

NC COASTAL RESOURCES ADVISORY COUNCIL
May 21 - 23, 2008
Washington Civic Center
Washington, NC

***Per CRAC bylaws, Article XIII, Section 5, Members are reminded to refrain from voting on rules and policies for which they have a significant and unique familial or financial interest.*

AGENDA

Wednesday 21st

- | | | |
|-------------|--|-------------------|
| 1:00 | Council Call to Order (Belk Bracy Gallery) <ul style="list-style-type: none">▪ Roll Call▪ Approval of March 2008 minutes▪ Announcements | Dara Royal |
| 1:10 | Land Use Plan Review <ul style="list-style-type: none">▪ Village of Bald Head Island – Certification | Mike Christenbury |
| 1:30 | Resolutions <ul style="list-style-type: none">▪ Waterfront Access and Marine Industry Fund (WAMI)▪ Clean Marina Program Funding | Mike Lopazanski |
| 1:45 | CRAC Guidebook Revisions | Dara Royal |
| 2:00 | Estuarine Public Access through CAMA Permitting | DCM Staff |
| 2:20 | Wind Energy Permitting Issues | Doug Huggett |
| 2:45 | Old/New Business <ul style="list-style-type: none">▪ Future agenda items | Dara Royal |
| 2:50 | Adjourn (<i>CRC convenes at 3 pm</i>) | |

Thursday 22nd & Friday 23rd

Meet in session with CRC, see CRC agenda

NEXT MEETING: July 23-25, 2008
Holiday Inn Brownstone
Raleigh, NC



N.C. Division of Coastal Management
<http://www.nccoastalmanagement.net>



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

Michael F. Easley, Governor

James H. Gregson, Director

William G. Ross Jr., Secretary

May 7, 2008

MEMORANDUM

TO: Coastal Resources Advisory Council
FROM: Dara Royal
SUBJECT: Preparation for May Meeting

Greetings, and welcome to the digital revolution! No doubt you are surprised to be receiving your packet electronically, but be assured that it was not a decision that was made without consideration of the impacts. While it may be a somewhat bumpy transition, DCM was directed by DENR to make this move. We simply need to adapt to this new way of doing business in order to save on waste and cost. If you have constructive ideas for how to ease the transition please bring them to the meeting.

Our schedule tweaking continues this month. Due to the CRC's increasing workload they will be hearing variances on Wednesday 21st at 3 pm. **We will convene promptly at 1:00 pm** in order to prevent overlapping meetings. Please plan your travel accordingly.

You will recall that at our March meeting we discussed changes to the CRC's pier house rules. I am happy to report that the CRC has taken our recommendations and DCM staff will be presenting draft rule changes to them on Thursday. We also began discussing ways to retain public access through CAMA permit conditions. We will continue this conversation at this meeting, focusing on estuarine rather than oceanfront access.

Another issue that has been blowing around recently is renewable energy. A few coastal communities have been exploring the feasibility of wind energy, and Doug Huggett will be on hand to talk about some of the issues involved with permitting wind facilities on the coast.

We have two draft resolutions that I hope we can review and adopt at this meeting, having to do with funding for the Waterfront Access and Marine Industry (WAMI) Fund and the NC Clean Marina Program. Please review the drafts and be prepared to comment.

Finally, our volunteer subcommittee met in April to suggest updates to the CRAC Guidebook. You can access the draft changes through the CRAC link on the DCM website. I will run through the changes on Wednesday with the goal of finalizing them at this meeting. The final version will be posted permanently on the DCM website.

We will again be meeting in full session with the CRC on Thursday and Friday. Please review the CRC agenda for items of interest to you and your appointing bodies. I look forward to seeing you all in historic Washington.

400 Commerce Avenue, Morehead City, North Carolina 28557
Phone: 252-808-2808 \ FAX: 252-247-3330 \ Internet: www.nccoastalmanagement.net

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NC Coastal Resources Advisory Council Clarion Hotel Kill Devil Hills, NC March 26, 2008 Meeting Summary

Attendance

Dara Royal, Chair	Y	Wayne Mobley (Alan Saunders)	Y
Penny Tysinger, Vice Chair	Y	J. Michael Moore	Y
Deborah Anderson	Y	William Morrison	Y
Eugene Ballance		Elwood Padrick	Y
Bert Banks	Y	W. Burch Perry	Y
Joe Beck		Spencer Rogers	Y
Randy Cahoon	Y	Frank Rush	Y
Carlton Davenport	Y	Robert Shupe	Y
Eddy Davis	Y	Harry Simmons	Y
Anne Deaton	Y	Lester Simpson	Y
Christine Mele	Y	Paul Spruill	
Webb Fuller		Ray Sturza	Y
William Gardner, Jr.		Tim Tabak	Y
Renee Gledhill-Earley	Y	Reid Thomas	
Gary Greene		Joy Wayman	Y
Judy Hills	Y	Beans Weatherly	Y
Al Hodge	Y	David Weaver	Y
Maximilian Merrill		William Wescott	Y
Joe Lassiter	Y	Traci White	Y
Travis Marshall	Y	Rhett White	Y
Gary McGee		Don Yousey (David Stanley)	
Gary Mercer			

Wednesday 26th

Call to Order

Dara Royal called the meeting to order at 2 pm and the Council approved the January 2008 minutes. Royal announced that the Town of Wrightsville Beach had purchased Beach Access #33 with help from the Surfrider Foundation. The Advisory Council had supported action to preserve the access. Spencer Rogers added that the Surfrider Foundation would probably welcome donations to help with the costs.

Changes to CRC & CRAC Meeting Structure

Royal reported that a joint CRC-CRAC made several recommendations to the meeting structure. One meeting (January) will probably be eliminated to reduce the total number of meetings for the year to five. Depending upon caseload, the CRC may on occasion hear some variance requests on Wednesday afternoons, with the CRAC meeting slightly earlier to accommodate that. Bob Emory

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said that the advantage would be to allow more time for other work on Thursday and Friday. The Advisory Council approved a motion to support the recommendation, scheduling CRAC meetings so that they do not conflict with variance proceedings, and retaining flexibility on start and end times.

Royal said the subcommittee will recommend a seating change to integrate the CRC and CRAC during committee meetings. They will recommend that I&S and P&SI only meet as needed and that Thursday afternoon meetings generally be run as a committee of the whole. In meetings as a committee of the whole the CRAC will be invited to participate in discussions, but will not be allowed to vote. The Advisory Council approved a motion to support these recommendations.

Royal said that the subcommittee will recommend that land use plans be reviewed by the Advisory Council, who would issue a recommendation to the CRC on whether to certify the plans. The Advisory Council approved a motion to support this recommendation.

Royal said that the subcommittee will recommend that the CRC Executive Committee meet at the conclusion of the regular business meeting on Friday to frame the next meeting's agenda. They will also recommend that I&S and P&SI committee chairs remain on the Executive Committee. The Advisory Council approved a motion to support these recommendations.

CRAC Guidebook Revisions

Dara Royal, Penny Tysinger, Harry Simmons, Bob Shupe and Tim Tabak volunteered to serve on a subcommittee to update the CRAC Guidebook.

