of argument. Mr. Raney agreed. Mr. Longest said then he did not think there was an issue about uncontested variance and the CRC would just have to make sure to

stick to the stipulated facts.

Ms. Alcoke advised that Mr. Raney had submitted this variance petition on one of the CRC's forms that still addressed four variance factors instead of three factors which reflect the temporary rule the CRC adopted in response to the Sammie Williams Court of Appeals opinion and, therefore, in DCM staff's response staff also addressed the four factors. Ms. Alcoke reminded the CRC that they only must find the three factors in order to grant the variance.

Ms. Alcoke reviewed the petitioners' and staff's response to the variance criteria contained in Attachment C of CRC-VR-02-09. Ms. Alcoke advised that DCM staff was not recommending supporting this variance.

Bill Raney advised that he was an attorney from Wilmington and he was representing the seven property owners who were seeking the variance. Mr. Raney said he had passed out a set of substitute exhibits. He advised these were all items that were contained in the package of materials that were sent to the CRC earlier. He stated they did not have the color version of those at the time the packages had to go out and so they were being provided to the CRC today. Mr. Raney advised that several of the applicants were here today as well as the Administrator for Figure Eight Island. Mr. Raney introduced Laura Hearn of 10 Comber Road, Hazel and Michael Hobbs of 7 Inlet Hook and Richard Mann of 6 Inlet Hook. Mr. Raney explained why the petitioners felt they needed to come before the CRC to request a variance at this time. Mr. Raney reviewed and explained the attachments, exhibits and figures provided with this variance request. Mr. Raney then reviewed the petitioners' responses to the variance criteria contained in Attachment D of CRC-VR-02-09.

Mr. Raney and DCM staff responded to questions from CRC members.

Courtney Hackney stated that the ocean and the inlets were extraordinarily dynamic and the one thing he had learned from having been on the CRC for a lot of years was that the CRC never knew what humans were going to do and what nature was going to do but he thought the bottom line with respect to this variance comes back to the CRC's rule which says protect structures. Dr. Hackney said that while he did appreciate the beauty and unique nature of dunes he also knew that they did come and go. Dr. Hackney said he thought the CRC's rule was real clear on what its purpose was and what sandbags were to be used for. He said sandbags were to protect structures. Dr. Hackney stated that the CRC had dealt with this sort of scenario before and tried to be sensitive to the need for protecting a little early if the structural foundation was going to be impacted but these dunes were not the types of structures that the sandbags were designed to protect from 20 feet away. **Dr. Hackney moved that the CRC deny this variance request and his motion was seconded.**

Ernie Larkin said that in addition to what Dr. Hackney had said he thought the fact that a permit could be issued very quickly after an application was also reason to deny the variance.

Ryke Longest asked Dr. Hackney if it was correct that his statement was in relation to the factor that relates to reasonably anticipated, that the CRC could have anticipated that structures and not "things" needed to be protected. He asked Dr. Larkin if it was correct that what he had said went to factor of unnecessary hardship, that it was not an unnecessary hardship since when erosion got to within 20 feet a permit could be issued quickly. Dr. Larkin said that was correct. Dr. Hackney said he knew that on many occasions homeowners had come in when there was sudden erosion and it got real close to the 20 feet and DCM staff

had been able to act very quickly and get those permits out there and get those houses protected. Dr. Hackney said in situations where there was something extraordinary going on he thought DCM staff had started even before it hit the 20 feet so he thought this was something the CRC did anticipate and knew how to handle.

Bill Peele said he was concerned that the CRC was saying they could get ahead of Mother Nature before she got there. Mr. Peele stated that it seemed that the sandbags were doing a pretty good job and they were not so invasive that it was a permanent structure and they could be removed. Mr. Peele said he wanted to understand why Dr. Hackney was making a motion to deny the variance. Dr. Hackney responded that his motion to deny went back to the purpose of the rule. Dr. Hackney said that sandbags were designed to protect structures not property and this was his main premise. Dr. Hackney said he also recognized that the sand dunes and the sand in them had a role to play in this inlet dynamic that Mr. Raney discussed. Dr. Hackney said it was correct that sand moved around and nobody ever quite knew where it was going to go. Dr. Hackney said he was hoping that the sand would start building back but there were no assurance that was going to happen. Dr. Hackney said the CRC did afford homeowners the ability to protect their structures not necessarily their land.

The CRC voted in favor of Dr. Hackney's motion to deny this variance request by a vote of 9 in favor of the motion (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Patricia Howe, Ernie Larkin, Larry Pittman, Melvin Shepard) and none opposed to the motion. Bill Peele abstained from voting on this motion.

