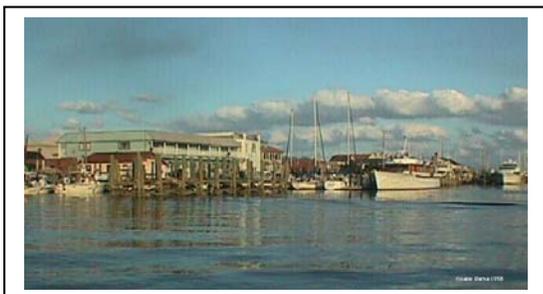
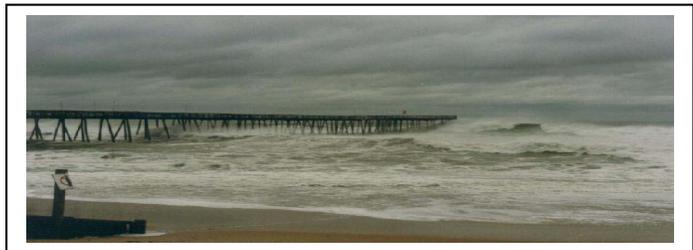
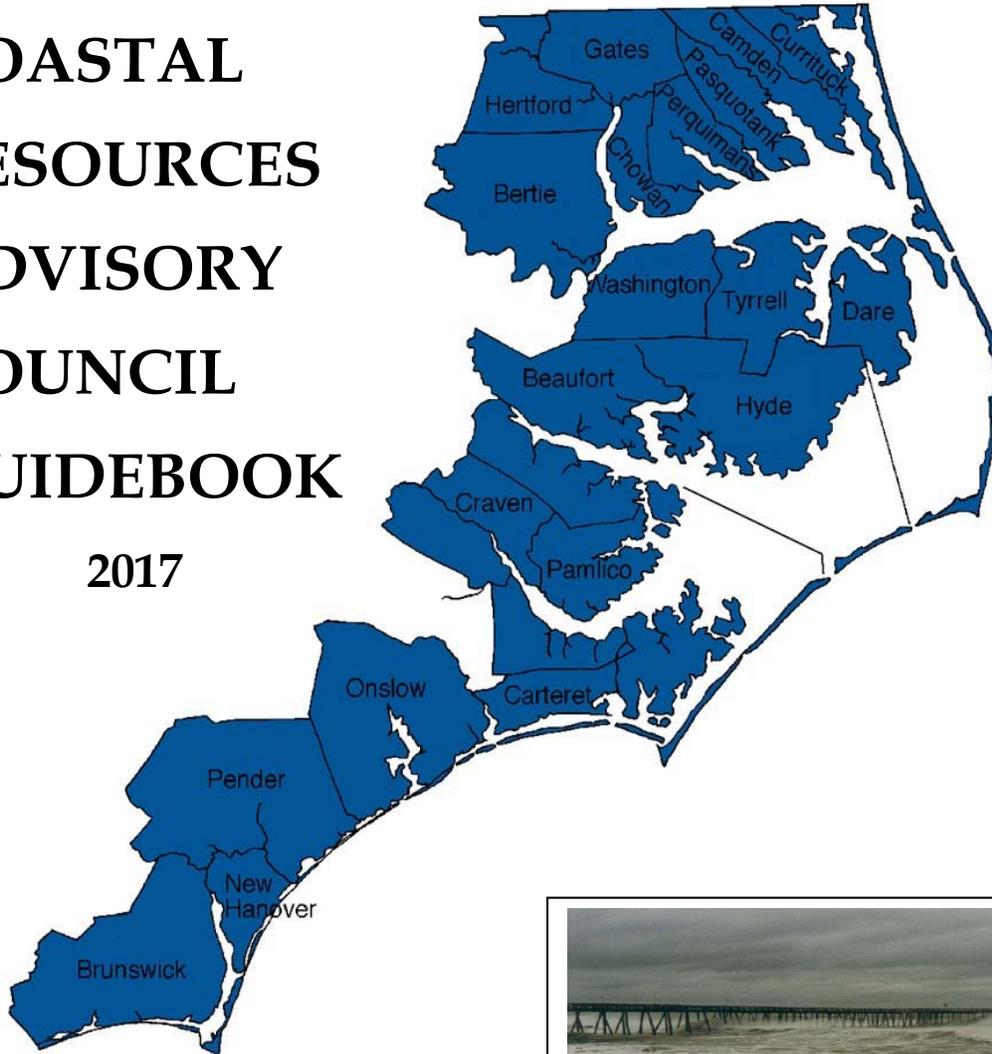




