

## **NC COASTAL RESOURCES COMMISSION (CRC)**

**November 4, 2013**

**NOAA/NCNERR Auditorium**

**Beaufort, NC**

### **Present CRC Members**

Frank Gorham, Chair

Neal Andrew

Renee Cahoon

Suzanne Dorsey

Bob Emory

Marc Hairston

Greg Lewis

Bill Naumann

Harry Simmons

### **Present Attorney General's Office Members**

Mary Lucasse

Christine Goebel

Amanda Little

### **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 also 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.

Angela Willis called the roll. Harry Simmons stated he had a conflict with the Cape Fear River AEC Study. Suzanne Dorsey and Neal Andrew stated they each had a potential conflict with the AEC study and Renee Cahoon stated she had a potential conflict with an item in the closed session. Commissioners Gorham, Andrew, Dorsey, Hairston, Lewis, Naumann and H. Simmons read into the record their Statement of Economic Interest evaluation letters received from the State Ethics Commission. Greg Lewis clarified that he owns a single parcel on or near the coast which is contrary to what his SEI evaluation letter stated. Lee Wynns and Jamin Simmons were absent. Based upon this roll call, Chairman Gorham declared a quorum.

### **CHAIRMAN'S COMMENTS**

Frank Gorham publically thanked the previous Commissioners for their outstanding service. Bob Emory has offered guidance and help and Renee Cahoon has also been helpful. I have spoken with Lee Wynns and Jamin Simmons on the phone. The DCM staff have been working hard to get me up to speed and Mary Lucasse will serve us well. Today I will introduce some concepts to make some changes to our operating procedures. I want to continue to allow the public to have an open comment session.

## **PRESENTATIONS**

### **Executive Secretary Briefing**

#### **Braxton Davis**

Braxton Davis stated North Carolina has 320 miles of ocean beaches and the second largest estuarine system in the country. There are over two million acres of sounds, creek and marshes. We just finished a digital map of the non-beachfront shorelines for the first time in North Carolina, over 12,000 miles. There are 43 million annual visitors and coastal tourism supports over 15,000 jobs and generates \$1.4 billion in annual revenue. The Coastal Area Management Act which created this coastal program in 1974 has four key themes. The first is creating the Coastal Resources Commission and permitting program. The second is the cooperation between state and local programs. CAMA set this up through the Land Use Planning program, a delegated permitting program, and the Coastal Resources Advisory Council. A third piece of CAMA establishes the Coastal Reserve Program. Another big feature of CAMA is the focus on enhancing public access to our beaches and non-beachfront shorelines. As important as permitting and regulatory approaches are, the mission statement for the Division of Coastal Management is to protect, conserve and manage North Carolina's coastal resources through an integrated program of planning, permitting, education and research.

DCM has 56 full time employees. There are four district offices (Elizabeth City, Wilmington, Washington and Morehead City). DCM's headquarters are located in Morehead City. Under the Minor Permit program there are over 100 Local Permit Officers coast-wide that are issuing Minor Permits at the local level. DCM's annual receipts include \$500,000 in permit fees and about \$4 million per year in federal grant funds. We receive approximately \$1.5 million annually in state appropriations. Since fiscal year 2007-2008, there has been a reduction in state appropriations of about \$700,000 which is a 30 percent reduction. We have also had an 18 percent reduction in full time employees. We are facing sequester impacts as well as further state reductions next year.

The Coastal Resources Commission was established by CAMA. Before CAMA, the North Carolina Dredge and Fill Act governed a lot of the activities for which the Commission is now responsible. Members of the Commission are appointed by the Governor, Senate and House. One of your primary responsibilities is designating the Areas of Environmental Concern (AEC) which are the jurisdictional areas for DCM and the rules that happen within those areas. The Commission also adopts Land Use Planning guidelines and certifies Land Use Plans and amendments.

