

# NC COASTAL RESOURCES ADVISORY COUNCIL

July 23 - 25, 2008

Holiday Inn Brownstone

Raleigh, NC

*\*\*Per CRAC bylaws, Article XIII, Section 5, Members are reminded to refrain from voting on rules and policies for which they have a significant and unique familial or financial interest.*

## AGENDA

### Wednesday 23<sup>rd</sup>

- 1:00 Council Call to Order** (Roosevelt Room) Dara Royal
- Roll Call
  - Approval of May 2008 minutes
  - Announcements
- 1:10 Land Use Plan Reviews**
- Edenton/Chowan Joint LUP (Certification) Charlan Owens
  - Atlantic Beach Plan (Certification) Maureen Will
  - Oak Island LUP (Amendment) Mike Christenbury
- 2:00 Offshore Wind Farming** Bob Leker  
State Energy Office
- 2:30 Wind Energy Permitting Issues** Doug Huggett
- 2:45 Old/New Business** Dara Royal
- Future agenda items
- 2:50 Adjourn** (*CRC convenes at 3 pm*)

### Thursday 24<sup>th</sup> & Friday 25<sup>th</sup>

*\*\*Meet in session with CRC, see CRC agenda\*\**

NEXT MEETING: September 24-26, 2008  
Sea Trail Resort & Convention Center  
Sunset Beach, NC



*N.C. Division of Coastal Management*  
<http://www.nccoastalmanagement.net>



North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

Michael F. Easley, Governor

James H. Gregson, Director

William G. Ross Jr., Secretary

July 10, 2008

**MEMORANDUM**

**TO:** Coastal Resources Advisory Council  
**FROM:** Dara Royal  
**SUBJECT:** Preparation for July Meeting

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Greetings, and I hope you are all having an enjoyable and productive summer. Once again our meeting will begin at 1:00 pm, please allow ample time to navigate downtown Raleigh!

We have three land use plan reviews on our agenda, two certifications and one amendment. I want to emphasize our responsibility to review these plans and make certification recommendations to the CRC. It is not enough simply to support the staff's recommendations, we have to do our own due diligence and be certain of the advice we are giving to the Commission. Communities often struggle to adopt plans that satisfy residents, and state and federal requirements. We should be sure to find out what issues arose at the local level or with DCM, and whether or how those issues were resolved.

Doug Huggett's discussion on wind energy permitting is on our July agenda, having been postponed from our May meeting. Prior to Doug, Bob Leker from the State Energy Office in the Department of Administration will be speaking about coastal wind farming generally. Bob is the Renewables Program Manager and will be a great resource on this issue.

We will hold off on further discussion on public access through permitting until September, to give staff more time to research potential measures. I hope also that we will have a presentation from NCDOT on their efforts in working with the Wildlife Resources Commission to provide access at bridge crossings.

We will again be meeting in committee of the whole with the CRC on Thursday and Friday. Please review the CRC agenda and prepare for discussion on items of interest to you and your appointing bodies. I look forward to seeing you all in Raleigh.

400 Commerce Avenue, Morehead City, North Carolina 28557  
Phone: 252-808-2808 \ FAX: 252-247-3330 \ Internet: [www.nccoastalmanagement.net](http://www.nccoastalmanagement.net)