Hyde County Land Use Plan Review

John Thayer presented background on Hyde County and a summary of their Core Land Use Plan. Thayer noted that Hyde County is one of the oldest counties in the state and the second least populated. The County has less than 5,800 persons and no incorporated communities. Over 78% of the County is either in federal or state ownership, commercial forestlands, or wetlands.

This Land Use Plan is a substantial update of their approved 1998 plan and most notable is the plan's attempt to point to the future development of countywide zoning and other development related ordinances. There are no notable policy statements that are more stringent than the State's CAMA rules "Minimum Use Standards".

Thayer said that the new plan includes disclosure statements recognizing that some of the stated policies may be unenforceable and/or rejected by NOAA for consistency purposes. Thayer stated that DCM staff believes that the plan meets the substantive requirements of the 7B Land Use Planning guidelines and there are no conflicts with other State or Federal rules or the State Coastal Management Program. Staff recommended that the plan be brought forward to the full CRC for certification.

Frank Rush questioned why a local government could not include a statement saying, for example, that they would not allow an outlying landing field (OLF). Thayer replied that NOAA usually rejects statements that are that specific because they may be counter to the national interest. DCM typically recommends more generic language, such as not allowing large airports. Thayer said that communities can be very broad in their discussion sections, but there is a higher threshold for approving policy statements. Rush asked what if a community did not want a new bridge or a widened highway? Thayer said that those policies could be enforceable, but in those cases it is a good idea to do early coordination with NCDOT. Travis Marshall added that NCDOT reviews draft land use plans to see if they conflict with existing NCDOT comprehensive transportation plans, and NCDOT also reviews certified land use plans before they develop a new transportation improvement program (TIP) plan.

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Harry Simmons requested a follow up discussion about land use plans in the context of the CZMA and CAMA consistency, particularly as it relates to dredged material disposal.

Penny Tysinger asked whether NOAA has certified any of NC's local land use plans. Thayer responded that since the new 7B rules took effect DCM has submitted one set of certified land use plans to NOAA as a routine program change (RPC). NOAA is requiring a higher standard of analysis of the changes than previously, so the plans are still under review.

Dave Weaver noted that the CRC was split on certifying the City of Wilmington's land use plan in January, and questioned what the standards are for denying certification. Thayer said that certification can be denied if there are any conflicts with the state's coastal program, or possibly with other agencies, but the CRC has to be very clear about what the conflicts are or why the plan is otherwise inadequate. Spencer Rogers recalled that the issue with the City of Wilmington's plan was not the CRC's preference on building height or size, but the fact that some of the proposed large new structures were to be built inside of a designated flood plain. Thayer offered to write a memo to the CRC reiterating the standards for non-certification. Bob Emory asked Thayer to review the standards with the CRC before they vote on the Hyde County plan.

Eddy Davis offered that the three counties that he works with are all in the process of revising their plans, and all three county governments are strongly opposed to the new coastal stormwater rules. Spencer Rogers made a motion to recommend certification. The motion was seconded and unanimously approved.

Enhancing Public Access through CAMA Permitting

Jim Gregson introduced the subject by saying that public boating access is oftentimes lost when a marina is privatized. Gregson said that CAMA permits could possibly be conditioned to preserve some public access. Ted Tyndall said that privatization is increasingly common, and pointed out troubling instances where developers promised public access during the environmental review process, but reneged on that promise later on. Joe Lassiter added that retaining public access is often a point of negotiation during the permitting process, but is not currently a requirement. Gregson said that while staff supports the use of incentives and negotiated agreements, staff feels that if public access is not preserved by rule it will ultimately be lost. Penny Tysinger suggested that another possibility would be to require public access through subdivision ordinances or land use plan policies.

Gregson posed two core questions:

1. Does the CRAC think it is appropriate, when a public marina is privatized, to attach permit conditions requiring that some percentage of the slips, or launching and parking facilities, be made available to the public at reasonable rates?
2. Should the State consider Army Corps type access requirements on beaches that are nourished entirely with local funds?

The Advisory Council discussed the tradeoffs between loss of public trust versus private property rights. Joe Lassiter pointed out a functional conflict in the State's efforts to preserve access. Lassiter said the State's written policy is to preserve and expand public access, but in practice it facilitates privatization through simple and inexpensive general permitting. Lassiter said that a better policy would be to cluster private and commercial development and preserve other areas for public access.

Frank Rush said that Emerald Isle has created incentives for public access in zoning districts where they are likely to see redevelopment activity. A developer can negotiate to provide public access in exchange for a higher density allowance. The developer would also have to mitigate for the higher density.

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Al Hodge said that we can separate short-term and long-term issues. In the short term, if a developer commits to preserving public access, DCM and DWQ can condition the permits to ensure that promise is kept. In the long term, Hodge suggests it is necessary to address the conflict that Joe Lassiter identified.

Tim Tabak asked what would trigger DCM or other agencies to re-open a permit, which might then allow the agency to attach new conditions for access. Joy Wayman said that a simple change in ownership would not be sufficient. The State Property Office would ask DCM to look into transferring the permit once the title and submerged lands easement transfer, but that alone would not enable regulatory agencies to add permit conditions. Ted Tyndall added that permit transfers usually require just a transfer of existing operational conditions, so it would take a application to modify the permit, or a new permit application, to allow agencies to attach conditions.

Bob Shupe asked whether this push to preserve access was a CRAC initiative. Gregson replied that it is a response to the Waterfront Access Steering Committee's recommendations to protect and reclaim some public boat slips and ramps.

Judy Hills asked whether the conditions to provide access would include adequate parking. Al Hodge wondered if regulatory agencies could offer incentives to NCDOT (such as mitigation credits) if they provide parking. Hodge noted that this would require regulatory changes. Doug Huggett noted that DCM cannot require that NCDOT provide access facilities if there was no existing or traditional access at the site; if there were, then NCDOT could not take it away.

Christine Mele asked who would be liable for public losses in a privately owned and maintained marina, and who would be responsible for maintenance and repair of the public access portion. Mele said that the ideas seemed to be all regulatory in nature, and that more incentives are needed. Gregson asked whether it is reasonable, when a developer wants to turn a marina from 100% public to 100% private, to require that developer to set aside a percentage for public access, possibly leased at a reasonable rate.

Spencer Rogers said that if regulations get too onerous then developers will be more inclined to avoid complications and simply build condos, as is often the case with ocean fishing piers. Gregson disagreed, saying that the water is the more important feature, therefore building condos without providing slips and access is not a likely scenario.

Dave Weaver asked why the state does not charge private interests for usurping public trust waters. Mike Lopazanski replied that the CRC debated this question extensively in the 90s, and made a request too the General Assembly to take action, but only received token response. Frank Rush asked if the state were to begin charging marinas for leases, should it also charge homeowners for their private piers. Dara Royal felt it would be fair to do so.

Tim Tabak asked whether marine pumpouts could also be privatized. Mike Lopazanski said that if a pumpout is funded using a DCM grant then it has to remain available to the public for at least five years, but could be privatized after that.

Penny Tysinger suggested a study of how to preserve access through permitting, looking at other state agencies' limitations. Tysinger asked if it's possible to survey in public access rights of way. Joe Lassiter asked whether it is feasible to trade impacts for access. Gregson replied no, that state agencies had already looked into this, and still gets those types of requests from developers. Gregson said that the agencies concluded that it is not a viable approach.