The Coastal Resources Advisory Council was a 45 member group, but recent legislation has reduced the Council to 20 members. Previous representation included coastal counties, councils of government, members of the coastal/marine science community and state agencies working with coastal issues. The Council advises the CRC on the local government's perspective on policy and rulemaking matters.

There are four categories of Areas of Environmental Concern: the Estuarine and Ocean System, Ocean Hazard Areas, Public Water Supplies, and Natural and Cultural Resource Areas. Each AEC has its own use standards which are applied within the boundaries of each AEC. There are

three CAMA Permits. The Minor Permit is used mostly by local governments consistent with CRC-established standards. Minor Permits account for about a third of all the permits issued annually. These are mainly single-family home activities. General Permits are issued by DCM staff and are streamlined for routine projects. These are an expedited form of a Major Permit. Over time we have identified key conditions and criteria that must be met for approval and there are 17 types of General Permits that can be issued on-site within a day or two. General Permits account for about 65 percent of the permits we issue annually. Major Permits are reviewed by multiple agencies. We handle about 165 Major Permits for large-scale developments each year. The Major Permit applications are reviewed by up to nine state agencies and four federal agencies. This is an umbrella permitting program. The benefit to the applicant is DCM works with the other agencies to get approval. This takes an average of about 75 days.

In the 2013 session there was legislation that affects the CRC and DCM. Specifically, House Bill 74, the Regulatory Reform Act, requires a ten-year review by each agency of all of their rules. The agency's report on their rules must be made available for public comment and requires the elimination of unnecessary rules. Re-adoption will be required and rules that receive comments will be required to go through the entire rulemaking process. HB74 also included a moratorium on local environmental ordinances. If there is an existing state rule, a local ordinance cannot exceed the state rule unless there is a unanimous vote at the local level. HB74 also amended the Dredge and Fill Act to expedite the Major Permit process by eliminating the requirement of providing notice by Certified Mail. Signed statements of no objection can now serve as notice from adjacent property owners. This Act also eliminates the public notice requirement in newspapers for Minor Permits which is consistent with the General Permit process. Senate Bill 151, the Coastal Policy Reform Act, changed the 2011 law on terminal groins. It allows different groin designs, maintains the cap of four terminal groins, amends requirements for financial assurances for the mitigation of impacts, removes the requirement to use nonstructural alternatives where possible, and removes the "imminently threatened" requirement. This Act also clarifies that local authorities can regulate certain beach activities. House Bill 819 (Session Law 2012-202) defined the coastal area. It also said that the Science Panel must create an updated assessment of the Sea Level Rise Report by 2015 and the CRC cannot pass any regulations based on sea level rise until after the report is done. HB819 provided for an ocean setback provision for structures greater than 5,000 square feet that could not meet the setbacks created in 2009. It also mandated a Cape Fear River AEC Study and an Inlet Hazard Areas Study. The Cape Fear River AEC study is due at the end of 2013. The Inlet Hazard Area Study is due in 2015 and requires us to look at the feasibility of eliminating the Inlet Hazard Area AEC.

Under Executive Order 70 DCM is required to review its rules annually and there have been a few rule changes related to this process. Last year I asked the staff to go above and beyond that and take an in depth look at our rules and identify things we could change to be more customer friendly. We came up with six different ideas to work on in 2013. We have proposed changes to the dock and pier General Permit, boat ramp General Permit, Wetland, Stream and Buffer mitigation permit to make all of them more user friendly. We are also taking another look at the technical standards for beach nourishment projects. All of these rule changes were approved by the CRC earlier this year for public hearing. We also proposed changes for inlet dredging issues to become part of the solution for our shallow draft inlet issues that we face in North Carolina.

The public notice requirements that we wanted to have changed were achieved through recent legislation. At the December meeting you will see the other four rule changes from this rule review.

We have been fortunate to dodge hurricanes this year and that is not always the case. We have the ability to do emergency permits under CAMA. With the Secretary's authority, these emergency permits are rapid, there is no fee associated with the permit and in many cases no site visit is required. This emergency permit allows people to put back what was there if it falls within the existing regulations. We have staff that do damage assessments right after a storm and we have opened up temporary offices when needed.