Melvin Shepard stated he felt the concerns Mr. Peele expressed regarding the use of sandbags in the last variance request the CRC heard needed to be addressed in greater detail. Mr. Shepard said he believed when the CRC began talking about the use of sandbags it was real clear up and down the coast that everyone along the coast who was experiencing erosion of dunes in front of their property would have loved to have had sandbags to protect their property and their sand dunes. Mr. Shepard said it was decided immediately that this was not the intent of the use of sandbags, if he had read correctly on what happened, and so rather than putting a wall of sandbags to protect the dunes from one end of the state to the other the CRC decided that where erosion would attack a structure that was where the CRC would focus its interest. Chairman Tomlinson said Mr. Shepard's recollection was correct.

Courtney Hackney said he felt the CRC needed to be confined by the stipulated facts of the case they just heard during the discussion of that variance request but he also felt it was pretty clear that the CRC needed to start thinking about the use of sandbags for very different purposes than from what they had in the past. He said one example was that the CRC needed to start considering the use of sandbags by communities until they could secure beach renourishment and so forth. Dr. Hackney said the CRC's current rule was built around sandbags being temporary fixes for structures and not for communities and beach renourishment. He said he felt possibly the CRC should charge their Science Panel with brainstorming on this particular subject.

Public Input and Comments

Chairman Tomlinson advised that nobody had signed the public input/comment register. He asked if there was anyone present who would like to address the CRC at this time. Nobody asked to address the CRC.

Public Hearings

Chairman Tomlinson stated that the CRC was now sitting in public hearing to receive comments on three different rules. He advised these were:

- 15A NCAC 7H .1205 Pier Modifications
- 15A NCAC 7H .1100-.1401, .200-.2201, .2400-.2401 General Permit Changes for Ocean Hazard Areas
- 15A NCAC 7B .0702(c)(2)(vi) Wetlands Mapping Definition

The Chairman reported that nobody had signed the three hearing registers to speak to the CRC on any of these rules.

Larry Pittman advised that a public hearing was held on July 9, 2002, at 7:00 p.m. at the Carteret County Courthouse in Beaufort, North Carolina, to collect public comments on these three rule proposals. Mr. Pittman said that no one came to speak at the hearings. He reported that one gentleman came early and asked a few questions but he was not able to stay for the hearing. Mr. Pittman advised that he later submitted written comments about the proposed changes to the 7B Land Use Planning Guidelines and his comments had been provided to each CRC member today.

Chairman Tomlinson asked if there was anyone present who would like to address the CRC on any of these three rule proposals.

Lisa Martin advised that she was Director of Regulatory Affairs for the North Carolina Home Builders Association. Ms. Martin reported that she would like to address the CRC on one of these and that was the one regarding the "probable" 404 wetlands because apparently that was done based on comments that the Homebuilders Association had made. Ms. Martin stated that she understood what the CRC wanted. She said the CRC wanted the land use plans to show where the wetlands were but the problem with that was that local governments did not have the authority to delineate wetlands. Ms. Martin said the Homebuilders Association knew that and that was a good thing. She stated that there was one group who did this and that was the Corps of Engineers and that kept things consistent. Ms. Martin said that by changing the language to say what is proposed she did not believe that really changed anything. Ms. Martin said it simply did not say the word "probable" but it still noted what needed to be in the land use plans. Ms. Martin advised that what she would suggest to the CRC was that the point of which the delineations were actually made was at the point of construction drawings. Ms. Martin stated there was a wetlands program in the state and there were ways to address this. She said the problem the North Carolina Homebuilders Association had with delineating these on land use plans was that you were taking something probable and you were making land use policies that regulate and often could restrict land use based on something that the local government did not have the authority to delineate. Ms. Martin said the problem on the flip side of this too was what happened when a local government delineated a wetland and it was wrong but there was actually a wetland in another place that they did not know about and all of a sudden they had land use that conforms with their plan but it was probably environmentally worse than not having it in another place so you ran into this problem of uncertainty. Ms. Martin advised that she understood what the CRC was trying to do and the Homebuilders Association did not have a problem with that. She said they had a problem with restricting land use or writing land use policies based on something that the local government did not have the authority to delineate and it was at a point in the process where they would not be delineated then anyway. She said they were going to be delineated upon construction drawings. Ms. Martin said there was a wetlands program that dealt with that and we now had a program that covers isolated wetlands and there really was not much

in the terms of wetlands that we were going to miss. Ms. Martin stated that on the coast you were also dealing with a lot of smaller pockets of wetlands so it was not like you were going to find any acres and acres and acres and some you could guess at but then there were ones that were isolated that you couldn't really guess at. They were going to be a lot smaller and a lot harder to put on these land use plans which was kind of a big picture thing. Ms. Martin said that was the reason for the Homebuilders Association objection. She advised it was not the "probable" part because these were still probable. Ms. Martin stated they were still probable because the local governments were not the ones who delineated them. She said this was the point they were trying to make.

