

NC COASTAL RESOURCES COMMISSION (CRC)

November 17-18, ~~2016~~ 2015
DoubleTree by Hilton
Atlantic Beach

Present CRC Members

Frank Gorham, Chair
Renee Cahoon, Vice-Chair
Neal Andrew, Second Vice-Chair

Gwen Baker	Phil Norris
Larry Baldwin	Jamin Simmons
Marc Hairston	John Snipes
Greg Lewis	Bill White

Present CRAC Members

Debbie Smith, Chair
Rudi Rudolph, Vice-Chair
John Brodman
Jett Ferebee
Beth Midgett
Mike Moore
David Moye
Kris Noble
Bobby Outten
Frank Rush
Dave Weaver
Lee Wynns

Present Attorney General's Office Members

Mary Lucasse
Christine Goebel

CALL TO ORDER/ROLL CALL

Frank Gorham called the meeting to order reminding the Commissioners of the need to state any conflicts due to Executive Order Number One and the State Government Ethics Act. The State Government Ethics Act mandates that at the beginning of each meeting the Chair remind all members of their duty to avoid conflicts of interest and inquire as to whether any member knows of any conflict of interest or potential conflict with respect to matters to come before the Commission. If any member knows of a conflict of interest or a potential conflict of interest, please state so when the roll is called.

Chairman Gorham introduced Phil Norris who fills the seat on the Commission as an At-Large member. Commissioner Norris read the evaluation of his statement of economic interest. Angela Willis called the roll. All duly appointed Commissioners were present. No actual conflicts were reported for this meeting. However, Commissioner Norris stated that he would recuse himself from an upcoming variance request being submitted by the NC State Ports Authority. Based upon this roll call Chairman Gorham declared a quorum.

Mary Lucasse, CRC Counsel, gave an overview of the variance process and reviewed the four statutory criteria which must be met in order for the Commission to grant a variance.

CHAIRMAN'S COMMENTS

Chairman Gorham stated that there is a vacant spot on the Executive Committee that needs to be filled.

Renee Cahoon made a motion to appoint Larry Baldwin to the CRC Executive Committee. Bill White seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Chairman Gorham stated he would like to get a certificate of appreciation from the Commission to be presented to former Commissioner Suzanne Dorsey for her service.

Neal Andrew made a motion to invite Suzanne Dorsey to the September CRC meeting in Wilmington and present her with a certificate of appreciation from the Commission. Larry Baldwin seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Chairman Gorham stated several commissioners had reported conflicts with the proposed dates for 2016 CRC meetings. New dates have been proposed to alleviate a majority of the conflicts. After discussion, the Commission voted on the following CRC dates for 2016:

February 9-10, May 10-11, July 12-13, September 13-14, November 30-December 1.

Renee Cahoon made a motion to approve the proposed 2016 Coastal Resources Commission meeting dates. Jamin Simmons seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Chairman Gorham stated he would like a task force setup to review the variance process and third party hearing request process. This should consist of 6-7 outside attorneys as well as Mary Lucasse and Christy Goebel.

VARIANCES

**TJ's Land Development, LLC (CRC VR 15-06), Beaufort County, Pier Width
Steve Trowell, Christine Goebel**

Steve Trowell, DCM Field Representative, gave an overview of the site of the proposed development. Christy Goebel, of the Attorney General's office, represented staff and stated Attorney Franz Holsher is present and will represent Petitioners. Petitioner owns property on Pungo Creek near Belhaven in Beaufort County. On August 4, 2015, DCM issued CAMA Major Permit #79-15 to Petitioner which allows development of a 66 slip T-head marina dock with an approximately 730 foot long accessway. Condition #6 on the permit requires that a portion of the permitted pier accessway which crosses the Coastal Wetlands AEC at this site be limited to a six foot width per the Commission's rule 15A NCAC 7H .0205. The Petitioner now seeks a variance to allow the portion of the accessway over coastal wetlands to be eight feet in width as was authorized for those portions of the accessway over high ground, 404 Wetlands and open water, as proposed in the permit applications. Ms. Goebel reviewed the stipulated facts of this variance request and stated that Staff and Petitioners agree on three of the four variance criteria which must be met in order for the Commission to grant a variance. Staff disagrees with Petitioner that hardships result from conditions peculiar to the Petitioner's property. While this site has an expansive Coastal Wetland AEC and 404 Wetland area, such wetlands are not unique physical conditions in this part of Pungo Creek and the inner banks area of North Carolina.

Franz Holsher, counsel for Petitioner, reviewed the stipulated facts which he contends supports the granting of this variance request and stated there will be a lot of public use of this pier and docking facility and a six foot limitation will not be sufficient. If these wetlands were not on the Site then the condition would not be necessary. There is not another location on this site that does not have wetlands.

Renee Cahoon made a motion to support Petitioner's position that strict application of the applicable development rules, standards, or orders issued by the Commission will cause the Petitioner an unnecessary hardship. Neal Andrew seconded the motion. The motion passed with ten votes in favor (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Snipes, Lewis) and one opposed (Baker).

Renee Cahoon made a motion to support Petitioner's position that hardships result from conditions peculiar to the petitioner's property. Neal Andrew seconded the motion. The motion passed with seven votes in favor (Hairston, White, Norris, Baldwin, Andrew, Cahoon, Gorham) and four votes opposed (Simmons, Baker, Snipes, Lewis).

Renee Cahoon made a motion to support Staff's position that hardships do not result from actions taken by the Petitioner. Greg Lewis seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Renee Cahoon made a motion to support Staff's position that the variance request will be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; will secure the public safety and welfare; and preserve substantial justice. John Snipes seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

This variance request was granted.