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The CRAC expressed a strong consensus that where a public marina is privatized, particularly in public trust waters, the private owners should be required to reserve some portion of the facilities for public use. The Advisory Council acknowledged that there will be additional issues to work out, such as liability for public facilities within a private marina, providing consistent pumpout service, and compliance monitoring, but felt that these issues can be resolved.

Gregson asked for the Advisory Council's thoughts on access requirements associated with locally funded nourishment projects. Harry Simmons asked if access can be clustered, i.e. fewer number of accesses with more space and better amenities per facility. Gregson asked whether it is worthwhile to look at using the Army Corps' access guidelines when permitting locally funded nourishment projects. Simmons cautioned that the Corps' program is not perfect, and might not be a good model. Steve Underwood added that DCM has in the past looked into recommending specific requirements for access density and spacing, but concluded that a one size fit all approach was not feasible. Frank Rush acknowledged the importance of the goal, but told members to remember private property rights and be wary of takings and exactions. Rush said that incentives would be preferable.

The Advisory Council passed a motion to ask the CRC to direct staff to return as soon as possible with a suite of ideas, including permit conditions and incentives, for preserving and reclaiming some public access. The Advisory Council agreed to hold off on further discussion about oceanfront access for the time being.

Pier House Rules

Tancred Miller said that at the January meeting Commissioner Renee Cahoon mentioned that Jennette's Pier in Nags Head, which is owned by the NC Aquariums, would like to replace its existing pier house with a two-story structure that would be able to accommodate aquarium exhibits, classrooms, and research space. That development would not be permissible under the CRC's current rules, so the Aquariums would only be allowed to do this via a variance or changes to the rules.

Aquariums Director David Griffin was in attendance and explained that the Aquariums would like to replace the pier house in its existing location. The Commission's rules allow existing pier houses to be replaced under certain conditions, including the new structure having the same dimensions as the one being replaced. Vertical expansion is therefore not currently permissible. Another potential complication is that the existing pier house is oceanward of the high water line, and therefore stands over public trust waters. The CRC's rules do not currently allow for non-water dependent structures to be built over public trust waters.

Despite the potential challenges, the Advisory Council supported allowing two-story replacements, but was not unanimous about whether they should be handled through variances or rule amendments.

This request from the Aquariums came in their effort to fulfill the Waterfront Access Study Committee recommendation that the State own and operate three oceanfront fishing piers, one near each of the three aquariums. The State acquired Jennette's Pier for \$5 million in 2002, including the pier house and several adjacent bungalows that are rented out. In addition to replacing and expanding the pier house, the State proposes to build a new concrete and steel pier, 100 feet long, and elevated 25 feet over the water. The expected project cost is \$13 million, which would come entirely from door receipts.

Given the configuration of the high ground, the Advisory Council agreed with Mr. Griffin that it would be difficult for a new pier house to be built onshore and provide the same educational experience

Draft

and access opportunities as the house being replaced and expanded in its current location. Moving the house onshore would also create problems with providing adequate parking and septic disposal.

Spencer Rogers cautioned that the safest place for any structure is as far back on the beach as possible. Spencer said that at \$13 million the pier and house might be storm resistant but will not be storm proof, and even the much touted Johnnie Mercer's Pier had structural failures prior even to its completion.

The Advisory Council debated the pros and cons of restricting the vertical expansion ability to state-owned pier houses, since it seems more certain that State-owned properties would be maintained for the public benefit. Another way to ensure access would be in regulating structures by use, rather than by ownership. A majority of the CRAC felt that it would be equitable to allow vertical expansion regardless of ownership, as long as the piers and pier houses are for the public use and benefit. Staff concurred with this position, and felt that the added space could help make privately owned fishing piers more economically viable and increase their prospects for survival. The Advisory Council thought that the provision should be available to all piers, and we agreed that a rule change would be more efficient than a multitude of variance requests.

A motion was made and seconded to recommend that the CRC amend its rules as necessary to allow all pier houses, whether new or existing, and whether publicly or privately owned, the option to expand vertically to a maximum of two stories. The rules should allow vertical expansion whether the pier house is over land or over public trust waters. The motion carried by a vote of 17-6.

New Business/Old Business

With no further business the Council adjourned at 5 pm.

Thursday 27th & Friday 28th

Advisory Council met in session with CRC.

##



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

Michael F. Easley, Governor

James H. Gregson, Director

William G. Ross Jr., Secretary

MEMORANDUM

CRC-08-22

To: The Coastal Resources Advisory Council
From: Michael Christenbury, Wilmington District Planner
Date: May 7, 2008
Subject: Village of Bald Head Island Core Land Use Plan (May 22, 2008 CRC Meeting)

The Village of Bald Head Island is requesting certification of their 2008 Core Land Use Plan (LUP).

Note: There is not separate P&SI sub-committee report memos or meetings. As such this LUP certification request for Bald Head Island will first go through the CRAC on Wednesday for comment and recommendation for action by the CRC on Thursday morning instead of Friday.

Overview

The Village of Bald Head Island is located in southeastern Brunswick County, at the mouth of the Cape Fear River. The Village of Bald Head Island is North Carolina's southern most cape barrier island and has a year-round population of approximately 205 residents and an estimated peak seasonal population of 4,005.

The Village at Bald Head Island may be best described as an architecturally integrated planned unit development or a planned resort destination community. The Village is a very unique location in that no automobiles are permitted on the island for personal transportation. Travel to and from the Village is provided by a private ferry system that operates year round. The ferry system is operated by the primary developer on the island, Bald Head Island Limited, and provides residents and visitors with round trip service originating from Indigo Plantation located in Southport, NC. The road network present throughout the Village does support passenger vehicles and full size vehicles are allowed in the Village by permit only. These vehicles are generally present on the island to support construction activity. The vehicles are transported to the island by barge. There are several trucks that remain on the island year round to support municipal operations, including emergency management and police operations.

According to the Village's mission statement within the plan, Bald Head Island is a residential, family oriented community and major family vacation destination committed to living in harmony with nature while being supportive of activities and services necessary to enhance the quality of life on the Island.

The Village of Bald Head Island Village Council held a duly advertised public hearing and voted by resolution to adopt the land use plan on April 11, 2008. The plan was prepared through a facilitated process utilizing workshops with citizens, the Village Council, and the Land Use Planning Committee. The goals and policies in the plan are a result of detailed analysis and discussion of key issues identified in the workshops.

The public had the opportunity to provide written comments up to fifteen (15) business days (excluding holidays) prior to the CRAC meeting. April 30th was the deadline date. No comments were received.

DCM Staff recommendation: DCM Staff has determined that the Village of Bald Head Island has met the substantive requirements outlined within the 2002 Land Use Plan Guidelines and that there are no conflicts evident with either state or federal law or the State's Coastal Management Program.

DCM staff recommends that the CRAC forward the Village of Bald Head Island Land Use Plan to the CRC for certification.

As a reminder, please bring the pre-circulation packet (you received during the first week in May) to the CRAC/CRC meeting including: memo, LUP outline, executive summary, policy and implementation statements. If you have any questions please do not hesitate to contact me (Mike Christenbury) at 910-796-7426.

