

**NC COASTAL RESOURCES ADVISORY COUNCIL**  
**November 30, 2016**  
**Hilton DoubleTree**  
**Atlantic Beach, NC**

- |             |  |                        |
|-------------|--|------------------------|
| <b>1:00</b> | <b>CALL TO ORDER* (Hatteras/Pamlico Room)</b> <ul style="list-style-type: none"><li>• Roll Call</li><li>• Announcements</li><li>• Approval of September 13, 2016 Meeting Minutes</li></ul> | Greg Rudolph,<br>Chair |
| <b>1:10</b> | <b>CRAC History</b>  | DCM Staff              |
| <b>1:15</b> | <b>CRAC Objectives, Workflow and Membership</b><br>(See attached memo)   | Greg Rudolph           |
| <b>1:50</b> | <b>Recommendation for CRAC Membership</b> <ul style="list-style-type: none"><li>• Todd Miller (Bio attached)</li></ul>   | Greg Rudolph           |
| <b>1:55</b> | <b>Old/New Business</b>  | Greg Rudolph           |
| <b>2:00</b> | <b>Adjourn</b>   |                        |



N.C. Division of Coastal Management  
[www.nccoastalmanagement.net](http://www.nccoastalmanagement.net)  
Next Meeting: November 30 - December 1, 2016  
Atlantic Beach

**Todd Miller**

Executive Director

North Carolina Coastal Federation

Biography

Todd Miller is the founder and executive director of the North Carolina Coastal Federation, a nonprofit with over 15,000 supporters and 3,000 active volunteers working for a healthier North Carolina coast.

A coastal North Carolina native from Carteret County, it was here in 1982 that Miller found his passion—working to keep the coast a great place to live, work and play. Forming partnerships and rallying volunteers, Miller grew the organization from a one-man (and a dog) venture in a back room of his house to three offices covering the North Carolina coast. With 30+ staffers and a multi-million dollar budget targeted for educating the public, advocating for a clean coast and restoring water quality and shorelines, the federation takes on projects, and partners with others in hundreds of endeavors that influence these priorities.

A graduate of University of North Carolina at Chapel Hill, from which he holds undergraduate and master's degrees, Miller was selected as a distinguished alumnus by the university in 2013 and recently honored with a 2015 "Hero of the Seas" award by the Peter Benchley Ocean Awards. Along with numerous other awards and recognitions, Miller is a founding board member of Restore America Estuaries and currently serves on the Board of Visitors for the UNC Institute for the Environment and as a board member on the Policy Committee for the Albemarle-Pamlico Estuary Partnership.

## **Memorandum**

To: CRAC  
From: Greg "rudi" Rudolph, Chair  
Date: November 4, 2016  
Re: **CRAC Membership and Role Discussion**

### Acronyms:

CRAC – Coastal Resources Advisory Council  
CAMA – Coastal Area Management Act  
CRC – Coastal Resources Commission  
DCM – N.C Division of Coastal Management

We are dedicating a large part of our November 30<sup>th</sup> meeting to discuss the future membership criteria, overall objectives, and workflow for the CRAC. As last modified, the most recent guidance provided in CAMA is located in GS 113A-105 (see attached). The focus and role of the CRAC has oscillated back and forth for decades now between; (A) an educational, informational body ensuring local governments remain informed of CRC and DCM actions, and (B) a participant and advisor to the CRC focused on the development of coastal policy and regulations. However the CRAC has never quite gone to one absolute extreme or another. Moreover CAMA itself does not provide much more than a skeleton to work with and the most recent CRAC Guidebook is from 2009; and while much more thorough, is essentially obsolete now. The bulk of the document is dedicated to the membership criteria of a 45 member group, duties for each category of membership, the purpose and role of standing committees, and other procedures (see - <https://ncdenr.s3.amazonaws.com/s3fs-public/document-library/CRAC%20Guidebook.pdf>). Our membership is now 20 persons and there are no longer any standing committees. With this in mind we essentially have a blank canvas to work with and the collective "we" need to reconcile the membership designations, duties, and predominant role of the CRAC.

To help foster a productive dialogue at our meeting, attached is a memorandum from 2010 by Frank Rush, Emerald Isle Town Manager and present CRAC member. His thoughts concerning CRAC membership restructuring were almost clairvoyant in retrospect, and there are some good thoughts (in my opinion) concerning possible relationships between the CRAC and CRC. Immediately below are some of my thoughts on the matter and we will use this outline as a quasi-agenda for our meeting when we broach this topic. Again, these are just thoughts – a lot more detail will need to be added once we get a sense of which directions the group wants to go in.

**Membership** – CAMA stipulates the CRAC shall consist of 20 members, but does not constrain any type of representation requirements. In essence the CRAC is a 20 at-large member group as it stands now. CAMA itself per § 113A-101 is a Cooperative State-local program – *"This Article establishes a cooperative program of coastal area management between local and State governments. Local government shall have the initiative for planning. State government shall establish areas of environmental concern. With regard to planning, State government shall act primarily in a supportive standard-setting and review capacity, except where local governments do not elect to exercise their initiative."* Therefore in the spirit of CAMA, the CRAC should have a strong majority of local government representation.