**Town of Carolina Beach (CRC VR 15-07), Oceanfront Setback
Robb Mairs, Christine Goebel**

Robb Mairs, DCM Field Representative, gave an overview of the site of the proposed development. Christy Goebel of the Attorney General's office represented staff and stated attorneys Clark Wright and Noel Fox are present and will represent the Town on this variance request. On November 18, 2013, the Town of Carolina Beach applied for a CAMA minor development permit requesting approval of the Carolina Beach Boardwalk Improvement Project to replace and expand the Carolina Beach boardwalk. DCM denied the permit application because the development extended oceanward of the ocean hazard setback. At the February 2014 CRC meeting, the Town sought a variance for the entire project and the Commission granted the variance for enlargement of the existing boardwalk and its improvements, but denied the variance for the northern extension of the boardwalk. On May 6, 2014, the Town applied for a new CAMA minor development permit seeking approval of the boardwalk's redesigned northern extension. On June 2, 2014, DCM denied the permit due to the inconsistency with the ocean hazard setback. The Town sought a variance from the Commission in October 2014, but the Town withdrew the variance petition before final action was taken. On October 6, 2015, the Town filed this third variance request seeking approval of a newly reduced size northern extension, based on the June 2, 2014 permit denial. Ms. Goebel

reviewed the stipulated facts of this variance request and stated staff and petitioner agree on all four variance criteria. Clark Wright of Davis Hartman Wright represented Petitioner and reviewed the stipulated facts which he contends supports the granting of this variance request.

Chairman Gorham expressed his concerns for the security being provided by the Town. Mr. Wright responded that video cameras will be utilized by the Town for security, the limited width and the removal of the bump outs in the new addition, secured locked accesses as well as the commitment of increased patrol by law enforcement. Ms. Goebel stated that operational conditions on a permit would be difficult for DCM to enforce. Commissioner Baker questioned if the design of the boardwalk would weaken the dune structure. Ms. Goebel pointed to stipulated fact #53 which states that because the boardwalk will be elevated above the existing dune system, the boardwalk should have only temporary, minimum dune impacts during the installation of the pilings and construction. Following construction, grade will be restored to original heights outside the boardwalk and ramp footprints, and will be fully re-vegetated with native vegetation. Commissioner Baldwin expressed his concerns that this is a large, beach-parallel structure in a renourished area. A horizontal structure during a major storm could be a huge issue. Chairman Gorham again questioned the Town's level of commitment to security for the boardwalk extension. Following a short recess to meet with his client, Mr. Wright stated the Town will make a commitment to double the officers on patrol and the boardwalk. The Town will also rebuild the gate in front of the Avarete residence and make it lockable if they desire. Stipulated Fact #24 addressed detailed security and lighting issues. The Town is also willing to station someone on the boardwalk to direct crowd flow away from the structure during events on the pavilion end of the boardwalk. The Town will work with DCM and CRC counsel to get a letter of commitment from the Mayor.

Renee Cahoon made a motion to support staff and petitioner's position that strict application of the applicable development rules, standards or orders issued by the Commission will cause the petitioner an unnecessary hardship. Neal Andrew seconded the motion. The motion passed with ten votes in favor (Hairston, White, Simmons, Norris, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis) and one opposed (Baldwin).

Renee Cahoon made a motion to support staff and petitioner's position that hardships result from conditions peculiar to the petitioner's property. Neal Andrew seconded the motion. The motion passed with eight votes in favor (Hairston, White, Simmons, Andrew, Cahoon, Gorham, Baker, Snipes) and three opposed (Norris, Baldwin, Lewis).

Renee Cahoon made a motion to support staff and petitioner's position that the hardships do not result from actions taken by the petitioner. Neal Andrew seconded the motion. The motion passed with eight votes in favor (Hairston, White, Simmons, Andrew, Cahoon, Gorham, Baker, Snipes) and three opposed (Norris, Baldwin, Lewis).

Renee Cahoon made a motion to support staff and petitioner's position that the variance request will be consistent with the spirit, purpose and intent of the rules, standards, or orders issued by the Commission; will secure the public safety and welfare; and preserve substantial justice. Neal Andrew seconded the motion. The motion passed with eight votes in favor (Hairston, White, Simmons, Andrew, Cahoon, Gorham, Baker, Snipes) and three opposed (Norris, Baldwin, Lewis).

This variance request was granted.

**The Riggings HOA – On Remand (CRC VR 15-08), Kure Beach, Sandbags
Robb Mairs, Christine Goebel**

Robb Mairs, DCM Field Representative, gave an overview of the site of the proposed development. Christy Goebel of the Attorney General's office represented staff and stated attorney William Wright is present and will represent petitioner. This is a rehearing on remand from the Supreme Court of North Carolina. Petitioner is the Homeowners Association for The Riggings condominium development in Kure Beach, which owns oceanfront property just north of Fort Fisher. Since 2000, when its original sandbag authorization expired, the petitioner has been granted four variances from the Commission to keep sandbags for a period longer than allowed by Rule 15A NCAC 7H .1705(a)(7), which limits sandbag use to up to five years. In January of 2008, the CRC denied a fifth variance request. On appeal to superior court, the case was remanded to the Commission for rehearing. In April 2009, the Commission again denied this variance request. On appeal to Superior Court, the Judge reversed the Commission's decision and remanded the case with orders to grant the variance. The Commission appealed the case to the Court of Appeals, where the majority of the Court upheld the Superior Court's Order, with a dissent relating to one of the variance factors. The Commission appealed the case to the Supreme Court, which, on a tie vote, upheld the lower court without legal precedent. This fifth variance request is now before the Commission on remand, where the petitioner seeks a variance to keep the sandbags in place. Ms. Goebel reviewed the stipulated facts of this variance request and stated staff and petitioner agree on all four variance criteria. Part of the variance Statute which the Commission administers includes language that says the Commission may impose reasonable conditions and safeguards upon any variance it grants. As stated in Stipulated Fact # 35, The Riggings HOA proposes that the sandbags remain in place until such time as their proposed Habitat Enhancement Project and/or a renourishment project, either privately or publically funded, has been completed. Staff recommends three things in order to safeguard the beach in front of The Riggings. The first is that the petitioner removes any existing, visible sandbag debris. Staff recommends that any new sandbags placed should be installed in conformance with the CRC's sandbags rules with the exception of the time limits. Finally, staff recommends that the Commission place a condition on any new variance that includes a time limit of up to five years from the date of the variance order for the replacement of any sandbag structures. Additionally DCM recommends that the Commission require The Riggings HOA to submit an annual written report to the CRC Executive Secretary providing a progress report on the steps taken to develop alternative solutions to the sandbags. Such a condition would allow the CRC and staff to follow the petitioner's progress in seeking long-term solutions to address erosion at The Riggings and could provide an opportunity for the CRC and staff to suggest other avenues for addressing erosion.