# COASTAL RESOURCES ADVISORY COUNCIL GUIDEBOOK

2017



**N.C. Department of Environmental Quality  
Division of Coastal Management**

# **Coastal Resources Advisory Council Guidebook**

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**2017**

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## I. WELCOME TO NORTH CAROLINA'S COASTAL RESOURCES ADVISORY COUNCIL

You have been appointed by the Coastal Resources Commission (“CRC” or “Commission”) to the Coastal Resources Advisory Council (“CRAC” or “Council”) to assist the Secretary of the Department of Environmental Quality (“DEQ”) and the Secretary of Administration on matters which may be submitted by either of them or by the Commission, including technical questions relating to the development of rules, and to provide advice on such other matters as the CRAC considers appropriate under the Coastal Areas Management Act of 1974. N.C.G.S. § 113A-105. Information regarding the Council and Commission, including a current list of members, may be found on DCM’s website: <https://deq.nc.gov/about/divisions/coastal-management/coastal-resources-commission>

Following is some information you may find helpful during your service on the CRAC.

### 1. Introduction to CAMA and the work of the Commission and Council

The North Carolina General Assembly enacted the Coastal Area Management Act of 1974 (“CAMA”) to establish a resource management program for the State's 20 coastal counties which balances the competing demands of protecting coastal resources with guiding and managing development along the NC coast. This is accomplished by:

- Local mandatory land use planning;
- State-regulated development in specified Areas of Environmental Concern under state-established standards;
- Preservation and stewardship of critical habitat through the NC Coastal Reserves which includes education and research;
- Coordination with federal projects for consistency; 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.

The Division of Coastal Management (DCM) within DEQ 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 staff is not employed by the Commission or CRAC but provides staffing services to both groups. DCM’s Executive Director serves as Executive Secretary to the Commission.

### 2. CAMA Areas of Environmental Concern (AECs)

As authorized by CAMA, the CRC designates AECs under the state’s rulemaking procedures. AECs currently 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.

### 3. 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. Many 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 can be issued by local governments consistent with CRC established standards. General Permits are streamlined major permits for routine projects such as bulkheads and private piers. Major Permits are necessary for any development project that requires another state or federal permit. Major development projects are reviewed by approximately 14 state and federal agencies and issued by DCM's Morehead City office.

### 4. The Coastal Resources Commission (CRC)

Under CAMA, a 13-member Coastal Resources Commission (CRC) was established to set policies and guidelines for development and natural resource protection in the 20 coastal counties. *See* N.C.G.S. § 113A -100 *et seq.* 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 composition of the CRC includes:

- Two appointed by the Governor who shall at the time of appointment be a coastal property owner or experienced in land development.
- Two appointed by the Governor who at the time of appointment be actively connected with or have experience in engineering in the coastal area or a marine-related science.
- One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in coastal-related business.
- One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in local governments within the coastal area.
- One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in coastal agriculture.
- One appointed by the Governor who shall at the time of appointment actively connected with or have experience in commercial fishing.
- One appointed by the Governor who shall at the time of appointment connected actively connected with or have experience in coastal forestry.
- One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall at the time of appointment be actively connected with or have experience in sports fishing.
- One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.
- One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall at the time of appointment be actively connected with or have experience in wildlife.

- One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.

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

## II. Coastal Resources Advisory Council (CRAC), Meetings and Operating Procedures

The Coastal Resources Advisory Council (CRAC), which was also established by CAMA, consists of not more than 20 members, appointed or designated by the CRC. Counties and cities in the coastal area may nominate candidates for consideration by the CRC. Members may be reappointed at the discretion of the CRC, provided that one-half of the membership at the beginning of any two-year term are residents of counties in the coastal area. The Chairman and Vice-Chairman shall be elected annually by the council.

### 1. Responsibilities and Role of the Coastal Resources Advisory Council member

- Attend and actively participate in CRAC meetings;
- Attend Commission meetings in order to better understand the issues before the Commission and the Council;
- Provide relevant information about activities in your community to the CRAC, Commission and DCM staff as needed for presentations, action items, local issues forums, field trips, etc.;
- Take information regarding the work of the CRAC and Commission back to your community;
- Provide technical expertise on issues relating to the Commission's work when appropriate.
- CRAC members should not discuss any quasi-judicial matters before the Commission with members of the Commission. These may include variances, declaratory rulings, permit and civil penalty appeals.