I would propose having 12 – 15 members of the CRAC representing local government in some capacity. I'm not particular with prescriptive regional assignments like 2 from County "X", 2 from a city in the Northern Province, 3 in the Central Coastal Plain, etc. We have been struggling with attendance for years and the interest level waxes and wanes depending on the focus of the CRC more or less, i.e., estuarine vs. oceanfront issues for instance. The remaining 5 – 8 members would be at-large. Again I'm afraid of getting too robotic with a representation standard (e.g., 2 coastal science seats, 2 environmental advocacy, 1 business, etc.).

**The Role of the CRAC** – I'm not a big proponent of the CRAC becoming more of an informational body, nor having the responsibility of reporting back to local governments in the level of detail that was perhaps envisioned in the past. For one that never happened and honestly, it's unrealistic. I do favor the primary focus of the CRAC as one of policy and rule development; truly assuming the "advisory" role inherent in its name. I see three different pathways for this and am not sure if there should be a primary emphasis or mandate on one versus the other;

**"Up the Chain"** – All or most policy/rule initiatives and major changes emanating from DCM or the General Assembly would go through the CRAC first during the development process before presented/provided to the CRC.

**"Down the Chain"** – All or most policy/rule initiatives and major changes emanating from the CRC or the General Assembly would go through the CRAC first during the development process before DCM formulates the rule or policy.

**"From the Chain"** - The CRAC would be free to initiate policy/rule initiatives by working with DCM and presenting the ideas, or even rule language directly to the CRC.

In any matter, I would like for one of the goals of CRAC and CRC to have is a more linear and final rule/policy decision process. In my opinion, the CRC should never be taking valuable meeting time looking at proposed policy/rule language on the screen and going through the language word for word with a free-for-all of ideas and proposed changes emanating from the CRC, CRAC, staff, and audience at once. That type of sausage-making should be done in the kitchen -- not in the dining room. In fact, that's alien to how local governments and the majority of federal and State agencies operate while still possessing a very open, public process. I look forward to your thoughts on this and other topics discussed or perhaps not mentioned in this memorandum.

## Article 7

### Coastal Area Management Act Part 1. Organization and Goals

#### § 113A-105. Coastal Resources Advisory Council.

(a) Creation. -- There is hereby created and established a council to be known as the Coastal Resources Advisory Council.

(b) Membership and Terms. -- The Coastal Resources Advisory Council shall consist of not more than 20 members appointed or designated by the Coastal Resources Commission. Counties and cities in the coastal area may nominate candidates for consideration by the Commission. The terms of all Council members serving on the Council on January 1, 2013, shall expire on July 31, 2013. A new Council shall be appointed in the manner provided by this subsection with terms beginning on August 1, 2013, and expiring on June 30, 2015. Members may be reappointed at the discretion of the Commission, provided that one-half of the membership at the beginning of any two-year term are residents of counties in the coastal area.

(c) Functions and Duties. -- The Advisory Council shall assist the Secretary and the Secretary of Administration in an advisory capacity:

(1) On matters which may be submitted to it by either of them or by the Commission, including technical questions relating to the development of rules, and

(2) On such other matters arising under this Article as the Council considers appropriate.

(d) Multiple Offices. -- Membership on the Coastal Resources Advisory Council is hereby declared to be an office that may be held concurrently with other elective or appointive offices (except the office of Commission member) in addition to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

(e) Chairman and Vice-Chairman. -- A chairman and vice-chairman shall be elected annually by the Council.

(f) Compensation. -- The members of the Advisory Council who are not State employees shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5. (1973, c. 1284, s. 1; 1975, c. 452, s. 5; 1977, c.771, s. 4; 1981, c. 932, s. 2.1; 1983, c. 249, ss. 1, 2; 1989, c.727, s. 127; c. 751, s. 8(14a); 1991 (Reg. Sess., 1992), c. 959, s. 26; 1995, c. 123, s. 4; c. 504, s. 7.)

# Suggested Changes to Coastal Resources Advisory Council Structure and Relationship to Coastal Resources Commission

Frank Rush, Vice Chairman CRAC & Emerald Isle Town

Manager March 3, 2010

## Key Questions:

1. Should the CRAC be more of an educational, informational body whose primary role is to insure that local governments remain informed of CRC and DCM actions?

OR

2. Should the CRAC be a participant and advisor to the CRC in coastal policy development?

If #1 is the desired role, then this role should be clearly defined, and the CRAC can continue under the current structure, but with more of an educational, informational focus. This will likely require less frequent meetings and less structure. CRAC would essentially be observers of CRC and DCM actions.

