

NC COASTAL RESOURCES COMMISSION (CRC)

April 17-18, 2019

Dare County Government Center

Manteo, NC

Present CRC Members

Renee Cahoon, Chair

Larry Baldwin, Vice-Chair

Robin Smith, Second Vice-Chair

Craig Bromby (absent 4/18)

Rick Catlin

Bob Emory

Robert High

Doug Medlin

Phil Norris

Russell Rhodes

Jamin Simmons

Present from the Office of the Attorney General

Mary L. Lucasse

Present from the Department of Environmental Quality, Office of the General Counsel

Christine A. Goebel

CALL TO ORDER/ROLL CALL

Renee Cahoon called the meeting to order at 1:00 p.m. on April 17, 2019, reminding the Commissioners of the need to state any conflicts due to Executive Order Number 34 and 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 a 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. Commissioners Trace Cooper and Lauren Salter were absent. Commissioner Rick Catlin recused himself from the NC Ports Variance Request (CRC VR 19-04). No other conflicts were reported. Based upon this roll call Chair Cahoon declared a quorum.

CHAIR'S COMMENTS

Chair Cahoon stated a resolution opposing offshore energy exploration and production has been placed at your seats for your review and consideration. She also acknowledged and thanked DEQ Secretary Michael Regan, Assistant Secretary Sheila Holman and Executive Assistant Kathleen Lance for attending this CRC meeting.

Secretary Regan addressed the Commission and stated on behalf of Governor Cooper, we would like to thank and commend the Commission for its work. We are proud of the partnership that DEQ has with the CRC. Since Hurricane Florence, we have focused on mitigating the threats to North Carolina's coast through our clean energy initiatives. The CRC focuses on rebuilding

stronger and smarter with a continuing emphasis on improving water quality and preserving our conservation principles. Resiliency is at the top of my list of priorities. The CRC is engaged with local governments and the Commission's Science Panel will be updating the five-year Sea Level Rise Assessment Report for North Carolina. This is in support of Governor Cooper's resiliency and mitigation plan as part of Executive Order 80. As we talk about how to repair and prepare our coast for future events, the Governor and I want to protect our coast from the negative impacts of offshore drilling and seismic testing. Our coastal communities deserve the right to hear both sides of the argument, however we believe that we have a coastal economy, a coastal culture, and internationally renowned coastline that attracts a lot of interest to this area and provides an economic benefit to the state. We cannot afford to endanger that. I look forward to strengthening my relationship with the Commission.

Chair Cahoon announced the public hearing schedule for the Commission's rules and delegated DCM staff to serve as hearing officers for these upcoming hearings over the summer.

MINUTES

Russell Rhodes made a motion to approve the minutes of the February 2019 Coastal Resources Commission meeting. Doug Medlin seconded the motion. The motion passed unanimously (Cahoon, Baldwin, Bromby, Catlin, Emory, High, Medlin, Norris, Rhodes, Simmons, Smith).

EXECUTIVE SECRETARY'S REPORT

DCM Director Braxton Davis gave the following report:

OCS Update

I'd like to start this morning with an update on offshore energy exploration proposals. As you may recall, in 2015, DCM received four federal consistency submissions related to proposed seismic surveys off our coast for oil and gas exploration (CGG, Spectrum, TGS-NOPEC, and GXT). In 2015, DCM found the proposals conditionally consistent with our program: Where practical, relocate proposed survey transects to avoid SAFMC-designated Habitat Areas of Particular Concern and important fish spawning and refuge areas; time surveys to avoid potential user conflicts with commercial and recreational fishing industries; follow mitigation measures in the final Programmatic Environmental Impact Statement; required pre-survey meetings with DMF and DCM so specific survey transects and timing of surveys could be reviewed in advance to avoid, minimize, and mitigate environmental and user conflicts. On December 21, 2017, DCM became aware of new research that presented additional, different, and significant concerns regarding potential impacts to State fisheries. Under federal rules governing changes in circumstances following a consistency determination by a State, DCM sent a supplemental consistency certification request to all four companies asking them to address this newly published research. The four companies responded that they did not agree that there were different coastal effects than originally reviewed. Following that, NOAA issued Incidental Harassment Authorizations (IHAs) for the proposed surveys. Two lawsuits were filed, and the BOEM permits for these companies are still pending. Last month, on March 12, 2019, DCM received a fifth company's federal consistency certification (WesternGeco) related to proposed seismic surveys off the NC coast. This company had also received an IHA from NOAA. On April 15, 2019 DCM sent a letter to WesternGeco: notifying the company that their original submission was significantly lacking in project information, assessment of coastal effects, and

analysis of the State's enforceable policies; asking for additional information, including that they address the newly published data that was sent to the past four companies and requesting a 30-day "stay" to delay the review period so that DCM has all the necessary data and information to review the proposal. DCM asked for a response by Friday, April 19, 2019. Our review will include an opportunity for public comments and reviews by other state resource agencies. The 2019-2024 National OCS Oil and Gas Leasing Proposed Program and Draft PEIS is anticipated to be released in the near future with a 90-day comment period. It is not yet known if NC will continue to be part of the Proposed Program. If it is, proposed lease areas could be identified this summer/fall with possible lease sales to follow as soon as the fall/winter.

