

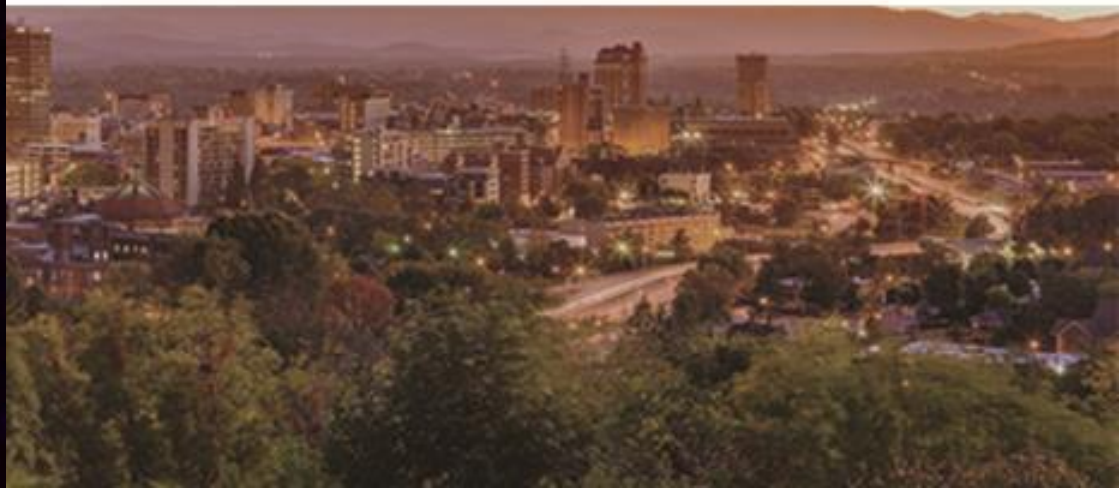


***November 4, 2021***

# ***NC Coastal Program Update***

***Braxton Davis***

***NC Division of Coastal Management***



# *NC Division of Coastal Management*

## **Regulatory Program**

- 4 District Offices; Local Permitting Officers

## **Policy and Planning**

- Policy development w/ CRC
- CAMA Land Use Planning
- Coastal Resilience Planning
- Waterfront Access Grants
- Clean Marina Program

## **Coastal Reserve Program**

- 10 Coastal Reserves, including NERR
- Focus on research and education



# Regulatory Trends



- **2021 as busy as ever...**
  - 2442 GPs in 2020 (about 50% above average)
  - 2195 so far in 2021
  - Increase in CAMA Major Permits (~160/yr)
  - Increase in compliance/enforcement actions
  - Increase in appeals/litigation
- **(Restored) Minor Permitting Coordinator**
  - Consistent training/outreach for LPOs (“*Minor Details*”)
  - Updating guidance documents, policies and procedures
  - Direct assistance w/ complex permits / enforcement
- **(Restored) Field Representative (MHC District)**
  - Shifted territories to the south to assist Wilmington office

# *Offshore Wind Energy*

## **Federal Coastal Zone Management Act**

- Federal activities, licenses, permits, leases must be consistent with NC's enforceable coastal policies
  - Includes federal waters / offshore energy
  - Involves circulation of proposal to other state agencies and public comment process
  - Close coordination w/ DEQ
- DCM currently negotiating stay agreement w/ Avingrid Renewables – Kitty Hawk
  - Federal consistency review will begin after Draft EIS (likely late 2022)



# Offshore Sand Borrow Sites



## DCM recently permitted an overlapping borrow site for 2 Town beach projects

- No state easement / leasing program in NC waters
- No exclusive mineral rights assigned via CAMA permit
  - Would likely involve DOA/State Property Office
- For now, need interlocal agreement / negotiated solution

## Ongoing study of other state approaches

- *SC* – similar situation to NC, no lease/easement program
- *GA* – Intergovernmental mineral license from State Property Commission. No fee if public beach. Non-exclusive.
- *FL* – Letter of Consent if < 5 years, Easement if longer... both are non-exclusive
- Reaching out to other organizations for research assistance