Attorney William Wright of Shipman and Wright represented petitioner and reviewed the stipulated facts which he contends supports the granting of this variance request. Petitioner does not object to staff's suggested conditions.

Neal Andrew made a motion to support staff's position that strict application of the development rules, standards or orders issued by the Commission cause the petitioner an unnecessary hardship. Larry Baldwin seconded the motion. The motion passed with ten votes in favor (Hairston, White, Simmons, Norris, Baldwin, Andrew, Gorham, Baker, Snipes, Lewis) and one opposed (Cahoon).

Neal Andrew made a motion to support staff's position that hardships result from conditions peculiar to the petitioner's property. Larry Baldwin seconded the motion. The motion passed

unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Neal Andrew made a motion to support staff's position that hardships do not result from actions taken by the petitioner. Larry Baldwin seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Neal Andrew made a motion to support staff's position that the variance will be consistent with the spirit, purpose, and intent of the rules, standards, or orders issued by the Commission; will secure the public safety and welfare; and preserve substantial justice. Larry Baldwin seconded the motion. The motion passed with nine votes in favor (Hairston, White, Simmons, Norris, Baldwin, Andrew, Gorham, Snipes, Lewis) and two opposed (Cahoon, Baker).

Larry Baldwin made a motion to condition the grant of the variance request and permit on the removal of any existing, visible sandbag debris; a requirement that any new sandbags placed be installed in conformance with the CRC's sandbag rules with the exception of the time limits required in 7H .0308(a)(2)(F); a requirement that replacement of the existing sandbag structures should be completed within nine months from the date of the variance order; and to set a time limit for the new sandbag structure of five years. Additionally, The Riggings HOA is required to submit an annual written report to the CRC Executive Secretary updating the Commission on the progress it has made to identify and pursue alternative solutions to sandbags. Neal Andrew seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

This variance request was granted subject to conditions.

MINUTES

Greg Lewis made a motion to approve the minutes of the September 23, 2015, Coastal Resources Commission meeting. Neal Andrew seconded the motion. The motion passed unanimously (Gorham, Andrew, Baker, Baldwin, Cahoon, Hairston, Lewis, Norris, Simmons, Snipes, White).

EXECUTIVE SECRETARY'S REPORT

Braxton Davis, DCM Director, gave the following report:

I would like to give a special welcome to Commissioner Norris. Staff at the Division of Coastal Management look forward to working with you, and I hope to get together with you soon to provide an overview of our agency. As hurricane season comes to an end, we are again thankfully reflecting on a relatively quiet season. However, we did have an unusual weather event in early October, when the passage of Hurricane Joaquin offshore coincided with very high tides and strong northeasterly winds to cause some serious problems along the coast. Primarily the impacts were limited to dune and beach erosion, as well as minor damage to some shoreside cottages. NC Highway 12 was compromised at Milepost 4, and there was overwash of Highway 12 on Hatteras Island. Standing water was present in Corolla and in some parts of Kitty Hawk. The beachfront damage was sufficient to warrant my recommendation to the Secretary of DEQ to authorize the CAMA Emergency General Permit, which is found in section 7H.2500 of your rules, for beach bulldozing

and dune repairs along the entire coast. This emergency GP does not require a fee and can be issued in an expedited fashion to property owners. So far, we have issued 32 Emergency General Permits (7H.2500) for dune reconstruction following the storm. Wrightsville Beach, Carolina Beach & Figure Eight Island used either the Town's existing Major Permit or, in the case of Figure Eight, bulldozing was to protect imminently threatened structures and was therefore exempt from permitting requirements. We have had two Northeasters since the October storm, and we are still experiencing some beach erosion, especially in Dare County.

Notable permit actions since the last commission meeting include a Major permit issued to Beaufort County for the construction of a boating access area, a Major Permit issued to the Town of Bellville to add walkways, boardwalks and observation platforms at an existing park, and a Major permit issued to the NC Department of Natural and Cultural Resources authorizing a large scale shoreline stabilization project to protect important cultural resources at the Brunswick Town historic site in Brunswick County. The Division also expedited the issuance of a permit modification, allowing NCDOT to dredge a portion of a navigation channel adjacent to Ocracoke Island, which is currently experiencing heavy shoaling and preventing easy ingress and egress through Hatteras Inlet for commercial and recreational boaters.

DCM Policy staff are working on the various legislative reports that were included as part of the budget bill, and I'll go over each requirement briefly:

Cape Fear Estuarine Restoration (Section 14.6(h)) – a study of removal of The Rocks on the Cape Fear River. We are drafting letters to the Corps of Engineers and NOAA notifying them of the study and requesting information from NOAA on procedures for boundary changes to the federally-designated Coastal Reserve at Zeke's Island. We are hoping to publish a Request for Information in January through DEQ for the study of removal of the Rocks. Our draft report is due to DEQ in March.

Section 14.6 Erosion Control Structures requires the Commission to amend its sandbag rules. The Commission is directed to pass temporary rules in accordance with the provisions by December 31, 2015, so we will begin that process today. If temporary rules are approved, the public comment period will run until December 22, 2015. A public hearing will be held December 10, 2015.

Section 14.10A(a) Simplify Oyster Restoration Project Permitting requires DMF and DCM in consultation with representatives of nongovernmental conservation organizations to create a new permitting process specifically designed for oyster restoration projects. The report, including recommended legislation, is to be submitted to the Environmental Review Commission by May 1, 2016. A team of staff within DCM and DMF will be planning a meeting with nongovernmental conservation organizations soon.

Section 14.10 I.(a) Beach Erosion Study requires the Division to study and develop a proposed strategy for preventing, mitigating and remediating the effects of beach erosion. Staff are assembling information to be included in the Study. Due to the short time (due to the Dept. on January 15, 2016), a draft will not be available for public review. However, the Division has been soliciting public comments to include as an appendix to the report. Public comments are due by December 31, 2015 and the final report is due to the legislature by February 15, 2016.

Staff are also continuing the rulemaking process and fiscal analysis changes to the Ocean Erodible AEC (7H .0304). The fiscal analysis has been approved by DENR and OSBM, so we can proceed today with asking for your approval of the fiscal analysis.