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# DRAFT

**NC Coastal Resources Advisory Council  
Washington Civic Center  
Washington, NC  
May 21, 2008  
Meeting Summary**

## Attendance

Dara Royal, Chair	Y	Christine Mele	Y
Penny Tysinger, Vice Chair	Y	Gary Mercer	
Eugene Ballance		Wayne Mobley	Y
Bert Banks (Morgan Jethro)	Y	J. Michael Moore	
Joe Beck	Y	William Morrison	Y
Randy Cahoon	Y	Elwood Padrick (Charles Halsall)	Y
Carlton Davenport	Y	W. Burch Perry	
Eddy Davis	Y	Spencer Rogers	Y
Anne Deaton	Y	Frank Rush	Y
Christine Mele	Y	Robert Shupe	Y
Webb Fuller	Y	Harry Simmons	Y
William Gardner, Jr.		Lester Simpson	Y
Renee Gledhill-Earley	Y	Paul Spruill	Y
Gary Greene		Ray Sturza	Y
Phil Harris	Y	Tim Tabak	Y
Judy Hills	Y	Joy Wayman	Y
Al Hodge		Beans Weatherly	Y
Maximilian Merrill		David Weaver	Y
Joe Lassiter		William Wescott	Y
Travis Marshall	Y	Traci White	
Lyman Mayo		Rhett White	Y
Gary McGee		Don Yousey	

## Wednesday 21<sup>st</sup>

### Call to Order

Dara Royal called the meeting to order at 1 pm and the Council approved the March 2008 minutes. Royal announced that Doug Huggett would not be at this meeting and his presentation on wind energy permitting issues would have to be postponed until July. Royal requested and received consent to add a discussion of the Environmental Management Commission's proposed coastal stormwater rules to the agenda.

### Village of Bald Head Island Land Use Plan

Michael Christenbury, Wilmington District Planner gave a brief overview of the Village of Bald Head Island's Land Use Plan. Mr. Christenbury noted that this is the first Land Use Plan written and adopted for Bald Head Island. In the past, Bald Head Island has relied on Brunswick County's Land Use Plan for policy and permitting purposes.

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Christenbury said that the Village of Bald Head Island Village Council adopted the land use plan at a public hearing on April 11, 2008. The public had the opportunity to provide written comments to DCM up to fifteen (15) business days prior to the CRAC meeting and no comments were received.

Christenbury said that DCM Staff determined that the Village of Bald Head Island has met the substantive requirements outlined within the 2002 Land Use Plan Guidelines and that there are no conflicts evident with either state or federal law or the State's Coastal Management Program.

Christenbury recommended that the CRAC forward the Village of Bald Head Island Land Use Plan to the CRC for certification, and it did so unanimously.

### **Waterfront Access and Marine Industry Fund Resolution**

Mike Lopazanski noted that the NC General Assembly established the Waterfront Access and Marine Industry (WAMI) fund as one of the recommendations from the Waterfront Access Study Committee. The General Assembly appropriated \$20 million to the WAMI fund in 2008, and the fund received over 150 grant applications totaling almost \$90 million. 13 projects were selected for funding. Lopazanski said that there is no guarantee of future funding and that the draft resolution in support of continued funding would be sent to state legislative leaders. Lopazanski suggested that the CRC might sign on and make it a joint resolution. The Advisory Council unanimously approved the resolution and a recommendation that the CRC consider signing on.

### **Clean Marina Program Resolution**

Mike Lopazanski gave the Advisory Council an overview of the Clean Marina program, noting its use of interagency cooperation and a best management practices manual. Lopazanski said that the program is a partnership among several state and federal agency partners, and that participation from marina owners and operators is voluntary. Lopazanski said that the NC program started in 2000 with a small budget, and now receives funding from the coastal nonpoint program and the NC Estuarine Research Reserves. Lopazanski said that incentives for marina owners and operators to participate include publicity, the ability to attract "Clean Boaters," and improved regulatory compliance.

Lopazanski said that the certification process includes a self-evaluation and assessment, BMP implementation, an application for certification, and a site visit by a Clean Marina representative. Once certified, marinas receive a Clean Marina flag, electronic logos, a web link from the main Clean Marina site, technical assistance, discounts on merchandise, and other incentives. NC had a Clean Marina coordinator for about a year, and in that time held a series of workshops that were very well received. NC at this time has 16 certified marinas.

Lopazanski said that the coastal nonpoint program lost NOAA funding this year, and as a result DCM could not retain its Clean Marina coordinator. Lopazanski said that NC Rep. Alice Underhill is supportive of the program, and is willing to help seek state funding.