On the non-regulatory side of the program, we have staff working with Bogue Banks on a master plan with a long-range vision for beach management. We are developing a framework for regional planning and permitting of beach projects. We also have staff working on the Beach and Waterfront Access Grants program. This is five percent of the Parks and Recreation Trust Fund. We have awarded over \$37 million for 300 sites since 1987. Funds can be used for all kinds of activities to enhance public access. We get about \$4 million in requests every year. Based on the recurring appropriation, our cut of the PARTF fund will be about \$700,000 in FY 2013-14 and \$600,000 for FY 2014-15. This will be a fifty percent cut in what we have been funding traditionally. The land use planning program is covered under 7B of the CRC's rules. These were readopted in 2002 and all of the counties have updated their plans under the 2002 guidelines. We are taking a holistic look at the land use planning program. We just had a major regional workshop in Wilmington to hear from local governments on this. We plan to do that for the northern counties in the spring. We are getting some good feedback on where we can take this planning program in the future.

We have ten sites and over 42,000 acres that we manage in our Coastal Reserve Program. These are sites that are open to the public. Four of the ten sites are part of the National Estuarine Research Reserve. The focus of all of the Coastal Reserves is on research and education activities. The Reserve rules are Department rules as opposed to CRC rules. CAMA requires that we get advice from the CRC on the Reserve rules so we will keep you informed on what is going on at the Reserve sites.

In addition to annual rule reviews, we will consistently be working with the CRC on regulatory reform. We will have rule sessions on specific parts of the rules at regularly scheduled meetings. We also have staff working on research and policy analysis on behalf of the CRC. Our regulatory staff will provide feedback on the implementation of rules and any conflicts that may arise. The Administrative Procedures Act is a lengthy process to get through. We have a close working relationship with the Corps of Engineers and other agencies that have pre-approved our General Permits. As we tweak a rule we consult with the other agencies to receive their feedback on changes.

Mary Lucasse, CRC Counsel, stated as Commission Counsel I will help you to be consistent with state laws. We will be working on the CRC's internal operating procedures. The work that the CRC does is subject to statutes that say how the business of the CRC must be done. We are doing business for the people of the state of North Carolina and all the work that we do must be

accessible to the public and conducted openly. A meeting is any time you have a majority of the Commissioners together to conduct the business of the Commission. That includes work done in committees or study groups. You cannot evade open meeting laws by doing things by email. I would suggest that you have an email address that is designated for Commission business. This will protect your private emails from being sifted through when a public records request is received. The only exceptions to the Open Meetings Rules are set forth in the Statute. There are very limited reasons that allow the Commission to go into closed session. This most often happens when the attorneys need to brief the CRC on litigation or to get advice on litigation. The evaluations done by the State Ethics Commission identifies any actual or potential conflicts of interest. You can confer with Commission counsel ahead of time if you need to ask about a conflict. If we can't figure it out then we can ask for an opinion from the Ethics Commission. We will be working on the CRC's internal operating procedures to make some changes and bring them up to date. We conduct this meeting under the terms of the by-laws. The Bylaws incorporate Roberts Rules of Order. The Chair may vote as long as the vote does not cause a tie. If there is a tie then the motion fails. Each member's vote is recorded in the minutes. Some of the work the CRC does is quasi-judicial. In these cases, the CRC serves as a judge. For example, on occasion people can come before you for a decision for a variance request. In these cases, it is very important that you are impartial. You cannot do individual fact finding on your own, you shouldn't talk to the parties on your own or drive by the site on your own. We need to avoid bias or the perception of bias. For each issue on which you are asked to make a decision, materials will be provided to you. All discussions about these matters should happen during the meeting. Another thing required by the by-laws is that you have a duty to attend. The Governor's appointees have an additional requirement to attend and cannot miss three meetings. If you do, there is the possibility that you will lose your seat. There are a lot of rules and regulations regarding CAMA permits. There is a process by which the Commission can vary the statutory or regulatory requirements for a specific project. This is our variance process. When a variance is presented to the Commission, it is presented on stipulated facts. After you have heard arguments on the variance, the Commission then votes on each of the four variance factors which are set forth in our CAMA Statute. Lastly, I am a resource for the Commission. I provide advice, upon your request, about conflict of interests. I support the Chair as he works through third party hearing requests. (This responsibility has been delegated to the Chair under the CRC's rules. A copy of a recent third party decision was provided to you before the meeting.) I also work with DCM's attorneys on appeals. I write final agency decisions on variances and land use plans. I draft documents to reflect the actions taken by the Commission during its meetings for the Chairman's signature.

