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

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

MEMORANDUM **(CRC-10-45)**

TO: Coastal Resources Commission

FROM: M. Ted Tyndall, Assistant Director for Permits and Enforcement

DATE: November 3, 2010

SUBJECT: Reassessment of Sandbag Removal Priorities

At the September CRC meeting, Staff presented an overview of the history of the permitting of sandbags in North Carolina and described an intensive inventory process that took place in early 2008 that allowed staff to prioritize which sandbag structures should be given the highest priority for removal through enforcement action. Part of the most recent history involved Session Law 2009-479 (House Bill 709) and its impact on the removal efforts of these temporary erosion control structures. You will recall that Session Law 2009-479 established a moratorium on certain actions of the CRC that included preventing sandbag removal based solely on time limits. That moratorium expired September 1, 2010.

Following the presentation, Staff received clear guidance from the Commission to continue enforcement of the sandbag rules, including the enforcement of time limits. Field staff has been directed to revisit the sandbag structures in their area and to assess their condition relative to the thorough assessment that had been conducted in late 2008.

As you may recall, the Division developed a protocol for prioritizing structures for removal in a rational and orderly manner. Structures were prioritized based on whether or not they were covered, vegetated, or impeded public access, as well as their age and physical condition. The reassessment completed in October revealed that those structures that ranked the highest back in 2008 remained atop the list with the exception of the five structures that have since been demolished. As was the case in 2008, the most egregious sandbag structures are located in south Nags Head.

Staff has also taken into consideration municipalities that have issued condemnation orders or has declared such structures nuisances as part of this reassessment. For example, the Town of Nags Head has taken an active role in the removal of threatened houses along its beaches and has provided staff with a listing of such structures and locations. Structures that received a Declaration of Nuisance Structure and Order of Abatement from a local government ranked high.

With assistance from the AG's Office, Staff is currently researching the ownership of approximately 12 properties that remain the most egregious from 2008 and another four that are atop the list based on current conditions. Formal enforcement procedures should begin as soon as owner verification is complete.

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