The Advisory Council reviewed a draft resolution to the state legislature in support of funding of the Clean Marina program. The Advisory Council asked for a clause to be inserted related to insurance, tax incentives, and interest from out of state boaters, and unanimously approved the resolution with those changes.

### **CRAC Guidebook Revisions**

Dara Royal reviewed the recommended revisions to the CRAC Guidebook. The Advisory Council made additional revisions and approved the updated version. The Guidebook will be posted on the DCM website.

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## **Estuarine Public Access through CAMA Permitting**

DCM staff reopened the discussion on ways that public access could be preserved or enhanced through CAMA permit conditions, specifically along estuarine shorelines. Members asked whether additional permit conditions will discourage entrepreneurship, and whether staff had talked to private marina owners about possible implications. Staff had not yet because ideas were too new and early in discussions. Staff said that the trend towards “dockominiums” was providing much of the impetus to begin these discussions since those facilities often converted public access to private access. Staff suggested that the permitting process could include incentives such as additional slips and setback relaxation.

Judy Hills said that the state is shooting itself in the foot by attracting boaters to the area without providing adequate transient slips and access facilities. Hills said that service costs are increasing beyond what many boaters can afford, and the problem is compounded by the loss of fueling and pumpout facilities. Lopazanski said that Boating Infrastructure Grant Program (BIG-P) money is still available, and NC is guaranteed to receive about \$100K per year to subsidize the construction of new facilities. Spencer Rogers asked what other states have done on this issue.

Frank Rush suggested that the state could collect leasing fees from all pier owners and put it into an access fund (e.g. the WAMI fund). Rush said that Emerald Isle has a private marina that provides some public access thanks to an incentive program with the town. Rush said that the community is considering a new drystack facility with forklift service. Dara Royal suggested that local governments could look into providing incentives in their subdivision and zoning ordinances. Rush responded that Emerald Isle is offering incentives through its land use and zoning ordinances—the town allows more density if public access is provided. Rush said that DCM can help by facilitating discussions among communities about how to craft incentives through ordinances. Mike Christenbury said that New Hanover County and the City of Wilmington are working with developers to ensure public access and transient slips.

Eddy Davis suggested that developers could be given the option to provide offsite access.

Staff asked who Council members thought should be responsible for maintenance and liability insurance for the public access portion of private marina or dockominium. Frank Rush suggested the local government should be responsible. Dara Royal recommended looking into the legal aspects before going further.

Council and staff agreed to resume discussions at a later meeting, after staff has had time to research other states’ practices and to develop some more concrete recommendations.

## **Stormwater Rules**

Dara Royal recalled that the Advisory Council had asked the CRC to adopt a resolution in support of the EMC strengthening the state’s coastal stormwater regulations, which the CRC did in November 2006. Royal said that some coastal counties and towns do not support the EMC’s proposed rules.

Wayland Sermons said that the proposed rules have been very controversial in Beaufort County, and he wanted the CRAC and CRC to hear the reasons why. Sermons asked CRAC member and Beaufort County Manager Paul Spruill to explain the county’s objections.

Spruill said that 19 counties have expressed reservations about the proposed rules, and 18 have expressed strong opposition. The objection is based on the published rationale for the rules, “to offset further degradation to shellfish waters.” Spruill said that 12 of the 20 coastal counties have little to no shellfish waters, therefore it is inappropriate to use the published rationale to justify the

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rules in these counties. Spruill said that the lack of grandfathering provisions creates a problem, but noted that DWQ said it is willing to be flexible.

Spruill said that the General Assembly took great effort to find a compromise on implementation of the Phase 2 stormwater regulations, and that the EMC expanded the rules' coverage before evaluating whether they worked in the three legislated counties.

Sermons asked Spruill if he and others wished to see the General Assembly void the proposed rules and direct the EMC to start over. Spruill replied that it is difficult for rural and urbanizing counties to conceptualize and argue about the volumetric requirements, but that the land disturbance threshold change is the most severe and objectionable part of the proposed rules.