**Cape Fear River AEC Study**  
**Mike Lopazanski**

**\*\*Commissioners Dorsey, Andrew and H. Simmons recused themselves from this agenda item.\*\***

Frank Gorham stated this study made a lot of us uncomfortable because we, as a Commission, did not have the opportunity for input. The Statute that asked for this study said we have to have a report by December 31, 2013. I was hoping that we could be briefed on this today, get comments and then have a vote at the December meeting, but it wouldn't allow for meeting the deadlines. We are going to do this so we can release it for public comment, but has not been studied and is not endorsed by the CRC.

Mike Lopazanski stated House Bill 819 was passed as an Act to Study and Modify Certain Coastal Management Policies. This legislation directed the CRC to study a number of issues including the feasibility of creating a new AEC for the lands adjacent to the mouth of the Cape Fear River. Specifically, the CRC is to consider the unique coastal features of the region and take into consideration the regulatory concerns for the Village of Bald Head Island, the Town of Caswell Beach and other stakeholders in determining whether or not any action is necessary. If the Commission finds that a separate AEC is needed then the CRC is to eliminate any overlapping AECs and incorporate any appropriate development standards into this new area. The findings of the study and the Commission are due by the end of the year to the Governor, the Legislature and the Department. In order to gather information for this study, DCM held a scoping meeting with the Village of Bald Head Island, the Town of Caswell Beach, consultants and representatives of the North Carolina Baptist Assembly. We agreed to loosely follow the AEC nomination procedures that are already in the CRC's rules as a guideline for the Towns to provide Division staff with information that could be used to justify how their area is unique and why a new AEC would be needed. We held our first public meeting in June in which we presented an overview of the current management framework that exists in the area as well as to discuss the regulatory concerns of the interested parties. We held our second public meeting in August where we heard about the proposed strategies put forward for a Cape Fear River AEC. The report that was sent to the CRC was compiled by DCM staff primarily from information provided by the Village of Bald Head Island and the Town of Caswell Beach and their consultants. The draft report provides the background information on the reason for the study, describes the existing conditions in the area, and provides an overview of the existing regulatory framework as well as the regulatory concerns as described by the Towns. The report also includes the proposed strategies that have been proposed by Bald Head Island and Caswell Beach for the Cape Fear River AEC. At the end of the report are a number of appendices which contain the public meeting summaries, scoping meeting summaries, supporting information provided by consultants, and their comments on the initial draft of the report.

The Towns assert that the Cape Fear River navigation channel is the primary factor in beach erosion and that the US Army Corps of Engineers should be required to dredge the channel every two years and place sand on the adjoining beaches in accordance with the sand management plan that they adopted in 2000. The existing erosion control measures that are allowed by the CRC's rules are seen as limited and the process for permit review, variances and other remedies are viewed as being too slow and reactive rather than proactive. The Towns would like to have the Cape Fear River AEC replace the Inlet Hazard Area AEC as well as the Ocean Erodible Area AEC and corresponding development standards. Under the proposed strategies the Cape Fear River AEC would have its own development standards. The proposed standards would allow the use of engineered erosion control measures, expanded use of sandbags as well as reduced setbacks in advance of planned mitigation efforts such as beachfill projects. The new AEC would also include expedited authorizations to address erosion issues as they arise in emergency situations.