DRAFT
**NORTH CAROLINA COASTAL RESOURCES COMMISSION RESOLUTION
SUPPORTING CONTINUED FUNDING OF THE
WATERFRONT ACCESS AND MARINE INDUSTRY FUND**

WHEREAS, the Waterfront Access Study Committee reported to the Joint Legislative Commission on Seafood and Aquaculture that rapid development along the coast has brought higher property values and taxes that have resulted in the loss of traditional maritime industries and public access, and;

WHEREAS, the Waterfront Access Study Committee developed 27 recommendations addressing the loss of access along the coast including items for the General Assembly to address, such as establishing a trust fund to assist in the retention and enhancement of working waterfronts, as well as initiatives for state agencies and local governments, and;

WHEREAS, the General Assembly felt state intervention was needed to ensure existing and future waterfront-dependent uses and continued access to the state's public trust waters, creating and allocating \$20 million to the Waterfront Access and Marine Industry Fund in 2007 to acquire waterfront properties or develop facilities to provide, improve or develop public and commercial waterfront access, and;

WHEREAS, thirteen sites were selected for funding to provide waterfront access to a variety of user groups, including commercial and recreational fishermen, pier fishermen, recreational boaters and marine industry as well as several sites in strategic locations for important state research and habitat enhancement efforts, and;

WHEREAS, the Waterfront Access and Marine Industry Fund was successful in leveraging the \$20 million appropriation drawing additional sources of financial support in excess of \$71 million, and;

WHEREAS, the projects funded are judged based on multi-purpose and multi-use benefits that include ocean and coastal waters access, CHPP implementation, fishing and boating access, mitigation and habitat enhancement.

THEREFORE, IT IS HEREBY RESOLVED THAT, the North Carolina Coastal Resources Commission encourages the N.C. General Assembly to support future and continued funding of the Waterfront Access and Marine Industry Fund as it will be a benefit to many of the State's joint interests and goals. Continued funding of the Waterfront Access and Marine Industry Fund will ensure public access to harbors, beaches, estuarine and ocean waters, and inlets and maintain the cultural integrity and character of eastern North Carolina.

Robert R. Emory, Jr.
Chair, N.C. Coastal Resources Commission

May 23, 2008
Date

DRAFT

**North Carolina Coastal Resources Advisory Council Resolution
Supporting The Funding of The North Carolina Clean Marina Program**

WHEREAS, more than 360,000 boaters use North Carolina's waterways for business, recreation and transportation, which can contribute to water pollution and shellfish closures by leaving trash, spilled fuel and dumped sewage in our coastal waters, and;

WHEREAS, by virtue of their location at the water's edge, marinas can have a significant impact on local water quality, which can be minimized through the implementation of operational and maintenance practices and boater education efforts, and;

WHEREAS, the N.C. Division of Coastal Management created the N.C. Clean Marina Program as an initiative to educate marina operators about Clean Marina practices and to recognize them for their voluntary efforts to promote and protect clean water as well as for their efforts toward environmental stewardship, and;

WHEREAS, the Division of Coastal Management increased efforts in 2007 to expand the N.C. Clean Marina Program through the creation of a year-long dedicated staff position that facilitated program development by traveling coast-wide to increase marina certifications, holding educational workshops, and increasing boater awareness of Clean Marinas, and;

WHEREAS, during 2007, the N.C. Clean Marina Program doubled the number of participating marinas to 16, began working with an additional 11 marinas on their certifications, doubled the number of marinas participating in workshops, and;

WHEREAS, the Division of Coastal Management is unable to continue funding for this position and maintain the program at its current level of outreach and education with coastal marinas, and;

WHEREAS, through non-regulatory programs such as this, the State has a unique opportunity to transfer information to the public and develop relationships with the regulated community that foster trust and a greater understanding of State requirements for development and the impacts on coastal resources. These relationships ultimately lead to a smoother permitting process, fewer violations and overall benefits to coastal resources.

THEREFORE, IT IS HEREBY RESOLVED THAT, the North Carolina Coastal Resources Advisory Council supports the funding of a full-time position for the N.C. Clean Marina Program that would allow the Division of Coastal Management to maintain the program at its 2007 level of involvement with coastal marinas.

Dara Royal
Chair, N.C. Coastal Resources Advisory Council

May 21, 2008
Date

DRAFT
**NORTH CAROLINA COASTAL RESOURCES COMMISSION RESOLUTION
SUPPORTING THE ENVIRONMENTAL MANAGEMENT COMMISSION AMENDMENTS
TO THE COASTAL STORMWATER PROGRAM**

WHEREAS, in response to a N.C. Division of Water Quality comprehensive review of the effectiveness of the existing Coastal Stormwater Rule, the N.C. Environmental Management Commission concluded that the existing Rule was outdated and ineffective in providing an adequate level of environmental protection to the coastal ecosystem, and;

WHEREAS, more than 56,000 acres of North Carolina's shellfishing waters have been permanently closed to commercial shellfish harvesting, with more than 90 percent of these closures attributable to stormwater run-off, and;

WHEREAS, the Environmental Management Commission is proposing to alter the low-density threshold, amount of stormwater controlled and treated by best management practices, the threshold for coverage and the vegetative setback, particularly in areas located within a half-mile of waters designated for shellfish harvesting, and;

WHEREAS, while these changes to the rule are broad and far reaching, the Environmental Management Commission is confident that these types of amendments are necessary to protect our vital coastal waters, and;

WHEREAS, most of North Carolina outside the 20 coastal counties is already covered by a stormwater control program that is more stringent than the controls currently in place in most of the coastal counties, and;

WHEREAS, the proposed amendments exempt redevelopment of existing lots, provided there is no net increase in impervious surface and the redevelopment incorporates equal or better stormwater controls than the previous development, and;

WHEREAS, the recently adopted Phase II Stormwater Rules and Universal Stormwater Management Program do not cover all coastal areas or shellfishing waters (surface waters rated SA and SB), depend at least in part on voluntary participation, and are not designed to include rural areas potentially targeted for development, and;

WHEREAS, the Coastal Habitat Protection Plan Steering Committee recognizes that stormwater runoff is the primary cause of water quality degradation and shellfish harvest area closures and that the link between increased impervious surfaces, pollutants washed into rivers, bays, and estuaries, and unsafe levels of fecal contaminants in shellfish waters, is scientifically documented.

THEREFORE, IT IS HEREBY RESOLVED THAT, the North Carolina Coastal Resources Commission supports the amendments to the Environmental Management Commission's Coastal Stormwater Rules.

Robert R. Emory, Jr.
Chair, N.C. Coastal Resources Commission

May 23, 2008
Date

NC DIVISION OF COASTAL MANAGEMENT

NC DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES
DIVISION OF COASTAL
MANAGEMENT

**Coastal
Resources
Advisory
Council
Guidebook**

NC Division of Coastal Management
400 Commerce Ave, Morehead City, NC 28557
Phone 252.808.2808 • Fax 252.247.3330
Email Angela.Willis@ncmail.net
Web Site www.nccoastalmangement.net

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WELCOME TO NORTH CAROLINA'S COASTAL RESOURCES ADVISORY COUNCIL!

You have been appointed to join 44 other North Carolina representatives in a very important mission. The Coastal Resources Advisory Council (CRAC) works with the Governor-appointed Coastal Resources Commission (CRC) to balance and foster the protection and wise development of NC's coastal resources, through both planning and regulation.