Webb Fuller asked if the objecting counties believe that upstream pollution has no effect on coastal shellfish waters. Spruill replied that economics need to be taken into account. The state needs to look at all pollutants, sources, and BMPs; do the solutions to these problems in the southeast part of the state translate into regulations for the entire coast? Spruill said that the objectors are motivated by the higher cost of compliance that the rules would bring, and also feel a sense of property rights infringement.

Anne Deaton noted that there is a lot of misinformation about the proposed rules on the internet, and that people need to review DWQ's factsheets.

Joy Wayman said that in here opinion the proposed rules are anti-development.

Rhett White said that the Town of Columbia has not been able to get answers on how the proposed rules would impact infill and redevelopment.

Dara Royal advised members to express their concerns to Commission members in advance of their Friday agenda item.

### **New Business/Old Business**

The Council adjourned at 2:50 pm in order to join the CRC meeting at 3 pm.

### **Thursday 22<sup>nd</sup> & Friday 23<sup>rd</sup>**

Advisory Council met in session with CRC.

##



North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

Michael F. Easley, Governor

James H. Gregson, Director

William G. Ross Jr., Secretary

## MEMORANDUM

CRC-08-29

**To:** The Coastal Resources Commission and Coastal Resources Advisory Council  
**From:** Charlan Owens, AICP, DCM Elizabeth City District Planner  
**Date:** July 9, 2008  
**Subject:** Chowan County and Town of Edenton Core Land Use Plan (July CRC Meeting)

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**Chowan County and the Town of Edenton are requesting certification of their joint 2008 Core Land Use Plan (LUP).**

### Overview

Chowan County is bounded by Gates County to the north, Perquimans County and the Yeopim River to the east, the Albemarle Sound and Edenton Bay to the south, and the Chowan River to the west. The Town of Edenton is located on Edenton Bay. Chowan County has a year round or permanent population of 14,664 persons, with approximately 35% of the county population (5,082 persons) living in Edenton. Estimated seasonal population is approximately 1,834 persons, approximately 50 % (916 persons) of which are located in Edenton. By 2025, the county is projected to add between 1,078 and 3,611 permanent residents and an estimated 416 seasonal residents.

Within the County, growth is generally anticipated to continue on the fringe of Edenton and along the waterfront, primarily in areas designated as “Medium/High Density Residential”, “Commercial”, and “Industrial” on the County’s Future Land Use Map. The Sandy Point “New Urban Waterfront” pilot project located on NC 32 along the Albemarle Sound is included within the “Medium/High Density Residential” designation and includes a mixture of residential, commercial, and recreational uses in a traditional neighborhood community setting. Much of the County’s future residential development is expected to be retirement-aged developments, locating primarily in waterfront areas.

All areas of Edenton, except for those designated as “Conservation Open Space” on the Town’s Future Land Use Map, are anticipated for growth. The Town will continue to experience pressure for development along the primary US 17 and NC 32 corridors at the Town periphery. Redevelopment and infill of development within the Town core is also expected. The Town has a sizeable retirement-aged population and growth is expected to increase in this sector of the population.

The Chowan County Board of Commissioners and Edenton Town Council adopted the land use plan in a joint meeting on June 23, 2008. There are no policy statements that exceed State standards in the adopted LUP.

The public had the opportunity to provide written comments on the LUP up to fifteen (15) business days prior to the CRC meeting. No comments were received.

**DCM Staff recommendation:** DCM staff has determined that Chowan County and the Town of Edenton have met the substantive requirements outlined in the 2002 Land Use Plan Guidelines and that there are no conflicts evident within either state or federal law or the State's Coastal Management Program.

DCM staff recommends that the CRAC forward the joint Chowan County/Town of Edenton Land Use Plan to the CRC for certification approval.