Thursday, July 25, 2002

Chairman Tomlinson called the meeting to order at 8:45 a.m.

Presentations

FEMA Involvement in Erosion Rate Mapping

John Dorman with the North Carolina Division of Emergency Management gave the CRC an update on their flood plain mapping program. No action was required by the CRC on this information presentation.

Education Presentation from Ethics Board

Perry Newson Executive Director for the North Carolina Board of Ethics gave this presentation to the CRC on the four main functions of the Board of Ethics and what the CRC was supposed to do as covered public officials. No action was required by the CRC on this information presentation.

DENR Land and Water Conservation Initiative

Richard Rogers gave the CRC an overview of DENR's land and water conservation initiative. No action was required by the CRC on this information presentation.

CRAC and Committee Reports

CRAC Report

Ginger Webster presented the report from the CRAC. (SEE ATTACHMENT 2 FOR WRITTEN COPY OF THIS REPORT.) No action was required by the CRC on this report.

Report from I&S Committee

Ernie Larkin presented the report from the I&S Committee. (SEE ATTACHMENT 3 FOR WRITTEN COPY OF THIS REPORT.) The following items required action by the full CRC.

Define by Rulemaking "50%" Rule (I&S-02-08)

Dr. Larkin advised that a motion had been passed in the I&S Committee that the full CRC concur with the current standards and protocol as to how the 50% rule was implemented by DCM staff and he was bring that as a motion to the CRC. The CRC voted unanimously in favor of this motion from the I&S Committee (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Patricia Howe, Ernie Larkin, Bill Peele, Melvin Shepard).

Report from P&SI Committee

Peggy Griffin presented the report from the P&SI Committee. (SEE ATTACHMENT 4 FOR WRITTEN COPY OF THIS REPORT.) The following items required action by the full CRC.

Update on Land Use Planning Issues

Ms. Griffin reported that the P&SI Committee had passed a motion to recommend to the CRC that planning authority be granted to the Towns of Kitty Hawk and Plymouth to develop individual CAMA Land Use Plans and she was bringing this to the CRC from the P&SI Committee. The CRC voted unanimously in favor of this motion from the P&SI Committee (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Patricia Howe, Ernie Larkin, Bill Peele, Melvin Shepard).

Action Items

Adoption of Rules

Mary Price Harrison moved that the CRC adopt the three rules that were the subject of public hearing at the CRC's meeting yesterday (7H .1205 Pier Modifications, 7H .1100-.1401, .2000-.2201, .2400-.2401 General Permit Changes of Ocean Hazard Areas and 7B .0702(c)(2)(vi) Wetlands Mapping Definition) and her motion was seconded and unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Patricia Howe, Ernie Larkin, Bill Peele, Melvin Shepard).

Old/New Business

Coastal Habitat Protection Plans Annual Progress Report (CRC-02-01)

Mike Lopazanski advised that the General Assembly had established a Coastal Habitat Protection Plan program within DENR with passage of the Fisheries Reform Act of 1997. He stated that the Act requires preparation of Coastal Habitat Protection Plans (CHPPs) for critical fisheries habitats in the coastal area. Mr. Lopazanski said the CRC, Environmental Management Commission (EMC) and Marine Fisheries Commission (MFC) had to approve these plans for them to become effective.

Mr. Lopazanski stated that the Act also requires the three commissions report by September 1st of each year to the Joint Legislative Commission on Seafood and Aquaculture and the Environmental Review Commission on progress in developing and implementing the plans. Mr. Lopazanski said this had actually been a significant year for the CHPPs program. Mr. Lopazanski advised there had been a major change in one of the documents. He reported that in addition to the 11 management units that were being prepared for specific areas of coast, there was a source document that was considered for background information for the protection plans. Mr. Lopazanski stated that back in September of last year Secretary Ross and the commission chairs decided that an overall North Carolina Coastal Habitat Protection Plan that addressed the cross-cutting issues facing all of the important fish habitats was the appropriate and efficient means for achieving the goals of the Fisheries Reform Act. He reported that the source document had now become the Coastal Habitat Protection Plan. Mr. Lopazanski advised that it was focusing on six major threats to coastal fisheries resources on a state-wide basis. Mr. Lopazanski advised that these were nonpoint source pollution, habitat loss, shoreline stabilization, fishing gear impacts, marina and pier siting, and shellfish closures. Mr. Lopazanski reported this document was reworked some and was submitted to DENR back in January. Mr. Lopazanski said that due to the

broadening of the scope of the plan, the complexity of the issues and comments received on the draft, DMF staff realized that extensive restructuring, revisions and additional coordination would be required to finalize the plan. Mr. Lopazanski said there had also been some other setbacks including budget cuts and loss of one of the plan writers. Mr. Lopazanski advised that because of this DENR had decided to ask the General Assembly for a one year extension on completing the plan. Mr. Lopazanski said this would allow DENR to review the plan in the spring of next year and bring it to the commissions in the following year with the commissions approving the plan by July of 2004. Mr. Lopazanski reviewed the current schedule for completion of this plan.

