



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

CRC-19-34

November 19, 2019

MEMORANDUM

TO: Coastal Resources Commission

FROM: Ken Richardson

SUBJECT: Consideration of Comments & Adoption of 15A NCAC 07H. 0304 AECs Within Ocean Hazard Areas – Unvegetated Beach AEC

In September 2018, Hurricane Florence severely impacted the oceanfront dune system along portions of Surf City and North Topsail Beach, completely washing away the primary frontal dune along with any established vegetation, from which oceanfront setbacks are measured. The geographic extent of the affected areas made it impossible to identify a vegetation line by using interpolation and adjacent vegetation. As a result, the Commission at the November 2018 meeting approved temporary Unvegetated Beach Areas of Environmental Concern (AEC) designations in these locations for the purpose of allowing staff the ability to establish a Measurement Line; and also proposed amendments to 7H .0304 and .0305 to remove unnecessary and redundant language and provide clarity to the method utilized to delineate a Measurement Line. Both the rule amendments and fiscal analysis were approved by the Commission at their February 2019 meeting.

As you may recall, the Unvegetated Beach Area of Environmental Concern (AEC) is defined in 15A NCAC 07H .0304(3), and is one of three AECs within the Ocean Hazard system. An Unvegetated Beach can be designated by the Commission in areas where no stable and natural vegetation is present, including areas that have suddenly become unvegetated due to a hurricane or other major storm event. Under 15A NCAC 07H .0304(3)(b), the Unvegetated Beach designation may be for a specific period of time, or until stable and natural vegetation has re-established. Once the CRC designates an Unvegetated Beach, Division of Coastal Management (DCM) staff can establish a Measurement Line (15A NCAC 07H .0305(a)(9)) to serve as the reference feature from which oceanfront construction setbacks are measured until vegetation has re-established. Staff mapped the location of the Measurement Line by determining the average distance the pre-storm vegetation line receded at the closest vegetated site adjacent to the area designated by the Commission as the Unvegetated Beach AEC.

Pursuant to North Carolina General Statute 150B-21.2, the Division of Coastal Management held public hearings in Pender and Onslow Counties on Tuesday, October 15th for the purpose of inviting public participation in the consideration of the proposed amendments to 15A NCAC



07H .0305 of the North Carolina Administrative Code and associated fiscal analysis. The hearing record remains open until November 15, 2019, and Staff will provide a summary of any comments at the Commission's November meeting.

Following the Commission's review of any public comments, Staff will recommend that the Commission consider adoption of the rule amendments to 15A NCAC 07H .0304 designating the Unvegetated Beach AECs. Pending approval by the Rules Review Commission (RRC), Staff anticipates these rule amendments will become effective on February 1, 2020.