As a member of the CRAC your role is to serve as the communications link between the CRC and your appointing body. You are empowered to represent the interests of your appointing body before the CRC, and are expected to keep your appointing body informed about CRC actions and proposals.

You will be appointed to one of two standing committees of the CRC by the CRC Chairman, either the Planning and Special Issues Committee or the Implementation and Standards Committee. Each committee is made up of approximately half of the CRC and CRAC membership and provides advisory recommendations to the CRC following lively discussion and debate. The CRAC as a separate body also uses its initiative to make recommendations to the CRC.

You will be introduced to your fellow CRAC members at your first meeting of the group. Materials for this and subsequent meetings are usually posted on the DCM website two weeks prior to each meeting. arrive a week in advance.

In the meantime, please read this Guidebook and bring it with you to meetings as a reference document! It should serve as an orientation manual for you on all facets of the CRAC and its operating procedures.

As necessary, there will be updates and/or additions to the Guidebook, so we ask that you keep it as a reference document. All updates and/or additions will be dated.

Again, welcome! We look forward to working with you in caring for our coast.



INTRODUCTION TO THE COASTAL AREA MANAGEMENT ACT (CAMA), THE COASTAL RESOURCES COMMISSION (CRC), AND THE COASTAL RESOURCES ADVISORY COUNCIL (CRAC)

THE COASTAL AREA MANAGEMENT ACT

The Coastal Area Management Act (CAMA) of 1974 established a resource management program for the state's 20 coastal counties to balance the competing demands of protecting coastal resources while guiding and managing development along the NC coast. This is accomplished by

- 1) Local mandatory land use planning and
- 2) State-regulated development in specified Areas of Environmental Concern (AECs) under state-established standards.

CAMA has been amended over the years to include other techniques for balancing competing demands:

- Preservation and stewardship of critical habitat through the NC Coastal Reserves and
- Granting funds to local governments to purchase easements or property in fee to ensure the public has access to sounds, rivers, and beaches in coastal areas.

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The Division of Coastal Management (DCM), under the Department of Environment and Natural Resources (DENR), administers the program by reviewing permit applications for coastal development, providing financial and technical assistance to local governments for land use planning and waterfront access projects, reviewing federal projects for consistency with the program, and managing natural areas for education and research purposes. DCM supplies staffing services to the CRC/CRAC; however, DCM staff are not employees of the CRC/CRAC.

CAMA AREAS OF ENVIRONMENTAL CONCERN (AEC)

AECs cover about 7% of the land area of the 20 coastal counties and all public waters of the coast, including:

- Coastal shorelines: non-ocean shorelines along estuarine waters, estuaries, sounds, bays, fresh and brackish waters, and public trust waters;
- Ocean hazard system including erosion and flood-prone areas as well as inlet hazard zones on or near the ocean;
- Coastal public water supplies; and
- Coastal natural and cultural resources.

CAMA PERMITS

One of the principal ways the coastal management program protects natural resources is through the development permitting program. Permits are required for any development in an AEC, as designated by the CRC. All types of construction, associated land clearing and land alteration are considered to be development.

Minor Permits are required for smaller projects such as single-family homes and are issued by local governments consistent with CRC-established standards (45% of CAMA permits issued in 1999).

General Permits are streamlined major permits for routine projects such as bulkheads and private piers (50% of all CAMA permits issued in 1999).

Major Permits are necessary for any development project that requires another state or federal permit, covers more than 20 acres, or has a structure larger than 60,000 square feet. Major development projects are reviewed by 14 state and

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federal agencies and issued by DCM's Morehead City office (5% of CAMA permits issued in 1999).

Express Permits offer quicker permit decisions and certification as well as consultation to identify necessary environmental requirements. A pre-application meeting is required and a well-documented application, with supporting technical information, is necessary for thorough and swift review. Higher fees are charged to support additional staff for the express review. Multiple permits that may be required for a project can be concurrently reviewed.

THE COASTAL RESOURCES COMMISSION (CRC)

Under CAMA, a 15-member Coastal Resources Commission (CRC) was established to set policies and guidelines for development and natural resource protection in the 20 coastal counties.

Specifically, the CRC:

- Sets objectives, policies, and standards for the use of public and private land and water within coastal areas;
- Approves local CAMA land use plans that meet coastal management standards;
- Establishes permit requirements for development in AECs, including permitting under the Dredge and Fill Act; and
- Establishes AECs.

The Governor appoints all 15 members. Ten (10) members must have experience in specific coastal issues, including: coastal engineering, wildlife or sports fishing, coastal land development and financing, commercial fishing, coastal forestry, marine ecology, state or national conservation, marine related business, and coastal agriculture; two (2) members must have local government expertise; and three (3) members serve in at-large seats. Members serve staggered four (4) year terms.

(See Appendix A for a list of current CRC members, contact information, areas of expertise, appointment terms, and identification of officers/committee chairs)

THE COASTAL RESOURCES ADVISORY COUNCIL (CRAC)

The Coastal Resources Advisory Council (CRAC), which was also established by CAMA, consists of "not more than 45 members, appointed or designated." There is a provision for 12 members to be appointed by the CRC. These include the

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following appointments: up to eight (8) members representing coastal cities, three (3) members who are marine scientists or technologists, and one (1) member who is a local health director recommended by the Secretary of DENR.

CRAC MEMBERSHIP

<u>Organization</u>	<u>#</u>	<u>Appointing Authority</u>
Coastal Counties	20	Boards of County Commissioners
Coastal Cities	8	CRC
Planning Districts	4	District Lead Agencies
Scientists/Technologists	3	CRC
DENR	2	Secretary
Transportation	2	Secretary
Commerce	1	Secretary
Administration	1	Secretary
Health (state)	1	Director
Agriculture	1	Commissioner
Cultural Resources	1	Secretary
Health (local)	1	CRC

CRC's internal operating procedures specify two (2) year initial terms for those CRAC appointments made by the CRC, followed by four (4) year reappointments for members with a satisfactory attendance record. although ~~There~~ are no terms established by statute for CRAC members not appointed by the CRC.

CRC's internal operating procedures state that the Executive Secretary will, at least 30 days prior to the appointment of city representatives, notify ~~by letter all~~ coastal cities of the appointments to be made and solicit their recommendations.

CRAC members not appointed by the CRC can be replaced by their appointing authorities at any time. CRAC's bylaws require notification to the member and appointing authority if three (3) consecutive meetings are missed, with a request that a new appointment be made, unless the attendance requirement is waived by the CRAC chairperson due to extraordinary circumstances.

CRC's internal operating procedures state that, if members are unable to serve their full terms, the same procedures shall be followed in appointing persons to serve unexpired terms.

(See Appendix A for a list of current CRAC members (and vacancies), contact information, appointing authority, and appointment and expiration dates.)

Responsibilities Of A CRAC Member

THE STATUTE (113A-105)

"The Advisory Council shall assist the Secretary of Environment and Natural Resources and Secretary of Administration in an advisory capacity:

- (1) On matters which may be submitted to it by either of them or by the Commission, including technical questions relating to the development of rules, and
- (2) On such other matters arising under this Article as the Council considers appropriate."