*As a reminder, please bring the pre-circulation memo and review guide (you received during the first week of July) to the CRAC/CRC meeting. If you have any questions please do not hesitate to contact me (Charlan Owens) at 252-264-3901.*





North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

Michael F. Easley, Governor

James H. Gregson, Director

William G. Ross Jr., Secretary

**CRC-08-32**

## MEMORANDUM

**To:** The Coastal Resources Commission and Coastal Resources Advisory Council  
**From:** Maureen Meehan Will, DCM Morehead City District Planner  
**Date:** July 9, 2008  
**Subject:** Town of Atlantic Beach Core Land Use Plan (July CRC Meeting)

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**The Town of Atlantic Beach is requesting certification of their joint 2008 Core Land Use Plan (LUP).**

### Overview

The Town of Atlantic Beach is located on the eastern most end of Bogue Banks across Bogue Sound from the Town of Morehead City. Atlantic Beach has always been a popular tourist destination and today is facing the challenges of balancing redevelopment pressures and the traditional character of the beach town. The LUP provides a solid foundation for development and especially redevelopment patterns, which will be implemented through local ordinances.

The main issues that are included in the vision statement and further outlined in the policy statements include: protection of environmental assets, preserving a small town atmosphere, prudent economic development, partnerships, balancing the needs of tourists and full time residents alike, encouraging mixed use development, providing open access to the beach and sound areas, encourage non-automobile transit improvements, sustainable development through encouragement of creative private investment, and create/maintain a vibrant and diverse community.

The following policy statements exceed State development regulations:

- P. 16 The Town of Atlantic Beach opposes the construction of any privately-owned signs (including commercial signs) in areas of environmental concern as defined by 15A NCAC 7H. **This policy exceeds state requirements.***
- P. 27 The Town of Atlantic Beach opposes the location of floating homes within its jurisdiction. **This policy exceeds state requirements.***
- P. 28 Except for Money Island, the Town of Atlantic Beach opposes the development of sound and estuarine islands. **This policy exceeds state requirements.***

The Atlantic Beach Town Council adopted the land use plan in a meeting on April 21, 2008.

The public had the opportunity to provide written comments on the LUP up to fifteen (15) business days prior to the CRC meeting. No comments were received.

**DCM Staff recommendation:** DCM staff has determined that the Town of Atlantic Beach has met the substantive requirements outlined in the 2002 Land Use Plan Guidelines and that there are no conflicts evident within either state or federal law or the State's Coastal Management Program.

DCM staff recommends that the CRAC forward the Atlantic Beach Land Use Plan to the CRC for certification.

As a reminder, please bring the pre-circulation memo and review guide (you received during the first week of July) to the CRAC/CRC meeting. If you have any questions please do not hesitate to contact me (Maureen Meehan Will) at 252-808-2808.



North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

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## MEMORANDUM

CRC-08-33

**To:** The Coastal Resources Commission and Coastal Resources Advisory Council (CRAC)  
**From:** Michael Christenbury, Wilmington District Planner  
**Date:** July 8, 2008  
**Subject:** Town of Oak Island Consolidated Land Use Plan Amendment (July 2008 CRC Meeting)

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**The Town of Oak Island is requesting CRC Certification of an amendment to the Town of Oak Island Consolidated Land Use Plan.**

### Overview

The Town of Oak Island is located in southeastern Brunswick County, near the mouth of the Cape Fear River and adjacent to the Town of Caswell Beach. The purpose of the amendment is to change policy statements concerning marinas and dry stack storage in the Town's jurisdiction. This amendment provides a uniform policy within the Town's jurisdiction replacing two conflicting policies within the former Towns of Long Beach and Yaupon Beach areas. The communities had individual plans prior to their consolidation in July 1999 as the Town of Oak Island, and prior to the adoption of the Consolidated Plan. The need for this amendment has been highlighted by the Town's consideration of recent development requests. The amendment was prepared following opportunities for public input, and has been considered at multiple public hearings, the most recent held on June 10, 2008.