We have completed the public meetings and have drafted the report; however the postponement of the September CRC meeting delayed the release of the report for public comment. We recognize that the Commission has had little time to review this issue as well as the report and

have not had adequate time for input. Much of the material in the report represents information provided by the Towns as well as the proposals and positions. We have suggested that a note be included in the draft report when it is released for public comment indicating that the draft document is not a product of the CRC and it represents proposals by the communities located in the study area. This draft report is being distributed for public comment and does not convey the official findings or positions of the Department, Division or Commission. Staff is asking the CRC to release the draft report for a thirty day public comment period. DCM Staff will then collect the public input and summarize it for presentation at the December CRC meeting. The CRC is being asked to evaluate the report, supporting materials and public comments to determine if action is necessary to preserve, protect and balance the economic and natural resources of the region. These final recommendations will have to be made at the December meeting to meet the legislative deadline of December 31, 2013. If a favorable finding is determined we will need to begin delineation of the boundaries of the AEC, develop management objectives and corresponding development standards in 2014.

**Bill Naumann made a motion to release the draft Cape Fear River AEC Study Report for public comment. Renee Cahoon seconded the motion. The motion passed unanimously (Hairston, Emory, Cahoon, Lewis, Naumann).**

## **CRC BUSINESS**

### **Minutes**

**Bob Emory made a motion to approve the minutes of the July 11 and August 26, 2013 Coastal Resources Commission meetings. Renee Cahoon seconded the motion. The motion passed unanimously (Cahoon, Emory, Hairston, Lewis, Naumann, H. Simmons) (Andrew, Dorsey did not vote).**

### **Initial CRC Organization and Procedures**

Frank Gorham recommended that amendments be made to the CRC's internal operating procedures. We can discuss the changes and put the review of this revised document on the December agenda for a Commission vote. The Vice-Chair is elected by the CRC every two years. I would like to recommend Renee Cahoon. Per the operating procedures, the Chair appoints committees as deemed necessary and then designates the Chairs for each committee. In the past there were two standing committees. I would recommend that we eliminate the standing committees and go to an ad hoc committee system. The Executive Committee is made up of the CRC Chair, Vice-Chair and the two Chairs of the standing committees. Braxton and the CRAC Chair are ex-officio members of the Executive Committee. I would propose that the Executive Committee not be made up of the Committee Chairs since there aren't any. Instead I would like to have regional members. The Executive Committee will be made of five members representing each area (north, south, and inland) as well as the CRC Chair and Vice-Chair. My recommendations for the Executive Committee would be Greg Lewis, Bill Naumann, and Harry Simmons. This will not reduce the decision making authority of the full Commission. The CRAC was reduced from 45 members to 20. Staff should send out a notice soliciting nominations to the CRAC. The CRC should send nominations to Braxton. I would recommend that one of the first jobs of the Executive Committee would be to screen the applicants and come up with a

recommendation for the 20 members. We will present a list of everyone nominated to the full Commission as well as the recommendations of the Executive Committee.

**Harry Simmons made a motion to approve the changes to the Coastal Resources Commission's internal operating procedures as recommended by Chairman Gorham. Bill Naumann seconded the motion. The motion passed unanimously (Dorsey, Andrew, H. Simmons, Hairston, Emory, Cahoon, Lewis, Naumann).**

**Harry Simmons made a motion to nominate Renee Cahoon for Vice-Chair. Bill Naumann seconded the motion. The motion passed unanimously (Dorsey, Andrew, H. Simmons, Hairston, Emory, Cahoon, Lewis, Naumann).**

**Renee Cahoon made a motion to approve the Chairman's recommendation for changes to the Executive Committee. The Executive Committee will consist of Renee Cahoon, Greg Lewis, Bill Naumann, Harry Simmons, and Frank Gorham. Harry Simmons seconded the motion. The motion passed unanimously (Dorsey, Andrew, H. Simmons, Hairston, Emory, Cahoon, Lewis, Naumann).**