The Coastal Reserve is continuing its work on the draft management plan update for the N.C. National Estuarine Research Reserve. This draft will be informed by comments received by Local

Advisory Committees and NOAA on the draft outline review earlier this year. Additional input will also be solicited on the full draft management plan from DENR, Local Advisory Committees, the Commission, and NOAA later this winter. A 30-day public comment period and public meetings on the final draft will be held prior to final publication sometime in 2016. The Division is continuing its efforts to increase awareness of and promote use of living shorelines in the state. The Reserve's Coastal Training Program will hold 2 workshops for real estate professionals and technical professionals in Columbia on December 2 and 3. Participants will receive continuing education credits and learn about the benefits and limitations of using living shorelines for erosion control; design standards and best practices for living shorelines; permitting requirements; and case studies. Similar workshops were held in the Beaufort and Wilmington this spring and presentations and video from the Beaufort workshops are available on the Reserve's Coastal Training Program website. A living shoreline workshop for realtors is also being held on November 18 in Wilmington by request. The Coastal Reserve and NC Sea Grant are accepting applications for the 2016 NC Coastal Reserve Fellowship. One successful applicant will receive a grant of up to \$10,000 for the 2016 calendar year to conduct research within the sites of the Coastal Reserve on ecosystem services, community and habitat resilience, land use and water quality, or habitat management and restoration. Applications are due November 20.

Staff Updates

Will Creef, a field representative in our Elizabeth City office, recently accepted a job in Currituck County as their soil and storm water technician. The position will allow Will to work closer to his home. We have enjoyed having Will with us and will miss him. Just yesterday, Rachel Love-Adrick began work as our Morehead City District Planner. She has a Bachelor's degree with majors in both Geography and Environmental Studies and a Master's degree in Community Planning. She comes to DCM from the Division of Marine Fisheries where she provided GIS support for the Habitat and Enhancement Section and the Artificial Reef and Oyster Sanctuaries biologists as well as staff of the Coastal Habitat Protection Plan program. She also has experience with Town of Morehead City Urban Planning Committee. Sean Farrell will begin working as a new Field Representative in the Wilmington Regional Office on Dec. 2nd, and will be handling Oak Island, Caswell Beach; Southport, and parts of Pender County. Sean has a Bachelor's in Environmental Science / Biology from UNCW. His experience includes working as a Field Biologist with CZR, Inc. consulting firm, where his duties included jurisdictional wetland delineations, sediment sampling for pre and post beach nourishment projects for CAMA Permitting and surveying of submerged aquatic vegetation for CAMA permitting.

CRAC REPORT

Debbie Smith, CRAC Chair, stated the CRAC began its discussion on sandbag policies and rule amendments. We would like to continue to work on this and will come back for our next meeting, after talking with our respective communities, with some meaningful thoughts and recommendations. We are going to need more time for the CRAC meetings to cover the topics on our agenda.

ACTION ITEMS

Approval of Amendment to CRC Internal Operating Procedures – Article III (CRC 15-25)
Mary Lucasse, CRC Counsel, stated the CRC Internal Operating Procedures have been updated to reflect the leadership change voted on at the last Commission meeting adding a second vice-chair position. The second vice-chair will be voted on by and elected from the members of the Commission and will serve for a one-year term. At our last meeting, the Commission voted in favor of Neal Andrew filling the second vice-chair position.

Renee Cahoon made a motion to approve the updated Internal Operating Procedures. Gwen Baker seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Public Comment/Adopt 15A NCAC 7B State Guidelines for Land Use Planning and 7L Local Planning and Management Grants (CRC 15-26)

Mike Lopazanski stated we have spent a lot of time revising the land use planning guidelines and the legislative review of Subchapter 7B. The public comment period ended November 16, 2015. The amendments are designed to increase the flexibility for plan content and format, clarifies that the amendments and updates are voluntary, added a new process for review of CAMA Major Permits, streamlined the approval of the plan, and promote integrated planning efforts. These amendments will reduce the regulatory burden, institute shorter time lines, and add new language to include Coastal Management goals. We received one positive public comment on these amendments and received positive feedback from local governments. To speed up the process we wanted to have the certification delegated to the Division. We requested legislation that would revise CAMA to change the process by allowing the Commission to delegate certification of the land use plans. This proposed change was not included in the session's legislative actions. We will attempt to get this change made in the upcoming short session.

Phil Norris made a motion to send a letter to the General Assembly and Secretary van der Vaart to request the change to CAMA to change the delegation of authority to the DEQ Secretary for Land Use Plan certifications. Larry Baldwin seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Renee Cahoon made a motion to adopt the amendments to Subchapter 15A NCAC 07B. John Snipes seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Renee Cahoon made a motion to adopt the amendments to Subchapter 15A NCAC 07L. John Snipes seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Approval of Fiscal Analysis for Amendments to Ocean Erodible AEC – Recession Line (CRC 15-27)

Mike Lopazanski stated we have received the approval from OSBM on this fiscal analysis. This amendment is a change to the Ocean Erodible Area AEC. This permit jurisdiction is determined by a formula of sixty times the erosion rate plus the shoreline recession rate. In 2009, graduated setbacks were implemented. For consistency, we need to change the sixty to ninety. This would greatly increase the permitting jurisdiction beyond what we felt was necessary to achieve the management objectives of the Ocean Erodible AEC. The shoreline recession line is based on modeling and was instituted in the early days of the program before we had erosion rates. This is based on dune erosion modeling and is outdated. We want to eliminate the shoreline recession line from the calculation. This will leave a straight formula of ninety times the erosion rate. This will result in a significant decrease in the CRC's permitting jurisdiction in the south and a moderate increase in the OEA in the north. This change will maintain the setback factor of ninety times the erosion rate for structures over 10,000 square feet. This change does not affect the setbacks. It affects the permitting jurisdiction. It maintains the construction, dune protection, and erosion control standards, and owners are still required to sign the Ocean Hazard AEC notice. It will result

in a coast-wide decrease of 4,500 properties from DCM permitting jurisdiction and generally will decrease the regulatory burden on property owners. DCM issues an average of 381 Minor Permits per year. There is a \$100 fee for the permit. Coast-wide there is a net savings of \$7,400 per year. Local governments that participate in our LPO program get to keep the \$100 permit fee and a \$115 reimbursement from DCM for handling the permit. Coast-wide local governments will see a net loss of permit fees and reimbursements of \$16,000 per year. DCM will see a cost savings of \$8,300 per year. Since this amendment affects the landward edge of the AEC, staff made the determination that DOT permitting will not be affected by this action.