COUNTY MEMBERS

The members of the CRAC who are appointed to represent coastal counties serve at the pleasure of the appointing county and have the following responsibilities:

1. Meet with the appointing body to understand issues and concerns as related to CRAC and CRC activities and plans. Agree on the method by which information will be exchanged with the appointing body and the frequency of information exchange.
2. Attend CRAC and CRC meetings, or, arrange for a formally designated alternate to attend.
3. Actively participate in assigned CRC and CRAC committees.
4. Take the initiative to become educated about issues before the CRAC and CRC by reading meeting materials, listening to CRC and CRAC discussions, and interacting with fellow members and DCM staff.

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5. Review CRC policies and proposals to determine how these may affect the appointing county.
6. Report CRAC and CRC issues to the appointing county and determine the county's response as appropriate.
7. Share appointing county's responses to CRAC and CRC issues during appropriate CRAC and CRC discussion sessions or comment periods.
8. Provide relevant information to the CRAC and CRC on issues affecting the appointing body.
9. Vote (and make proposals or motions) on issues before the CRAC or CRC Standing Committees as appropriate.
10. Maintain ongoing liaison between the appointing body and the CRAC and CRC.
11. Provide input for presentations, action items, local issues forums, and field trips of the CRC and CRAC.
12. Inform citizens of CRC and CRAC actions as opportunities arise. Provide referrals to appropriate state staff as requested.

CITY MEMBERS

The CRC appoints up to eight (8) members to represent coastal cities. These members have the following responsibilities:

1. Attend CRAC and CRC meetings.
2. Actively participate in assigned CRAC and CRC committees.
3. Take the initiative to become educated about issues before the CRAC and CRC by reading meeting materials, listening to CRC and CRAC discussions, and interacting with fellow members and DCM staff.
4. Review CRC policies and proposals to determine possible effects on coastal cities.
5. Network with city officials to help formulate city positions on current issues or proposed changes and communicate these positions during appropriate CRC or CRAC discussion sessions or comment periods.
6. Vote (and make proposals or motions) on issues before the CRAC or CRC Standing Committees to reflect the position of coastal cities.

7. Ensure that coastal cities are provided information on issues of importance including:
 - Proposed changes in rules that affect coastal cities
 - Actions of the CRC
 - Appointment opportunities
 - Land use planning guidance

Communication tools could include the CAMAgram, email, and Council of Government (COG) newsletters.

8. Report innovative and/or outstanding activities of coastal cities involving planning, water quality improvement or protection, development, tourism, etc. that would be of interest to other CRAC or CRC members. Opportunities for providing this information include the CRC local issues forum, field trips in conjunction with CRC and CRAC meetings, and information items on CRC and CRAC agendas.

PLANNING DISTRICT (LEAD REGIONAL ORGANIZATION/COUNCIL OF GOVERNMENT) MEMBERS |

The CRAC includes a position from each of the 4 coastal planning districts. These members have the following responsibilities:

1. Attend CRAC and CRC meetings, or arrange for a formally designated substitute to attend.
2. Actively participate in assigned CRAC and CRC committees.
3. Take the initiative to become educated about issues before the CRAC and CRC by reading meeting materials, listening to CRC and CRAC discussions, and interacting with fellow members and DCM staff.
4. Review CRC's policies and proposals to determine how these may affect planning district programs and policies.
5. Provide technical expertise on issues.
6. Communicate with local governments about actions before the CRC through the following mechanisms: newsletter write-ups, press releases (as appropriate), distribution of CRC summary reports or topical memos, discussion at regularly scheduled or called meetings with local government officials or managers, and discussion at area planners meetings.

7. Report Planning District positions on issues to the CRC and CRAC.
8. Vote (and make proposals or motions) on issues before the CRAC or CRC Standing Committees as appropriate.
9. Report points of interest/information about activities under way within the Planning District that could be relevant to other CRAC members.
10. Provide input for presentations, action items, local issues forums, and field trips of the CRAC and CRC.
11. Write and administer CAMA-related planning grants.
12. Write and administer CAMA plan amendments.

STATE AGENCY MEMBERS

Members of the CRAC, who are appointed to represent state agencies, serve at the pleasure of the appointing agency and have the following responsibilities:

1. Attend CRAC and CRC meetings. Or, arrange for a formally designated substitute to attend.
2. Actively participate in assigned CRC and CRAC committees.
3. Take the initiative to become educated about issues before the CRAC and CRC by reading meeting materials, listening to CRC and CRAC discussions, and interacting with fellow members and DCM staff.
4. Review CRC policies and proposals to determine how these may affect the appointing agency's programs and policies.
5. Provide technical expertise on issues related to the appointing agency.
6. Communicate CRC and CRAC issues to the appropriate policy makers and individuals within the appointing agency and determine responses, as appropriate.

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7. Vote (and make proposals or motions) on issues before the CRAC or CRC Standing Committees, as appropriate.
8. Provide input for presentations, action items, local issues forums, and field trips of the CRC and CRAC.
9. Provide continuity to the CRAC and CRC by providing knowledge of past and/or current rulemaking by the CRC, or the appointing agency as it relates to the CRAC or CRC.
10. Be available for discussions with those who may have business that relates to CRC or CRAC matters and/or the appointing agency.

TECHNICAL/SCIENTIFIC MEMBERS

~~The CRC appoints three Several~~ members ~~of the CRAC are appointed~~ based on their scientific or technical expertise and these members have the following responsibilities:

1. Attend CRAC and CRC meetings.
2. Actively participate in assigned CRAC and CRC committees.
3. Take the initiative to become educated about issues before the CRAC and CRC by reading meeting materials, listening to CRC and CRAC discussions, and interacting with fellow members and DCM staff.
4. Provide information, data, and analysis on issues before the CRC or CRAC based on the member's area of expertise.
5. Vote (and make proposals or motions) on issues before the CRAC or CRC Standing Committees as appropriate.
6. Provide input for presentations, action items, local issues forums, and field trips of the CRC and CRAC.
7. Provide continuity to the CRAC and CRC by providing knowledge and technical expertise about past and/or current rulemaking by the CRC.



CRAC MEETINGS AND OPERATING PROCEDURES

(See Bylaws and Meeting Dates in Appendix B)

MEETINGS

The CRAC meets, at a minimum, four (4) times a year, generally in conjunction with regularly scheduled CRC meetings. It may meet at other times with the approval of the chairperson and the DCM Division Director. DCM staff prepares meeting packets containing documents that you will need to read in preparation for the meeting. The packets are available on the DCM website and it will be your responsibility to review them prior to the meeting.

ATTENDANCE

Regular attendance is a duty of each member. The chairperson, in consultation with the division and department secretary, is empowered to notify a member and the appropriate appointing body any time a member has missed three (3) consecutive regularly scheduled Council meetings and request that a new appointment be made, unless the attendance requirement is waived by the chairperson due to extraordinary circumstances.

If a member plans to miss a regularly scheduled meeting, he or she should notify the chairperson or DCM staff. County, planning district, and state CRAC members can have a formally designated alternate. When a designated alternate member attends the meeting, the regular CRAC member will not be considered absent. DCM will reimburse formally designated alternates for their travel costs in accordance with established guidelines.

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Each member (or designated alternate) is responsible for signing the attendance form on each day of the meeting.