If #2 is the desired role, then the organizational structure of the CRAC should be modified, and a more formal role in coastal policy development should be formalized. **The suggested changes below assume that #2 is the desired role.**

## Suggested Changes to CRAC Structure

- Reduce current 45-member CRAC to a more efficient and manageable group size of 19 members,
- CRAC membership limited to local government representatives only (rooted in original goal of strong local participation in CAMA; also rooted in desire to strengthen local government partnership with CRC and DCM),
- All appointments by CRC as a body after receiving applications and nominations from local governments,
- Appoint members to 3-year staggered terms,
- 8 coastal county representatives – 2 from southern coastal area, 2 from central coastal area, 2 from northern oceanfront county area, 2 from northern estuarine county area (county representatives could also be a municipal resident or official if nominated by a particular county),
- 8 coastal municipal representatives – 2 from southern coastal area, 2 from central coastal area, 2 from northern oceanfront county area, 2 from northern estuarine county area (require that at least 4 of these members come from oceanfront municipalities)
- 1 regional council of governments representative,
- 2 at-large members (for example - could come from NC Sea Grant, NC Coastal Federation, or could simply be additional local government representatives),
- CRAC expenses borne by the local government they represent,
- CRAC meetings occur prior to CRC meetings on CRC meeting schedule, but recommendations of CRAC don't show up on formal CRC agenda until the following CRC meeting (no next day turn-around of CRAC recommendations, etc.), and
- 3 member CRAC Executive Board consisting of Chair and 2 Co-Vice-Chairs.

### Suggested Changes to CRAC Relationship to CRC

- CRAC would take more active role in coastal policy development, and would essentially serve in a similar manner to that of local government Planning Boards,
- CRAC would be advisory only with all final decision making authority reserved for CRC,
- Work flow would be as follows:
  - CRC directs DCM staff and CRAC to work on a particular issue,
  - DCM staff and CRAC would also have latitude to independently identify issues to work on, within reason, limits of DCM staff resources, and other current issues directed by CRC,
  - DCM staff completes research, analyzes options, presents options and recommendations to CRAC,
  - CRAC reviews DCM staff work and makes formal recommendation to CRC,
  - CRC then conducts review of recommendations, seeks public input, etc, and ultimately adopts new policies and rules,
  - CRAC Executive Board (3-members) has an active role in CRC discussion and is physically located at a separate table near the CRC during deliberation),
  - Rest of CRAC sits at separate table during CRC meetings, but in closer proximity to CRC, and
  - Science Panel involvement where necessary and helpful, to occur simultaneously with CRAC review; CRAC either incorporates Science Panel's recommendation into CRAC recommendation or Science Panel submits separate recommendation to CRC and CRC must reconcile conflicting recommendations.

### Pros, Cons, and Issues To Consider

- Creates clear formal authority for CRAC to have meaningful role,
- New CRAC essentially replaces the old CRC committee structure,
- Insures thorough local government "vetting" of issues,
- Maintains Science Panel as important, independent resource for CRC decision making (CRC can blend the science and the human concerns to create sound policy – puts both on "equal footing"),
- Will hopefully make CRC more efficient and provide more time for higher level policy making, goal setting, vision, etc.
- Will require CRC to delegate the details to staff and the CRAC; CRC can still get into the details at its level but hopefully the concerns "in the weeds" will have been thoroughly addressed before it gets to CRC level.

### Creation of State Inter-Agency Coordination Committee (Staff-Level Committee)

- Create new, separate committee consisting of staff-level representatives of other State agencies to maintain their involvement in policy making process.
- Incumbent upon DCM staff and CRAC to involve these representatives in the process as necessary or helpful.
- Consists of representatives from following agencies:
  - NC Dept of Transportation
  - NC Division of Marine Fisheries
  - NC Division of Water Quality
  - NC Wildlife Resources Commission
  - State Property Office
  - NC Division of Public Health? Environmental Health?
  - Others?

**NC Coastal Resources Advisory Council**  
**September 13, 2016**  
**New Hanover County Government Center**  
**Wilmington, NC**  
**Meeting Summary**

**Attendance**

Rudi Rudolph (Chair)	Spencer Rogers (Co-Vice Chair)
Bobby Outten (Co-Vice Chair)	John Brodman
Mike Moore	Dave Weaver
David Moye	Beth Midgett
Todd Roessler	Lee Wynns

**Call to Order**

Rudi Rudolph called the meeting to order with 10 members in attendance. Rudi explained that Debbie Smith has asked to step down as CRAC Chair. The CRAC selected Rudi Rudolph as Chair with Spencer Roger and Bobby Outten as Co-Vice Chairs and voted unanimously in favor of these appointments. The CRAC also discussed and concluded recommending Kathleen Riely for consideration by the CRC as an appointment to the CRAC. The CRAC also voted unanimously to approve the minutes.

**Preliminary Flood Insurance Rate Maps (FIRMS) for Coastal NC-Purpose, Process, and Results**

Rudi Rudolph presented the Preliminary Flood Insurance Rate Maps which depict what properties will be included in the floodplain once the maps are finalized. Rudi explained that if a building is located within a floodplain, federal flood insurance is required while the property is mortgaged. Rudi also explained that FEMA will require specific construction standards within certain areas of the new flood maps.

Spencer Rogers presented historical flooding areas and their location in regards to the new flood maps, and questioned the accuracy of these maps. The discussion concluded with the CRAC voting unanimously to request the CRC discuss this issue at their next meeting.

**Adjourn**

With no further business the Council adjourned and joined the CRC meeting.