Neal Andrew made a motion to approve the fiscal analysis for 15A NCAC 7H .0304 for public hearing. Larry Baldwin seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Town of Topsail Beach LUP Certification (CRC 15-28)

Mike Christenbury stated the Town of Topsail Beach is seeking certification of the 2015 Topsail Beach Land Use Plan. Topsail Beach is located in Pender County along the southern tip of Topsail Island, just to the south of the Town of Surf City. In 2014, the Town began the process to update the currently certified 2005 land use plan. The Town updated all the demographic information within the plan as well as the maps. They also revised the Plan policies to reflect the current desires of the Town in terms of future growth and land use. The Town held a duly advertised public hearing on September 9, 2015, and voted unanimously by Resolution to adopt the 2015 Land Use Plan. Staff has reviewed the plan and has determined that the Plan meets the requirements outlined in the 7B Land Use Plan guidelines and that there are no conflicts with either state or federal law or the State's Coastal Management program. DCM did not receive any comments from the public and recommends certification.

Renee Cahoon made a motion to certify the 2015 Town of Topsail Beach Land Use Plan. Phil Norris seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Grandfathering Provisions for Oceanfront Structures – Options for Amendments to 15A NCAC 07H .0306 General Use Standards for Ocean Hazard Areas (CRC 15-29)

Tancred Miller stated this was an issue that came before us about a year ago from the Wilmington Regional Association of Realtors. The memo in your packet gave a brief summary of the history of the setback provisions in place since the 1970s. A conforming structure is a structure that complied with the rules that were applicable at the time of construction and are still in compliance with the current rules. A non-conforming structure is a structure that did not comply with the rules at the time of construction and still do not comply. Legal non-conforming structures are structures that complied with the applicable rules at the time of construction, but no longer comply with the current rules. The term grandfather is a status that is granted to a structure that is legally non-conforming, it no longer complies, but is allowed to remain in place with current use. This issue is a policy decision and there are multiple ways the Commission can go. We have not been able to find a scientifically justifiable basis for grandfathering. How do you become legally non-conforming? Within the CRC rules there could be a rule change to setback factors, as with the graduated setback changes. There can be an erosion rate increase. If the erosion rate increases then the structure would not be able to meet the setback requirement. There could be a landward migration of the vegetation line. There could be a large scale beach nourishment project that results in the creation of a static line. How do you get out of legal non-conforming status? One way is the static line exception process. You can modify your structure. The CRC can change its rules, which is what is before the

Commission today. Granting grandfather status to a structure does not convey conforming status. It allows the structure to remain, but does not make it conforming. As a policy decision, the Commission can decide what can be allowed if the structure is damaged or destroyed. A variance may allow replacement, but also does not convey conforming status.

In the memo we provided three alternatives. The first alternative is one that was requested by the Wilmington Association of Realtors. They requested that the Commission consider grandfathering multi-family residential structures between 5,000 square feet and 10,000 square feet. They came back to the Commission earlier this year with a revised request for grandfathering of multi-family residential structures over 5,000 square feet with no maximum size. This is the first alternative. The second alternative that DCM presented was based on a recognition that the CRC has moved away from managing setbacks based on use and instead, assigns setbacks based on the size of the building. As a fairness question and in terms of consistency with other regulations, the Commission needs to determine whether to go back to the practice of regulating based on use or whether it will continue to regulate based on the size of the building? The second alternative would put all structures over 5,000 square feet into grandfather status. The structures could be rebuilt if they are damaged or destroyed. The third alternative is a compromise. This approach is a conditional grandfather status. The CRC could consider if the damaged or destroyed structure is located in a community that has a demonstrated commitment to managing the beaches and protecting the property with beach infrastructure. In this third alternative, the structure would be grandfathered giving the homeowner the ability to rebuild at a lower setback. We have also come up with a fourth option for consideration. It is based on the existing rules in a community that already has a static line exception in place. Under current rules, a property owner must rebuild and measure the setback from the most restrictive of the static vegetation line, the actual vegetation line, or any other applicable measurement line where a static line exception exists. A fourth alternative would be to simply require the property owner to use the least restrictive line.

DCM would like to put several questions of fairness before the Commission. In 2012, HB819 directed the Commission to make the initial changes to allow for single-family or duplex residential structures over 5,000 square feet. If they cannot meet the setback then they are allowed to meet the minimum setback which is thirty times the erosion rate or a minimum of sixty feet. That raises a question of fairness for the multi-family residential structures. If you are going to do this for residential structures then what about commercial structures? If you have a similar sized commercial structure, is it fair to that person that is making a livelihood off of that structure to deny them the benefit that you would afford to a single-family, duplex, or multi-family residential structure? If the CRC were to grandfather all of these pre-2009 structures regardless of size, what does that mean for the structures after 2009? As we know, there are not many lots that were not built out on the oceanfront prior to 2009. You are singling out a small segment of property owners that would not receive the same benefit. If HB819 were expanded to all commercial and residential structures regardless of size, then everything regardless of size could conceivably be as close as sixty feet to the oceanfront. That would be a huge step backwards in the protections that we are requiring these developers to undertake. Consider the value of graduated setbacks. Does it still make sense to have larger structures setback from the ocean hazard? Consider the taxpayers who are asked to bear the cost of beach management, and the threat of encroachment onto public beaches.

Seth Palmer, NC Association of Realtors, and Shane Johnson, Wilmington Association of Realtors, were both present. Mr. Palmer stated we have been very interested in this matter given the amount of Realtors and the amount of property that exists on North Carolina's coastline. The foremost issue to us is the residential property and the potential to grandfather those that have fallen into legal non-

conforming status. This comes down to a financing situation that many of these properties are facing whether it be through sale or refinancing. We understand the concerns that staff has raised and we would be interested in continuing the discussion with the Commission and with staff to find other opportunities to increase conformity.