#### **Review and Discussion of December 2013 Agenda**

Braxton Davis stated we are covering a lot of housekeeping items today. The APA process has a lot of timelines associated with it so we need to look at some rule development in December that is on-going. We can do more orientation in detail in December and review the variance procedures. We can talk more about CRAC and Science Panel and the next steps. We will also have variances that need to be heard on the agenda. We can review the APA requirements and schedule the action items for the afternoon session. We will work with the Executive Committee on finalizing the December agenda. In February we would like to see what the Commission's priorities are for the year and what kind of regulatory reform you would like to see. Renee Cahoon suggested moving the action items to the beginning of the day instead of waiting until late afternoon to avoid quorum issues. Frank Gorham requested that each member of the Commission turn in their top three priorities for discussion to him and Braxton. The Commission will then prioritize this list for future meetings. The Chair indicated that one of his priorities will be an informational meeting on flood/excess wind insurance.

#### **PUBLIC INPUT AND COMMENT**

Alexander Glass - My name is Alexander Glass. I am a geologist and science educator in the division of Earth and Ocean Sciences at Duke University. Today I represent the North Carolina Citizens for Science, a newly-formed group made up of scientists, educators, and science-minded citizens who believe that local and state policy, when applicable, should be based on the latest and most accurate science. We recognize the global scientific community as being the most qualified to judge the merits of scientific conclusions and levels of scientific certainty. In light of House Bill 819 and its mandate for the future sea level rise report, we are very interested in the make-up of the CRC Science Panel and ad hoc members, especially those who are nominated to fill the four current vacancies. Based on one list that was circulated in August, we are deeply concerned to find Nicolas Scafetta, David Burton, Robert Brown, and Stanley Young among the nominees. Of these, only Nicolas Scafetta has a history of publishing on climate-change related topics in the peer-reviewed scientific literature. However, his claims regarding a solar and



planetary influence on current climate change are viewed as highly dubious and have been heavily criticized by the scientific community. His latest pair of papers which touch upon sea level are receiving the same level of scientific skepticism and criticism. It is clear that much of Scafetta's work on climate change and sea level rise is not accepted by the scientific mainstream and is contrary to the conclusions of the global scientific community of experts on these subjects. It is puzzling that someone with such lack of credibility would be nominated to serve on any science panel especially when his scientific claims have been repeatedly shown to be greatly wanting by the scientific community. From a citizen's perspective it should seem odd that Scafetta, Burton, Brown, and Young would be asked to review and judge the current state of understanding on sea level rise in North Carolina for our policy makers. Burton, Brown, and Young might be able researchers in their respective fields (computer science, physics, and bioinformatics) but they have yet to demonstrate the necessary background, training, experience, and active involvement in the climate and oceanographic community that we ought to demand from an expert panel on coastal and oceanographic issues. A quick search through the peer-reviewed climate change and sea level rise literature reveals that all four nominees hold views that are completely contrarian to the nearly-absolute majority conclusion of expert scientists who work on climate change and sea level rise. The people of North Carolina deserve a science panel that consists of individuals who are recognized as respected experts, and whose scientific claims have withstood the rigorous test of scientific scrutiny by the global scientific community. Climate change skeptics often wrap themselves in a mantle of Galilean righteousness and are given public platforms in the name of so called fairness and balance. Although this appeals to our treasured ideals of equality and anti-elitism, we must not trade accepted scientific protocol for misplaced patriotism. Scientific contrarians must first convince the scientific community, the only body of individuals who has the training and expertise to judge the merits of their science, before they should be allowed to serve as representatives of the scientific community. Scafetta, Brown, Burton, and Young have so far failed to do this. The North Carolina Citizens for Science strongly urge the members of the CRC to decline the appointment of the aforementioned individuals to the science panel.