Mr. Lopazanski stated that some other positive actions that had come up over the past year were: (1) a GIS staff person had been hired to assist with the planning effort; (2) DCM had secured funding for a public outreach initiative that would begin this fall; (3) Elizabeth City State University had received federal funding to start a remote sensing lab and was partnering with DCM to partly support the CHPPs planning effort; and (50 Secretary Ross wants to have a kickoff meeting, possibly a tri-commission meeting, maybe in conjunction with the October meeting of the CRC which would be in the Wilmington area in which the purpose of the plans would be discussed and the commissions would be able to start thinking about the management recommendations that would be coming out of it.

Mr. Lopazanski advised that the annual report had been included in the CRC's packet for their approval. He reported that the annual report would go to the MFC after this before it could be submitted to the legislature.

Chairman Tomlinson asked who was going to be responsible for setting-up the tri-commission meeting for October. Mr. Lopazanski advised that he believed it was going to be a department effort but all the details with that had not been worked out just yet but the CRC would be hearing more about it. Mr. Lopazanski stated that the idea right now was possibly meeting the day before the October CRC meeting at the Ft. Fisher aquarium.

Mr. Lopazanski advised that the two management units that had been drafted so far, the Chowan Plan and the Coastal Ocean Plan, had been placed on hold while Marine Fisheries staff devote all their attention to the larger state-wide plan.

Mary Price Harrison moved that the CRC adopt the Coastal Habitat Protection Plan annual report and her motion was seconded and unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Patricia Howe, Ernie Larkin, Bill Peele, Melvin Shepard).

Donna Moffitt advised that Mary Price Harrison and David Beresoff had been serving as the CRC's representative on the CHPPs Intercommission Review Committee. Ms. Moffitt reported that Mr. Beresoff had asked that he not be reappointed to the CRC when his term was up in June. Ms. Moffitt advised that the Chairman Tomlinson would be appointing a new CRC member to this Intercommission Review Committee to replace Mr. Beresoff.

CRAC Marine Science/Technology Position Nominating Committee Report

Bill Peele reported that at the last meeting Vice Chairman Hackney had appointed him along with Mike Street of the CRAC and Steve Benton of DCM staff to serve as a Nominating Committee to fill the vacant Marine Science/Technology position on the CRAC. Mr. Peele advised that the Nominating Committee had reviewed several highly qualified nominees which made their task very difficult but he felt they had made a good choice. **Mr. Peele said that based on the qualifications of this individual**

and in the interest of maintaining broad and diverse expertise on the CRAC, the Nominating Committee was nominating Dr. Charles Manooch of Morehead City for consideration by the CRC for the Marine Science/Technology position and his motion was seconded. Mr. Peele advised that Dr. Manooch was with the National Marine Fisheries Service at the Beaufort Lab.

Chairman Tomlinson asked if any CRC members would like to add to this nomination. There were no additions to the nomination and Chairman Tomlinson closed the nominations.

The CRC voted unanimously in favor of Mr. Peele's motion.

Real Estate Disclosure

Mary Price Harrison advised that she and Brian Long had attended an Environmental Review Commission (ERC) Planning Committee meeting following up on the CRC's discussion at the April meeting about requesting some legislative authority for the Real Estate Commission to adopt disclosure requirements for real estate transactions in the coastal counties. Ms. Harrison reported there was some discussion with staff of the ERC and she thought what they determined would be the best thing to do was, after the current session adjourns, convene a stakeholders group and come up with some consensus on legislative recommendations and take that to the ERC in the fall.

Agenda Items

Ms. Harrison said she would like to request again that the CRC be given a NEPA/SEPA presentation at the next meeting. Ms. Moffitt advised that this presentation had been on the draft agenda for this meeting but due to staff time constraints she had made the decision not to try to get this presentation together for the July meeting but, hopefully, this presentation would be ready for the October meeting.

With no further business, the meeting adjourned at 11:10 a.m.

Respectfully submitted,

Donna D. Moffitt, Executive Secretary

Mary Beth Brown, Recording Secretary

MINUTES APPROVED BY
CRC 10/23/02 _____