Braxton Davis stated one of the examples from a past meeting was from Carolina Beach which has a static line exception. The changes proposed initially by the Realtors Association had a cap of 10,000 square feet and now it does not have a cap. Without a cap and allowing grandfathering would actually reduce the strength of today's setbacks. Staff had put forward an alternative that was based on our perspective that our communities have changed over time and many communities are developing financial plans and mapping sand resources that we would like to encourage since it is responsible beach management. The static line exception process recognizes that and allows the use of the vegetation line based on the fact that the community has shown to the Commission that it can continue to maintain the beach. Under the exception, there was a grandfathering provision put in, however, it says the "most restrictive" of the static line or vegetation line. This could be changed to "least restrictive". Seth Palmer stated the Association is most in favor of Alternative One. Neal Andrew and Renee Cahoon agreed that Alternative One was their preference as well. Chairman Gorham asked about a size cap of 10,000 square feet. Mr. Palmer stated the Association would prefer that there not be a cap as it may cause an equity perception in looking at the coast as a whole. We feel that setting any boundary, other than a minimum, would not necessarily accomplish the goal. A cap of 10,000 square feet would probably remedy most of the residential issues. Gwen Baker stated the intent of the setback rules are to mitigate the loss of life and property, to prevent encroachment on the public beach, and to reduce the public costs of poorly sited development. It is difficult to look at these alternatives and try to evaluate them against this framework. I would like to have a better understanding of the third alternative and how to operationalize it. Larry Baldwin stated he would also like to hear more about the third alternative with a size limitation of 10,000 square feet.

John Snipes made a motion to postpone this issue until the next meeting. Gwen Baker made a friendly amendment to the motion to include staff providing more information on the third alternative at the next meeting. John Snipes accepted the amendment. Bill White seconded the motion. The motion failed with five votes in favor (White, Norris, Baker, Snipes, Lewis) and six opposed (Hairston, Simmons, Andrew, Baldwin, Cahoon, Gorham).

Jamin Simmons made a motion to eliminate the second alternative presented, of placing all structures over 5,000 square feet into grandfather status. Renee Cahoon seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Neal Andrew made a motion to approve for public hearing the first alternative to expand the grandfathering privilege to all residential structures over 5,000 square feet up to 10,000 square feet and not include commercial structures of the same size. Renee Cahoon seconded the motion. The motion passed with eight votes in favor (Hairston, White, Simmons, Baldwin, Andrew, Cahoon, Gorham, Lewis) and three opposed (Norris, Baker, Snipes).

Gwen Baker made a motion to have the third alternative further defined with additional data of affected properties including structures above 10,000 square feet and commercial structures, for consideration at the next meeting. Phil Norris seconded the motion. The motion

passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Sea Level Rise Report 2015 Update

Tancred Miller stated the memo in the packet contained a copy of all of the public comments received. We have not received any additional comments. The purpose of the update is to ask the Commission if there are any further requests of the Science Panel. Most of the comments are not technical comments. The Science Panel will be asked to evaluate the comments received and determine if a formal response is necessary. All of the comments will be attached to the final report as an addendum. The comment period closes December 31, 2015, and the final report is due to the legislature on March 1, 2016.

PUBLIC INPUT AND COMMENT

No comments were received.

CRC RULE DEVELOPMENT

15A NCAC 7H .1800 GP to Allow Post-storm Beach Bulldozing Below Mean High Water (CRC 15-33)

Ken Richardson stated recent storm events have raised questions about how beach bulldozing is authorized. Beach bulldozing is an activity that typically occurs above mean high water and below the first line of stable and natural vegetation for the purpose of rehabilitating a dune damaged by erosion. One way to do that is to get a General Permit that allows bulldozing above mean high water and below the first line of stable and natural vegetation within the Ocean Erodible AEC, but does not allow it within the Inlet Hazard AEC. During the turtle moratorium (May 1 – November 15), coordination is necessary with multiple agencies to get their approval. Another mechanism to allow beach grading is the use of a CAMA Major Permit. Typically, these are issued to towns following a storm event so their entire oceanfront jurisdiction can be bulldozed should they choose to do so. With the Major Permit, this activity can occur in both the Ocean Erodible and Inlet Hazard AECs for the purpose of dune creation and rehabilitation. However you cannot create a new dune in an Inlet Hazard AEC with the Major Permit. There are currently four communities that have an active CAMA Major Permit. If an individual property owner wanted to coordinate with the local government to bulldoze in front of their property, they could coordinate with the town and a minor modification to the permit would allow that property owner to bulldoze under the same conditions issued to the town. One other option is an exemption that allows for beach bulldozing in a situation with an imminently threatened structure. Staff would like to propose a few modifications to the rules to allow beach bulldozing below mean high water, but above mean low water. This will be consistent with the Army Corps of Engineers' permit for beach bulldozing. The Corps' General Permit has the turtle moratorium starting in April and our General Permit has it starting in May so we would modify our General Permit to match the Corps' permit.

Neal Andrew made a motion to approve the proposed amendments to the General Permit for beach bulldozing (15A NCAC 7H .1801, .1802, .1803, .1804, .1805, 7H .2501, .2505) for public hearing. Renee Cahoon seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

15A NCAC 7H .2700 GP to Allow for the Construction of Marsh Sills (CRC 15-32)

Daniel Govoni stated living shorelines have been shown to promote good water quality ecosystem services and habitat values. Living shorelines contain a suite of options and included in those options are shoreline erosion control measures that are either marsh sills with wetland plantings or

wetland plantings with no structural components. Sill material is placed offshore and consists of rock, oyster bags or loose oyster shell. Sometimes fill is placed landward of the sill with wetland plantings. Of all the shoreline stabilization structures constructed in North Carolina, approximately 23 percent of those are riprap revetments and 72 percent of them are bulkheads with the remaining five percent being living shorelines. To help promote living shorelines as an alternative to traditional vertical structures, such as bulkheads, staff has created a living shoreline strategy. Included in this strategy is advocacy, public awareness, investigating any possible financial incentives, and monitoring and performance of these structures. To date, staff has completed workshops for property owners, marine contractors and engineers, we have also created an estuarine shoreline stabilization handbook, and conducted a multi-agency assessment of permitted sills. The assessments were concentrated on the sills' performance and the landowner's perception of these structures. We have had ongoing coordination meetings to revise the marsh sill General Permit. House Bill 1028, which was passed in 2003, established a General Permit for the construction of riprap sills. During its development, the merits of this permit were discussed and some of the points of discussion included some concerns. These concerns included the distance offshore these structures could be built, the trading of one habitat type for another, and navigation of public trust concerns, suitability of these structures in certain areas and the permitting requirements of other agencies. The General Permit became effective April 1, 2005, and had 29 specific conditions. This permit is not consistent with other permits for bulkheads and riprap. Bulkhead and riprap permits do not have any coordination requirements and have a lot less conditions and therefore their processing and issuance time is a lot shorter. Staff has had ongoing meetings with the federal and state agencies to try to identify any opportunities to help streamline this General Permit. Through these meetings, the Division of Marine Fisheries has agreed there is no longer a need for their review. The Division of Water Resources has revised and reissued their General Water Quality Certificate and no longer requires written concurrence. The proposed amendments to this General Permit remove these coordination requirements and other redundant, unnecessary conditions. Staff requests approval of the amendments for public hearing. Braxton Davis added that the Corps of Engineers nationally is considering developing a Nationwide Permit for marsh sills and we are engaged in that discussion. They have also been working with us through this General Permit to see what conditions make sense for them to allow us to take the lead on these. Currently, this General Permit is not going to be exercised because typically you will need a separate Corps' permit if you use this General Permit. As we refine this permit we will get to a set of conditions that everyone is comfortable with. We have had meetings with stakeholders and scientists to try to get to the necessary conditions to take this new General Permit to the Corps to see if they could do a regional General Permit.