Specifically, the town has amended the consolidated land use plan to include the following policy statement:

8. Public and private marinas offering access to area waters will be allowed when developed in accordance with the CAMA specific use standards for marinas (i.e., docks for more than 10 vessels). Marinas shall not be approved, however, that are incompatible with nearby land uses or whose designs fail to meet the environmental quality and development standards of the Town's zoning and subdivision ordinance. The Town will allow dry stack storage in conjunction with an operating marina. Marinas shall provide public access to public trust waters where practical.
  - Marina operators within the Town's jurisdiction will be encouraged to participate in *Best Practices Operating Programs* such as the "Clean Marina" program sponsored by the NC Division of Coastal Management and the NC Marine Trade Services organization and will be required to provide pump-out facilities.

- The Town encourages the development of new upland marinas, and supports the rebuilding of existing marinas if damaged by storms.
- The Town encourages marina operators to apply for grants that may be available to help pay for pump-out facilities or other environmental improvements.
- The Town will not permit floating homes, boats, or other watercraft used as a permanent or temporary residence for more than 30 days.

The Town of Oak Island held a duly advertised public hearing on June 10, 2008 and voted by resolution to adopt the consolidated land use plan amendment.

The public had the opportunity to provide written comments up to fifteen (15) business days (excluding holidays) prior to the CRAC meeting. No comments have been received as of the date of this memorandum.

**DCM Staff Recommendation:** DCM Staff has determined that the Town of Oak Island Consolidated Land Use Plan amendment has met the substantive requirements outlined within the 2002 Land Use Plan Guidelines and that there are no conflicts evident with either state or federal law or the State's Coastal Management Program.

DCM Staff recommends that the CRAC forward the land use plan amendment to the CRC for certification.

**CRC-08-33**



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
TRAVEL EXPENSE REIMBURSEMENT/RECONCILIATION FORM

\*\*\*PLEASE USE YOUR TAB KEY TO ACCESS AVAILABLE FIELDS\*\*\*

Employee

Boards, Councils, Commission, and Committees

Non-DENR Employee

INSTRUCTIONS TO CLAIMANT: Submit one original to your division Travel Contact. Attach all necessary original receipts and other supporting documents to this form, including any prior written approval of excess registration, lodging and out-of-state travel. Retain one (1) copy for your records. Please complete amount, company, account, and center fields. File no later than 30 days after month in which travel ends. Prepare in ink or type. Make all corrections by drawing line through erroneous data and entering correct data. Do not use white-out. Initial all corrections or revisions.

Beacon ID No./Social Security No. B <input type="text"/>	Division/Section/Board, etc.: CRC/CRAC	New Claimant: <input type="checkbox"/>
Claimant's Name (First, Middle Initial, Last)	Title: <input type="text"/>	New Address: <input type="text"/>
Claimant's Address (Street)	Headquarters (City): <input type="text"/>	
(City, State, Zip)	Duty Station (If different from Headquarters): <input type="text"/>	
	Period Covered by this Request: From: <input type="text"/> Through: <input type="text"/>	
Remit Code/Message: <input type="text"/>		

Under penalties of perjury I certify this is a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State, and this request complies with all Department and State travel policies and regulations. **Original Signature and date required.**

I have examined this reimbursement request and certify that funds are available in the proper accounting codes to pay this claim, and this request complies with all Department and State travel policies and regulations. **Original Signature and date required.**

(Claimant) \_\_\_\_\_ (Date) \_\_\_\_\_ (Supervisor) \_\_\_\_\_ (Date) \_\_\_\_\_

P-Card Reconciliation - A copy of the approved Travel Authorization, if required, must also be attached to process this reconciliation. (Do not forget receipts.)

P-Card Number: <input type="text"/>							
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DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
 TRAVEL EXPENSE REIMBURSEMENT FORM  
 \*\*\*PLEASE USE YOUR TAB KEY TO ACCESS AVAILABLE FIELDS\*\*\*

Claimant Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Date: \_\_\_\_\_ Page: 2 of \_\_\_\_\_

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