OFFICERS

The statutory officers of the Council are the chairperson and vice-chairperson. These officers are elected annually, on a calendar year basis.

The chairperson presides over Council meetings, approves meeting agendas, appoints subcommittees and chairpersons as necessary to carry out the council's business, assigns mentors to each newly appointed member, presents CRAC views to the CRC as appropriate, and provides necessary liaison with the CRC Chairperson and Executive Secretary. The chairperson will also review and take the necessary actions to make appropriate revisions to this Guidebook at the beginning of his or her term.

The vice-chairperson presides over Council meetings in the absence of the chairperson and assumes the duties of the chairperson if the chairperson is unable to complete his or her term. In this situation, when the vice-chairperson assumes the chair position, a nominating committee will be appointed to seek a new vice-chairperson. The vice-chairperson works with state staff to establish council meeting agendas, subject to the approval of the chairperson. The vice-chairperson provides guidance to CRAC members, as requested, on the Code of Conduct/Potential Conflicts of Interest policy.

Staff to the CRAC is provided by the Division of Coastal Management (DCM).

STANDARD ORDER OF BUSINESS

1. Call to Order/Roll Call of Members
2. Approval of Minutes of Previous Meeting
3. Announcements
4. Approval of Agenda
5. Committee Meetings
6. Committee Reports
7. Old Business
8. New Business
9. Adjournment

Business is conducted in accordance with the current edition of Robert's Rules of Order Newly Revised in all cases where applicable.

COUNCIL AGENDAS

Persons, both members and non-members, desiring to have topics on the agenda for discussion at a regular Council meeting should notify the chairperson, vice-chairperson or division staff at the preceding meeting or at least three (3) weeks prior to the Council meeting date.

~~A form is available for this purpose (see last page of this chapter). This form will be included in the advance mailing for each meeting.~~

An agenda is mailed to CRAC members at least seven (7) days prior to a regularly scheduled meeting. With a majority vote by members present at a duly constituted Council meeting, additional items may be placed on the agenda for that meeting for discussion and/or action.

It is appropriate for resolutions or motions to be discussed, and adopted with a majority vote, when such resolutions or motions are related to an approved agenda item.

COMMITTEES AND TASK FORCES

The chairperson of the Council can appoint standing or special committees as he or she deems necessary. The chairperson designates the chairperson of each committee from among the Council members and serves as an ex-officio member of all committees.

STRATEGIC PLANNING AND SETTING PRIORITIES

Periodically, a strategic planning session will be held in lieu of a regular meeting to review and revise Council priorities.

CRC MEETINGS AND OPERATING PROCEDURES

(See Internal Operating Procedures, Appendix C)

MEETINGS

The CRC meets, at a minimum, four (4) times a year. The chairperson may call special meetings as necessary, as long as timely notice is given to CRC members.

CRAC members have a duty to attend regularly scheduled CRC meetings. Each member (or designated alternate) is responsible for signing the attendance form for each day of the meeting.

OFFICERS AND STAFFING

A chairperson is designated by the Governor from among the members of the CRC and a vice-chairperson is elected from and by the members of the CRC every two (2) years.

The Secretary of the Department of Environment and Natural Resources appoints the Executive Secretary for the CRC. This has historically been the Director of the Division of Coastal Management (DCM).

STANDARD ORDER OF BUSINESS

1. Call to order by chairperson
2. Ethics statement and members' disclosure of conflicts of interest
3. Roll call of commissioners in attendance
4. Approval of minutes of previous meeting
5. Opening remarks or ceremonies
6. Reports from Executive Secretary and CRAC Chairperson
7. Discussion of matters relating to operation and procedures of the Commission
8. Consideration of appeals, variance petitions, and declaratory rulings
9. Comments from the public
10. Public presentations by special speakers
11. Direction by chairperson to break into working committees, standing or special, to pursue the business of the Commission
12. Public hearings
13. Reports of the chairperson, or his designee, of each committee to the Commission
14. Consideration of old and new business
15. Announcements
16. Adjournment

Business is conducted in accordance with the current edition of Robert's Rules of Order Newly Revised in all cases where applicable.

STANDING COMMITTEES

There are two standing committees of the CRC: the Planning and Special Issues (P&SI) Committee and the Implementation and Standards (I&S) Committee. The chairperson of the CRC appoints all members of these two committees. Each member of the CRAC will be assigned to one of the two committees, in which each member has the responsibility of participating in discussions and voting. The chairperson can appoint other committees, standing or special, as necessary, or can convene meetings as a committee of the whole. (See Appendix D for current Standing Committee membership)

COMMENTING ON ISSUES BEFORE THE CRC OR BRINGING NEW ISSUES TO THE CRC

1. If appointing authorities have positions on issues being discussed in either of the standing committees or in a committee of the whole, the CRAC member should attend that committee meeting (even if not a member of that committee) for the purpose of making a comment. Alternatively, the CRAC member can provide a written comment to the chairperson of that committee or ask another member of the committee to make the comment.

2. CRAC members should not discuss any contested cases with CRC members. Contested cases include variances, declaratory rulings, permit and civil penalty appeals.
3. For other items on the agenda of the CRC, CRAC members should seek opportunities to talk with individual CRC members (i.e., telephone calls prior to the meeting, mealtime or break discussions, written correspondence). CRAC members can also ask to be recognized for a comment from the floor, ~~but this avenue for comment is not guaranteed.~~ It is the CRC chairperson's prerogative to recognize comments from the floor and, in the interest of time, this may not always happen.
4. For issues that are not under consideration by the CRC, the CRAC member should use the CRAC meeting as a forum (under New Business) to identify and discuss the issue. As appropriate, the CRAC chairperson could call for the issue to be staffed for the purpose of making a recommendation to the CRC. ~~New issues can also be identified for discussion by using the CRAC member comment form (blue form).~~ Alternatively, the CRAC member could make a statement during the CRC public comment period, but this option should only be used if the CRAC member is commenting as a member of the public and not of the CRAC.

COMMUNICATING CRC ACTIONS AND DELIBERATIONS TO APPOINTING BODIES

To assist CRAC members in communicating information to their appointing bodies about CRC actions and deliberations, DCM staff produces the following:

1. Highlights of CRC actions from each meeting, by mail and on DCM's web site (<http://www.nccoastalmanagement.net/dem2.enr.state.ne.us>). This product is ~~typically produced within a week~~ posted as soon as possible following the CRC meeting.
2. CRC Standing Committee minutes, ~~typically within a week,~~ are posted on the DCM's web site as soon as possible following the meeting.
3. Complete CRC meeting minutes, as soon as possible, are posted on the DCM's web site.
- ~~4.~~ 4.—DCM's quarterly publication, the CAMAgram, provides general news about DCM's programs and CRC actions, as well as interesting facts about CRC policies. This publication is available on DCM's web site.
5. CRAC members, alternates, and other interested parties can request to be added to DCM's Interested Parties and news service listservs.

REIMBURSEMENT OF EXPENSES

ALLOWABLE TRAVEL EXPENSES

CRAC members (or their formally designated alternates) are eligible for reimbursement of certain travel expenses associated with attending CRAC and CRC meetings. CRAC members and alternates are responsible for signing the attendance lists for each day of service or reimbursement approval may be delayed. Any questions about reimbursements should be directed to Angela Willis at 252-808-2808.