Bill Price –On the coast we see flood insurance rate rising dramatically, turtle rules to keep people off the beach, EPA proposed stormwater rules to restrict home building, wind insurance rates rising dramatically, and last week the President signed an executive order requiring federal environmental czars to plan for climate change theory or not. Unfortunately, the agencies and organizations that we thought would be protecting taxpayers rights and tax base from such actions, have not informed us of many of these actions until discovered by others. All this looks like is a coordinated attack intended to force evacuation of coastal property owners from their homes, and some local leaders seem to be on the other side. In fact, many continue to obstruct organization of any defense by saying it's not their job. Absolutely, the issues are important, but are they based on valid science? We absolutely believe the science should be clear and valid but in 2008 when we showed that the State's stormwater science was inaccurate, we were told by the moderator that we were dealing with political science, not real science. In 2011, we asked questions about the science supporting the CRC Science Panel proposals for sea level rise planning. To date we have had no response. In 1999 we suggested there might be an economical solution for beach erosion, but no studies have been done. In fact, the then chairman of the CRC went back, and CAMA passed rules to prevent it.



So, will North Carolina just accept all these attacks? Will we have a continuation of policy to force evacuation of the native coastal residents from the coast? For you new members of the CRC, CAMA mostly relates to erosion, accretion, water quality and land use along the coast. The questions may be why did the CRC Science Panel aggressively propose planning for 39" sea level rise when the DCM data shows accretion increasing and erosion decreasing and now according to a DCM official neither the coastal geologists nor the DCM staff have ever said sea level rise has been a significant cause of beach erosion. Certainly beach erosion is a great concern for property owners and is adverse to billions of dollars of coastal tax base. So, if sea level rise isn't a significant cause of erosion, why did the CRC pass rules to stop a possible economical solution and why have the CRC, DCM and other coastal organizations obstructed a comprehensive, empirical, in-the-water (ADCP) study to determine the cause of beach erosion? Hopefully this new CRC will see valid science from which to base responsible public policy. We need truth and facts and not one sided political science.

Greg "Rudi" Rudolph –I want to welcome the new CRC members and want to thank DCM and DENR Secretary for their letter to the US Fish and Wildlife Service regarding the critical habitat designation for loggerhead sea turtles. This would require special management considerations and the US Fish and Wildlife and National Marine Fisheries Service never said what these special considerations would be. In Carteret County, we are paying close attention to the Cape Fear River AEC study. It would be precedent setting.

#### **OLD/NEW BUSINESS**

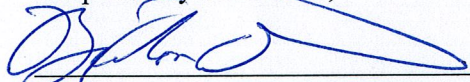
The CRC will schedule five meetings per year. Three meetings will be in Carteret County and one scheduled in the north and one in the south. The 2014 schedule was set as February 26-27, May 14-15, July 30-31, October 22-23, and December 17-18. The next meeting (December 11-12, 2013) will be in Carteret County and the February 26-27, 2014 meeting will be in Nags Head.

**Renee Cahoon made a motion that the Commission go into closed session pursuant to N.C. General Statute 143-318.11(a)(3) to consult with its attorneys on the three cases filed in the Office of Administrative Hearings (Page v. DCM, Sikorski, Sansotta/Tolozcko v. DCM, and Defenders of Wildlife & NWRA v. DCM and DOT); one case in the North Carolina Superior Court for Hyde County (NCDENR v. Pharr); one case in the North Carolina Court of Appeals (Busik v. CRC and 1118 Longwood); and one case in the North Carolina Supreme Court (Riggings HOA v. CRC). Greg Lewis seconded the motion. The motion passed unanimously (Dorsey, Andrew, H. Simmons, Hairston, Emory, Cahoon, Lewis, Naumann).**

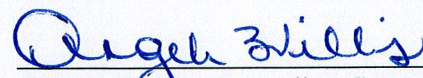
**Greg Lewis made a motion that the Commission return to open session. Bill Naumann seconded the motion. The motion passed unanimously (Dorsey, Andrew, H. Simmons, Emory, Cahoon, Lewis, Naumann).**

With no further business, the CRC adjourned.

Respectfully submitted,



Braxton Davis, Executive Secretary



Angela Willis, Recording Secretary