Renee Cahoon made a motion to approve the amendments to 15A NCAC 7H .2700 for public hearing. Larry Baldwin seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

Chairman Gorham stated he is interested in this and would like to see it in more detail on a future agenda. Braxton stated we would like to have an entire session on estuaries and estuarine shorelines. We have a lot of efforts in the Division focused on estuarine shoreline management.

Sandbag Temporary Rules (CRC 15-30)

15A NCAC 7H .0308, 15A NCAC 7H .1704, and 15A NCAC 7H .1705

Mike Lopazanski stated the Legislature included in Session Law 2015-241 that the CRC take some action on temporary erosion control structure rules. Specifically, the CRC has been directed to amend the rules to allow sandbags even if there is no imminently threatened structure as long as the property is adjacent to a property that already has sandbags, to allow contiguous sandbag structures

from one boundary of the property to the other regardless of the proximity to any imminently threatened structure, to set the termination date for all permits associated with a contiguous sandbag structure on the same property to be the same and the latest date of any permits on that property, and to allow the replacement, repair or modification of sandbags that have been legally placed under a current or expired permit if it is being litigated by the property owner. The CRC was directed to adopt rule language that allows these four items. Staff has made the changes, but with a couple of clarifications to address some potential issues.

For allowing sandbags even if there are no imminently threatened structures, we have added the provision that the sandbags be in compliance with the CRC's rules. To address the oceanward creep of any sandbag structures we have added that they must be aligned no further oceanward than the landward most sandbag structure. For allowing contiguous sandbag structures from one shoreline property boundary to the other, we deleted the twenty foot extension past the structure restriction. For the termination date, we added the language that was in the legislation. With regard to the replacement or modification of sandbag structures that are under litigation, we have clarified that would be in state or federal court. If the CRC approves these amendments then the comment period will run from December 1-22, 2015. A public hearing will be held on December 10 in Morehead City. The CRC could then adopt the temporary rules at the February 2016 meeting and begin the permanent rulemaking process.

Braxton Davis stated if the intent of this rule was to prevent gaps along the shoreline between sandbag structures then we are supportive of that. These changes will protect the shoreline position rather than focus on imminently threatened structures. The concern is this could be potentially expansive stretches of shoreline with just the words "adjacent to". Before we move forward with the permanent rules we can try to find out if this was the intent or if there is flexibility.

Chairman Gorham asked if the CRC could legally limit what the Legislature told us to do. Gwen Baker added if during the permanent rulemaking process there is a clear indication that this is a bad idea, do we have the flexibility to go in a different direction contrary to the legislative language? Braxton Davis replied that this legislation does not say the rules have to be written exactly as the legislation is written just that it accomplish what the legislation says. Mary Lucasse stated the legislature has the right to make legislation. They delegate to the CRC the ability to make the rules to implement the statute. The CRC cannot make rules that are inconsistent with the statutory authority. If the CRC makes rules that did not have the statutory framework to support them then there could be a challenge to a permit decision based on rules that are not consistent with the legislative authority. Gwen Baker stated, we could see what public comments are received during the permanent rulemaking process and what the fiscal analysis reveals and use that as justification to approach the legislature to point out unintended consequences.

Renee Cahoon made a motion to approve the temporary rule amendments to 15A NCAC 7H .0308, 7H .1704, and 7H .1705 for public hearing. Jamin Simmons seconded the motion. The motion passed with eight votes in favor (Hairston, White, Simmons, Norris, Baldwin, Gorham, Baker, Snipes) and three opposed (Andrew, Cahoon, Lewis).

PUBLIC HEARING

15A NCAC 7H .0305, 7H .0306, 7J .1201, 7J .1301, 7J .1302, 7J .1303

Ken Richardson stated the development line procedures are defined in Section 15A NCAC 07J .1300. These rules describe the procedures for who may request the development line, how it is delineated, what information needs to be provided to the CRC, and who may request changes to the

development line. They also outline where the request needs to be submitted and when the CRC will consider them. The process is also described for presenting the requests to the CRC and the criteria and time frame for the CRC's decision. These rules specify how and when Petitioners will be notified of the CRC's decision, and how the decision can be appealed. The Division of Coastal Management will maintain a list of approved development lines and related information about them and make this information available to the public for inspection. Amendments to the static vegetation line exception rules, found in 15A NCAC 7H .0306 and 7J .1201, are also proposed. Significant changes here are eliminating the five-year waiting period, eliminating the building size restriction, and defining who can apply for a static vegetation line. The comment period ends on January 2, 2016.

No public comments were received during the public hearing.