Meals

The maximum allowable rates for meals are: \$7.50 for breakfast, \$9.75 for lunch, and \$16.75 for dinner. Receipts are not required for meal reimbursement.

CRAC members cannot claim meals if they do not depart (day departing for CRAC/CRC meetings) or return (day returning from CRAC/CRC meetings) within the allowable statutory departure/return times.

If you are a state employee:

Breakfast (\$7.50): Allowed if travel starts prior to 6AM or return after 8AM.
Lunch (\$9.75): Allowed if travel starts prior to noon or return is after 2PM.
Dinner (\$16.75): Allowed if travel starts prior to 5PM or return is after 8PM.

If you are NOT a state employee:

Breakfast (\$7.50): Allowed if travel starts prior to 6AM.
Lunch (\$9.75): Allowed if travel starts prior to 12 noon.
Dinner (\$16.75): Allowed if travel starts prior to 5PM.

Hotel

CRAC members are responsible for making their own hotel reservations. Prior to each meeting, CRAC members will be given the name and phone number of the selected hotel, the negotiated room rate, and the date by which reservations must be made.

Overnight lodging will be reimbursed at the actual single room rate up to \$63.75 per night plus tax. Single room rates over \$63.75 per night plus tax require special Departmental approval.

If a room is shared with another CRC, CRAC, or staff member, reimbursement will be one-half the double room rate.

The original receipt from the hotel which shows a zero (\$0) balance must be attached to the claim form. One must check out at the front desk to obtain a receipt with a zero (\$0) balance. If the original receipt cannot be provided, a written and signed explanation must be provided.

Mileage

Mileage is reimbursed at the rate of \$0.25 per mile of travel. This includes state employees when a state vehicle is available and the employee chooses to drive their personal vehicle.

Compensation for Service

CRAC members who are not state employees are compensated at the rate of \$15.00 per diem for each day of service. This does not include days that are spent just in travel status; you must have attended a CRC or CRAC meeting or function on the day that you claim a per diem.

SUBMITTING CLAIMS

Receipts are required for hotels (must show a zero balance), tolls over \$3.00, phone calls over \$5.00 (show number and purpose of call), and parking (any amount). CRAC members must complete Form OCF-3A, Travel Expense Reimbursement Form within 30 days after the travel period for which the reimbursement is being requested. A copy of this form is provided to each CRAC member in the advance materials for each meeting. An example of a completed form is provided at the end of this chapter. Claim forms must be submitted to Angela Willis, Division of Coastal Management, 400 Commerce Avenue, Morehead City, North Carolina, 28557.

Code of Conduct / Potential Conflicts of Interest

CRAC members play an important advisory role in the creation of North Carolina coastal policy and regulations. In fact, the CRAC has been recently referenced by Milton Heath in his text entitled: A Guide for North Carolina State Boards, Commissions, and Councils (Institute of Government, 1999) as an example of an advisory board in North Carolina state government which has been given a very active rule-making role. The “authority” of the CRAC is based on its relationship with the CRC, which has historically been very strong.

The CRC and CRAC together have a responsibility to the people of North Carolina to carry out an effective coastal management program. In carrying out this responsibility, Governor-appointed CRC members are covered by Executive Order 127, the North Carolina Board of Ethics policy. Although CRAC members are selected to represent various appointing bodies, units of government, or disciplines, they have a broader responsibility to engender public trust in the coastal decision-making process.

Therefore, CRAC members should follow two principles in the discussion of issues, policies or rules:

- CRAC members should not “be a judge in their own case.” Members should not vote on matters where they have a significant and unique familial or financial interest.

- CRAC members should avoid situations where their objectivity might be called into question, and thereby taint not only the particular decision at issue, but also the entire process.

In either of these cases, the CRAC member should disclose that he or she might have a conflict of interest, and then describe why. Preferably, the possible conflict should be stated at the beginning of the agenda item discussion.

Since the CRAC is an advisory body, a member has a great deal of latitude to discuss general issues or particular matters before the CRAC even if he or she has disclosed a potential conflict and has decided to withdraw from voting on a particular issue.

Questions or clarifications concerning this policy should be directed to the vice-chairperson of the CRAC.

Division of Coastal Management Staff Responsibilities And Budget

(See Appendix E for Staff Contacts and Job Descriptions)

DIVISION OF COASTAL MANAGEMENT MISSION

Provide leadership and guidance in the protection, conservation, and management of North Carolina's coastal resources, through a comprehensive planning and resource management program.

ORGANIZATION

The Division of Coastal Management currently has 64 staff members, with offices in Raleigh, Elizabeth City, Washington, Morehead City, and Wilmington.

The Raleigh office includes administration, policy analysis, strategic planning, and geographic information systems. The Morehead City office includes the Director's office, Land Use Planning, and public access. CAMA major permits are processed in the Morehead City office, as are applications for federal consistency approval.

District offices house staff responsible for permitting and enforcement and a planner who provides assistance to local governments in developing land use plans and public access sites.

There are ~~three-four~~ (4) Coastal Reserve offices in Beaufort, Columbia, Kitty Hawk, and Wilmington. Staff in the Beaufort office are responsible for reserve education and managing the Rachel Carson site.

The Kitty Hawk staff manages Kitty Hawk Woods, Currituck Banks, and Buxton Woods. The Emily & Richardson Preyer Buckridge Reserve manager is located in Columbia.

The Wilmington staff oversees reserve coordination in Wilmington as well as management of Permuda, Masonboro and Zeke's Island sites. ~~The newest site, the Emily and Richardson Preyer Buckridge Reserve, is currently being managed out of the Kitty Hawk office.~~

BUDGET

The Operating Budget (FY ~~2006-2007~~-~~2001-2002~~) ~~is was~~ approximately ~~\$5~~-~~\$6.65~~ million, including a ~~\$3.5~~-~~\$3.3~~ million federal grant from NOAA, a ~~\$1.8~~~~\$2.3~~ million state appropriation, ~~\$130~~~~\$850~~,000 in receipts, and ~~\$177~~~~\$200~~,000 from other state agencies.

The Division also receives about ~~\$1~~~~\$2.6~~ million from the Parks and Recreation Trust Fund for public access grants to local governments.

GRANT FUNDS

~~Approximately \$1.4~~~~\$2.3~~ million in grant funds is distributed annually:

- ~~\$1~~ ~~\$2~~ million in public waterfront access grants to local governments
- ~~\$161~~~~\$260~~,000 for land use plan updates and implementation measures
- ~~\$212,603~~ ~~for land use plan updates~~
- ~~\$30~~~~\$50~~,000 in marina pump-out grants

INFORMATION RESOURCES

1. Web site (~~www.nccoastalmanagement.net~~)~~dem2.enr.state.nc.us~~)

The web site provides a wealth of information. The menu includes the following: What We Do, CRC and CRAC, Rules and Permits, Land Use Plans, Current Issues, Coastal Reserve, Wetlands, News Releases, CAMAgram, Access Sites, Links, Storms, and Email DCM.

2. CAMAGRAM

DCM's quarterly online publication, the CAMAgram, provides general news about DCM's programs and CRC actions, as well as interesting facts about CRC policies.