

**North Carolina
Coastal Resources Commission**

December 9, 2013



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TO: Coastal Resources Commission
FROM: Frank Gorham
SUBJECT: Recommendation for Cape Fear River AEC Feasibility Study

As you are aware, the Commission has been directed by the General Assembly to study the feasibility of creating a new Area of Environmental Concern (AEC) for the lands adjacent to the mouth of the Cape Fear River (S.L. 2012-202). During the study process, we learned a lot about what proposals might proactively address this inlet and how to help protect both the property owners and the environment. There is no question the Cape Fear River inlet presents a unique set of challenges, especially due to the deep water channel and corresponding dredging required for major navigational shipping. However, I am concerned with developing a unique set of rules for a specific geographic area when other inlets may have to contend with similar issues. I would therefore propose that the Commission undertake a comprehensive review of all inlet-related issues and develop an inlet management approach that incorporates the use of a variety of management tools and proactive steps to address the unique situations confronted by local governments in these dynamic areas. This would include options that would stabilize inlets which in turn will help protect both property owners and the environment.

The communities and stakeholders who participated in the Cape Fear River Inlet AEC Feasibility Study have provided invaluable information and recommendations for new inlet management approaches. Additionally, past studies by the Division of Coastal Management, CRC Science Panel, and many others provide extensive information on the characteristics of inlets in North Carolina. Finally we have been given further incentive by the legislature to be pro-active when the NC General Assembly directed the Commission to:

- determine the feasibility of eliminating the Inlet Hazard Area AEC and incorporating appropriate development standards adjacent to developed inlets (S.L.2012-202);
- examine permit mechanisms to streamline inlet dredging projects (S.L.2013-138); and
- re-evaluate the merits of existing rules through 2013 Regulatory Reform Act (S.L.2013-413).

I believe we should consolidate all of our past and current efforts into a single, comprehensive inlet management study. This study would propose management tools to ensure a solutions-oriented approach that provides appropriate remedies with respect to proposed development, protecting existing property, dredging

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activities, beach fill, beneficial use of dredged material and the use of engineered structures through close collaboration with local governments. Protecting and maintaining our inlets should be the best way to protect the precious environment for the benefit of all North Carolina citizens and to help the local property owners maintain their dreams for future generations.

In order to ensure that all stakeholders have input in this major goal, I am recommending that we hold a series of community-based discussion forums in other regions of our coast. We can then build on the initial AEC Study recommendations and elicit a range of management options and regulatory reforms related to inlet management. I am going to ask our CRC Commissioners to chair and hold four regional hearings to gather recommendations and to report to the full Commission.

I understand this will be a massive commitment and undertaking. I also believe this approach would benefit the Division of Coastal Management staff by giving them some direction on where and how to focus their efforts regarding the many mandated studies. Under this proposal, we would report the above action plan to the Governor and Legislature.

Attached is a draft recommendation which outlines my proposal. I would like to discuss this proposal and the attached recommendation at our upcoming meeting in Atlantic Beach. With your input and direction, we could provide some real solutions to help manage, stabilize and protect our inlets. I look forward to seeing you in Atlantic Beach.

**NC COASTAL RESOURCES COMMISSION
CAPE FEAR RIVER AEC FEASIBILITY STUDY
RECOMMENDATIONS
DECEMBER 31, 2013**

The 2012 N.C. General Assembly directed the Coastal Resources Commission (CRC) to study the feasibility of creating a new Area of Environmental Concern (AEC) for the lands adjacent to the mouth of the Cape Fear River. Session Law 2012-202 requires the CRC to consider the unique coastal morphologies and hydrographic conditions of the Cape Fear River region, and to determine if action is necessary to preserve, protect, and balance the economic and natural resources of this region through the elimination of current overlapping AECs by incorporating appropriate development standards into one single AEC unique to this location. For the purposes of this feasibility study, the CRC was directed to consider a region that encompasses the Town of Caswell Beach, the Village of Bald Head Island, and surrounding areas. The CRC is to report its findings and any proposed actions to the Secretary of the Department of Environment and Natural Resources, the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Environmental Review Commission by December 31, 2013.

Since late 2012, the Division of Coastal Management (DCM) has worked with the above municipalities and the adjacent landowners to draft a report that identifies regulatory concerns and proposed strategies for a new regulatory framework. The communities and stakeholders who participated in the Cape Fear River Inlet Feasibility Study have provided invaluable information and recommendations for new inlet management approaches. While the Cape Fear River inlet does present a unique set of challenges, other inlets may have to contend with similar issues. The Commission will therefore undertake a comprehensive review of inlet-related issues and develop a suite of management tools that will allow us to more proactively address the issues confronted by local governments in these dynamic areas.

The Commission and Division of Coastal Management are currently involved in a number of related initiatives. These include past studies by the Division of Coastal Management, CRC Science Panel, and many others that provide extensive information on the characteristics of inlets in North Carolina. Most recently, the NC General Assembly directed the Commission to:

- determine the feasibility of eliminating the Inlet Hazard Area AEC and incorporating appropriate development standards adjacent to developed inlets (S.L.2012-202);
- examine permit mechanisms to streamline inlet dredging projects (S.L.2013-138); and
- re-evaluate the merits of all existing rules through the 2013 Regulatory Reform Act (S.L.2013-413).

These efforts will be combined into a single, comprehensive inlet management study, to ensure a solutions-oriented approach that provides appropriate remedies with respect to proposed

development, dredging activities, beach fill, beneficial use of dredged material, and the use of engineered structures through close collaboration with local governments.

This comprehensive inlet management study will include tailored shoreline management strategies that take into account short- and long-term inlet shoreline oscillation and variation, including erosion rates and setback factors; the development of standards that account for the lateral movement of inlets and their impact on adjacent development and habitat. The approach will also consider new and revision of existing development standards, and how historical and ongoing beach and inlet management techniques, including dredging, beach fill, beneficial use of dredged material and engineered structures such as groins and jetties can be incorporated. Development of the inlet management strategies will include examination of CAMA permit mechanisms to streamline routine inlet projects and collaboration with local governments and landowners in an effort to ensure a cost-effective and equitable approach to beach and inlet management and restoration.

In order to ensure that all stakeholders have input, the Commission will begin with a series of community-based discussion forums along the coast in order to build on the initial Cape Fear River AEC Study recommendations and elicit a range of management options and regulatory reforms related to inlet management.

Study Schedule

- 1) Conduct four regional hearings by April 30, 2014.
- 2) Summary of regional meetings, findings and preliminary recommendations to full CRC by May 15, 2014
- 3) Legislative status report – June 30, 2014
- 4) Final draft findings and recommendations submitted to CRC July 31, 2014
- 5) Submit proposed rulemaking changes for public comment –September 30, 2014
- 6) Submit report findings to Governor and legislature by December 31, 2014.