CHPP Update

2015 Coastal Habitat Plan Update

Jimmy Johnson, NC Albemarle-Pamlico National Estuary Partnership, stated I am the State's Coastal Habitat Coordinator and as such it is my responsibility to see to the implementation of the Department's Coastal Habitat Protection Plan. For the past 16 months we have been working on the five year update of NC's CHPP. The CHPP is the only plan of its kind in the nation and we are proud of the fact that we have had this plan for the past 10 years and it is updated every five years. This is a Departmental plan and involves a number of agencies within DEQ. The Coastal Resources Commission, the Environmental Management Commission and the Marine Fisheries Commission are the three major players within the development of the plan and their staff. There are several things that are required by statute to be included in the Plan and we have addressed each of those. These include a description and classification of the biological systems within the habitats including wetlands, fish spawning grounds, estuarine or aquatic endangered or threatened species, primary or secondary nursery areas, shellfish beds, submerged aquatic vegetation beds, and habitats in outstanding resource waters. Also required in the Plan is an evaluation of the function and value to coastal fisheries of each of the identified habitats, and the status and trends of those habitats. The Plan also has to identify existing and potential threats to the habitats and the impact that those threats have on coastal fishing. Recommendations are also found in the Plan designed to protect and restore the habitats. The overarching goal of the CHPP is the long term enhancement of coastal fisheries. This enhancement will come through addressing habitat and water quality needs for the important fish species found in North Carolina waters. In the statute is a statement that the CRC, EMC and MFC shall ensure, to the maximum extent practicable, that their actions are consistent with the CHPP. The CHPP is a guidance and resource document. It is used to aid the Department and their Divisions and Commissions in the management of fish habitat and water quality. The document is organized into four sections: habitats; the threats to those habitats; priority issues; and recommendations. Each Commission has the opportunity to adopt the CHPP. I will back before you early next year to give the CRC the opportunity to adopt it. Today, I am asking for you as a Commission to allow the document before you to go out for public comment in the month of December. All of this takes place through a steering committee. Members of the steering committee consist of two members from the CRC (Baldwin and Snipes), two from the MFC, and two from the EMC. Through this process we have received guidance and suggestions and some criticism from each member of the steering committee. From their direction and advice we created the smaller version of the CHPP to be able to reach a larger audience. North Carolina is remarkable in where it is situated within the east coast and by the fact that we have 2.3 million acres of estuarine waters. We have the largest estuary of any single state on the east coast. Those waters produce a lot of fish. The fisheries produce a lot of important economic benefits to the eastern part of North Carolina. We

are positioned between the convergences of two ocean currents and have the opportunity to catch fish that come in from the Caribbean as well as a Maine lobster. You will also notice that we have some significant rivers that enter into our estuarine system and the CHPP also covers the seven major rivers. Ninety percent of the commercial and recreational fisheries will spend some portion of their life cycle within the estuarine waters. In 1994, North Carolina was faced with a lot of issues regarding its fisheries. We were seeing our fish stocks decline, there was disease in our oyster beds, we had a red tide that our scallop industry still has not recovered from, and we were seeing an increasing number of shellfish closures. The Legislature set out to design legislation to help with the fisheries. In 1997, the Fisheries Reform Act was passed. There is a licensing structure, the habitat component, and the Fisheries Management Plans in the Act. The CHPP has identified six critically important habitats to the fisheries. The first is wetlands. Wetlands are a critical nursery area. They provide protective cover for juvenile fish and a corridor for smaller fish to pass through. They provide a food source and are a water quality enhancer. Oysters and shell bottom are another habitat identified. Not only is it a habitat, but it is also a fishery. Oysters provide protective cover for small organisms, are a food source, and filter impurities out of the water. Submerged aquatic vegetation (SAV) is an important part of the fisheries production. It provides a refuge for the smaller fishery. Hard bottom, although we don't have a lot in North Carolina, is a complex structure and is covered by barnacles and other living organisms and support a lot of reef fish that come up from the south. Soft bottom stores nutrients and provides critical foraging areas for fish. The water column is also one of the important habitats that is listed and documented within the CHPP. The first CHPP was passed in later 2004 and was adopted by the Commissions in late 2004. The CHPP was reorganized and revised in 2010. The Plan has been completely reorganized and is a shorter. It has been divided into a source document and a smaller CHPP for the public. There is an emphasis on the economic value of habitat protection. There are no rulemaking recommendations found in the CHPP. It is a non-regulatory document. Mapping of habitat and the assessment of those habitats has been a critical part of the CHPP and that continues to be included in the 2015 document. There have been a lot of updates as new information and new science comes about. Economically fisheries are incredibly important to the State. If you live in one of the 20 coastal counties then you know how important fishing is for tourism and travel to this region. Throughout this process we have been reminded that we need to balance the economics and the environment. We have done a good job because the two are not mutually exclusive. There is a growing body of science that has assessed the economic value of these habitats that are found within the CHPP. Some of the past accomplishments that we have seen that have come about because of the CHPP include oyster restoration, mapping and assessing habitat, collaborative research efforts, actions by the CRC and Coastal Management including the estuarine shoreline restoration and oyster sill project, inventory of docks and piers, living shoreline strategy, and clean marina handbook. The interagency coordination meetings continue to be held where all agencies within DEQ come together to talk about coastal projects. There are four primary goals that are found in the CHPP. The first is to improve the effectiveness of the existing rules and programs protecting coastal fish habitats. Under that goal the 2015 update has five recommendations centered on compliance and monitoring, outreach and coordination, and invasive species. Goal number two is to identify and delineate strategic coastal habitat. There are two recommendations under this goal. Goal three is to enhance and protect habitats from adverse physical impacts. There are eight recommendations found under this goal including habitat restoration and managing ocean and estuarine shorelines, protecting habitat from destructive fishing gear, and dredge and fill impacts. The fourth goal is enhance and protect water quality. There are eight recommendations for this goal. Early on the steering committee identified four priorities for the 2015 update: continue with oyster restoration; living shorelines; develop metrics through the recommendations in the CHPP; and sedimentation. I am here to ask permission from the CRC to allow us to take this out for public comment. There will be

four meetings that will be held in December to receive public comment. The steering committee will meet in January to discuss the comments that are received. This was before the EMC on November 5 and they voted to allow it to go out for comment and did request a change to one of the recommendations.

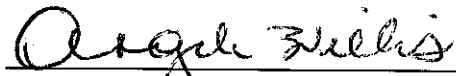
John Snipes made a motion to approve the 2015 CHPP update for public comment. Larry Baldwin seconded the motion. The motion passed unanimously (Hairston, White, Simmons, Norris, Baldwin, Andrew, Cahoon, Gorham, Baker, Snipes, Lewis).

With no further business, the CRC adjourned.

Respectfully submitted,



Braxton Davis, Executive Secretary



Angela Willis, Recording Secretary