# *Changes to Sediment Criteria*

## **CRC Sediment Criteria 15A NCAC 7H .0312**

- Ensures sand in borrow site matches sand on recipient beach
- Amendments expand flexibility for sampling borrow sites
  - Allow some use of historical sampling data
  - Increase flexibility for geophysical imaging
- Improve initial characterization of recipient beach, w/ focus on large material (rocks and shell)
  - Requires surveys of 10,000 sf plots centered on each transect (5,000' spacing between transects)
  - One-time requirement – data will be available on DCM website to serve as long-term baseline data

# *Ongoing Beach Surveys*

## **Grants from DCM to meet new requirements**

- Jan. 2021 – DCM announced sediment sampling funding opportunity
  - No match requirement
  - Awarded 13 projects totaling \$171,390
  - Grants ranged from \$6,000 - \$35,000
  - Most of developed coast now completed / underway



# *Upcoming Beach Projects*



## *Winter 2021 / Spring 2022*

- **Ocean Isle** terminal groin construction/CSRM project
- **Carolina Beach/Kure Beach** CSRM project
- **Holden Beach** beach nourishment
- **Oak Island** beach nourishment
- **North Topsail Beach** truck haul project

## *Summer 2022*

- **Duck/Southern Shores/Kitty Hawk/KDH** beach nourishment
- **Buxton/Avon** beach nourishment (permits pending)
- **Nags Head** beach nourishment (permit pending)

## *Longer-Term*

- **Oak Island and Topsail Beach** working on long-term beach management plans / permits
- **North Topsail Beach** undertaking Environmental Impact Statement considering terminal groin at New River Inlet
- Supplemental EIS underway for **Figure 8** / Rich Inlet



# *Upcoming Coastal Resources Commission Meeting*



- **Oceanfront setbacks / Beach Management Plans**
  - Final draft rule (Fiscal Analysis already approved) – seeking minor amendments / approval for public hearings
- **Key Changes:**
  - Replaces “Static Line Exception” and “Development Line”
  - Simplifies language – e.g. “Pre-Project Vegetation Line”
  - Encourages local/subregional beach plans, establishes CRC oversight of plans in exchange for some regulatory relief:
    - Expands exceptions for existing structures (previously only for structures built prior to 2009)
    - Removes distinction b/t commercial & residential buildings
    - Increased flexibility for “landward-most-adjacent” restriction

# *Upcoming Coastal Resources Commission Meeting*



## • **Inlet Hazard Areas**

- Proposed maps and rule language approved by CRC for public hearings (will be in each oceanfront county)
- Fiscal analysis approved by DEQ and OSBM
- Staff proposing to allow beach bulldozing GPs and small structure exceptions in IHAs

## • **Parking fees at Beach Access sites**

- Can only be used for operation and maintenance of public access site, or provision of new access
- Reports on expenditures required by existing CRC rule
- Commission considering potential rule changes at November meeting



# *Upcoming Coastal Resources Commission Meeting*



- **CAMA Land Use Plans**

- Commission considering amendments to clarify what/when LUP policies are applied in CAMA permitting decisions

- **Floating Processing Facilities**

- Commission considering rules to allow floating structures for processing of shellfish at DMF-approved lease sites

- **Revising permit timelines**

- Commission undertaking rule changes to extend all CAMA Major Permit expiration dates to 5 years from issuance
  - 10 years for publicly-funded, multi-phased beach projects

# *Public Beach and Waterfront Access Program*

## **Enhance Access to Beaches, Rivers, Waterfronts**

- Celebrating 40<sup>th</sup> anniversary
- Since 1981, 461 sites acquired or improved with ~\$48M in matching funds to local govts
- 5% of Parks & Recreation Trust Fund (PARTF) (\$850K in FY20-21; annual requests ~ \$2.3M)
- Recently awarded >\$1.1M to 9 local governments

## **Project Selection Criteria**

- Land Acquisition, Parking, Site Improvements, Urban Waterfront Redevelopment
- With expanded funding, local govt's could prioritize acquisition of vulnerable properties



# *North Carolina Division of Coastal Management*

**Contact:**  
**Braxton.Davis@ncdenr.gov**  
**252-808-2808 x201**