Issues can emerge from many sources, and open channels of communication are the best means of bringing issues to the attention of everyone involved with the council. Many coastal policies and regulations are inter-related, and changes to one or more of these rules can have intended and unintended consequences in other areas. Additionally, issues can emerge from the General Assembly, from DCM, from local governments, from advocacy groups, and from the CRC and CRAC; there are several approaches the CRAC can utilize to work efficiently with the CRC. Some of the potential pathways for work flow include:

- "Up the Chain" - or bottom-up approach -policy/rule initiatives and major changes emanating from DCM or the General Assembly would go through the CRAC first during the development process before being presented to the CRC (for discussion or decision, along with a recommendation).
- "Down the Chain" - or top-down approach -policy/rule initiatives and major changes emanating from the CRC or the General Assembly would go through the CRAC first during the development process before DCM formulates the rule or policy.
- "From the Chain" - the CRAC would be free to initiate policy/rule initiatives by working with DCM and presenting the ideas, or proposed rule language directly to the CRC.

## 2. Code of Conduct / Potential Conflicts of Interest

CRAC members play an important advisory role in the creation of North Carolina coastal policy and regulations. The CRAC is an example of an advisory board in North Carolina state government which has been given a very active rule-making role. *A Guide for North Carolina State Boards, Commissions, and Councils* by Milton Heath, Institute of Government, 1999. The “authority” of the CRAC is based on its relationship with the CRC, which has historically been very strong. Together the CRC and CRAC have a responsibility to the people of North Carolina to carry out an effective coastal management program. In carrying out this responsibility, appointed Commission members are covered by the State Government Ethics Act pursuant to Chapter 138A of the North Carolina General Statutes. Given the CRAC’s advisory role, CRAC members are not covered by the State Government Ethics Act. However, CRAC members should follow two principles in the discussion of issues, policies, or rules:

- CRAC members should not vote on matters in which they have a significant and unique familial or financial interest; and
- CRAC members should always disclose to the CRAC any conflict or potential conflict of interest and avoid situations where their objectivity might be called into question.

By following these principles, the CRAC will provide a transparent process, protect the work of the Council and avoid the possibility of tainting a particular recommendation of the Council.

## 3. CRAC Meetings, Attendance, and Standard Order of Business

The CRAC usually meets five times a year, generally in conjunction with regularly scheduled Commission meetings. It may meet at other times with the approval of the Chair of the Commission, the Chair of the CRAC, and the DCM Division Director.

Regular attendance is a duty of each member. The Commission, after consultation with the DCM director and CRAC chair, may terminate a member’s appointment any time a member has missed three (3) consecutive regularly scheduled Council meetings, unless the attendance requirement is waived by the CRAC chair for good cause. If a member plans to miss a regularly scheduled meeting, he or she should notify the CRAC chair and DCM staff.

Standard order of Business:

- Call to Order/Roll Call of Meetings
- Approval of Minutes of Previous Meeting
- Announcements
- Approval of Agenda
- Reports
- Old Business
- New Business
- Adjournment

#### 4. Officers

The Bylaws of the N.C. Coastal Resources Advisory Council are available on the DCM website. The statutory officers of the Council are the chairperson and vice-chairperson who are elected annually by the Council. The chair presides over council meetings, approves meeting agendas, presents the views of the CRAC to the Commission as requested, and is the liaison between the CRAC and the CRC Chair and Executive Secretary. Business is conducted in accordance with the current edition of *Robert's Rules of Order*.

#### 5. Reimbursement of Expenses

CRAC members are eligible for reimbursement of certain travel expenses associated with attending CRAC and CRC meetings. CRAC members are responsible for signing the attendance lists for each day of service or reimbursement approval may be delayed. Reimbursement will be provided at the rate established by the State (G.S. 138-5).

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 \$67.30 per night plus tax. Mileage is reimbursed at the rate of \$0.25 per mile of travel (G.S. 138-6). 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.

CRAC members must complete Form OC5a, Travel Expense Reimbursement Form, within 30 days after the travel period for which the reimbursement is being requested. The original receipt from the hotel which shows a zero (\$0) balance must be attached to the claim form. Receipts are also required for parking (any amount). Claim forms along with receipts must be submitted to the Division of Coastal Management, 400 Commerce Avenue, Morehead City, North Carolina, 28557.