REGULATORY

On the regulatory side of DCM, several beach nourishment and inlet dredging projects have either recently been completed, or are in the final stages of project construction. The first event under the Carteret County Bogue Banks Master Beach Nourishment Plan will be finishing up within the next few days, and placed sand along sections of oceanfront beach in Indian Beach and Emerald Isle. The Village of Bald Head Island has completed a nourishment event using sand from Jay Bird Shoals and placing it along sections of South Beach. Maintenance dredging operations were completed in Hatteras Inlet last week. Nourishment operations are ongoing along the beachfront of the Town of Topsail Beach. Dune rebuilding is currently underway within the Town of Surf City. The Corps of Engineers is in the process of dredging portions of the Wilmington Harbor shipping channel. It is anticipated that this work should be completed within the next week. Once this work is completed, it is anticipated that additional channel maintenance work will be initiated within the Morehead City Harbor shipping channel. The Corps of Engineers has recently completed dredging of the AIWW crossing near the Town of Oak Island with placement of the sand on portions of the Town's beachfront. The Corps of Engineers is also working on completing the Coastal Storm Risk Management projects for the Towns of Carolina Beach and Kure Beach. The Town of Nags Head is in the process of mobilizing for their next nourishment event. This work should begin within the next few weeks. Additionally, DCM staff are currently involved in discussions with NCDOT concerning erosion damage at the NCDOT ferry facility at the north end of Ocracoke Island. Chronic shoreline erosion has undermined several of the "stacking lanes" at the facility, impacting traffic flow during loading and unloading of the ferries. Over the last year, NCDOT has been exploring several alternatives to alleviate this issue. However, accelerated erosion in recent weeks is increasing the urgency for NCDOT to develop an engineering solution. Once NCDOT submits a final design for review, DCM staff are prepared to process the application in an expedited fashion.

POLICY & PLANNING

Resiliency Efforts

DCM is partnering with the NC Coastal Federation, regional councils of government, The Nature Conservancy, NC Sea Grant and others to host three coastal resilience events in May and June. The first two are local government workshops focusing on finding solutions to flooding and other coastal hazards on May 2nd in Elizabeth City, and May 14th in Wilmington. The third event is a Summit meeting in Havelock on June 11-12 to bring together a broader range of stakeholders. Tancred Miller will provide more details about these events during the panel discussions tomorrow morning.

Land Use Plans

Since the Commission's last meeting, the Division received two land use plan certification requests and two land use plan amendment requests under the recent delegation of authority from the Commission. The Towns of Carolina Shores (March 27, 2019), and Wrightsville Beach (also March 27, 2019) submitted LUPs for certification and the Towns of Beaufort (April 15, 2019), and Atlantic Beach (March 28, 2019) submitted land use plan amendments for certification since our last meeting. The Division found in all cases that: the plans met the substantive requirements outlined within your 7B Land Use Planning Requirements; there are no conflicts evident with either state or federal law or the State's Coastal Management Program; and the elected bodies of the local governments provided opportunity for the public to provide written comment following local adoption of the plan (as required by N.C.G.S. § 113A-110 and 15A NCAC 7B .0802 and .0803) For these reasons, the Towns of Carolina Shores, Wrightsville Beach, Beaufort, and Atlantic Beach requests for certification of their land use plans were granted.

Coastal Reserve

Reserve staff are participating in the Crystal Coast Earth Day at Fort Macon State Park on April 21 and in the Wilmington Earth Day Festival on April 27. The Reserve will host a training session on April 25 in Wilmington for those interested in volunteering for the 2019 sea turtle nesting season at the Masonboro Island Reserve. Reserve local advisory committees will meet this spring (week of April 29). For the sixth year, the Reserve and NC Wildlife Resources Commission are teaming up to estimate the diamondback terrapin populations through the use of citizen scientists who attended an April training and will kayak designated routes at the Masonboro Island Reserve and document terrapin sightings in May. WRC is expanding this methodology to Carteret County this year. A teacher and educator workshop will be held in Wilmington on May 14. Participants will receive content aligned with state and national education standards to support incorporation of estuary and watershed topics into classroom teaching. Teacher renewal credits and Environmental Education Certification credits are available for this workshop. Registration is required. The Coastal Training Program will host two workshops on Low Impact Development and water quality for real estate agents and property owners May 22 and 23 in Wanchese. These trainings provide real estate professionals background in how land use decisions impact water quality and how to help protect water quality by using low impact development techniques. Participants will also learn how to use stormwater control measures to meet state and local regulations while maintaining functionality and aesthetics. Registration for Summer Science School, in partnership with the NC Maritime Museum in Beaufort, is open. Reserve education staff will lead programs for students in Preschool to 10th grade from June to August. Sarah Donaher is the recipient of the 2019 North Carolina Coastal Research Fellowship. Sarah is a graduate student at UNC-IMS (advised by Dr. Rachel Gittman from ECU) and will study the resilience and restoration of seagrass beds. The fellowship is co-sponsored by North Carolina Sea Grant and the N.C. Coastal Reserve and National Estuarine Research Reserve, and supports work on priority coastal management issues at the N.C. reserve sites.

Staff News

Shaun Simpson, our permit technician in the Wilmington office, is retiring this week. Shaun has been with the Division for nearly 15 years and has been an integral part of the Wilmington office, providing field staff, local permit officer and customer support and just generally keeping everything in our southern office running smoothly. Shaun has been a great asset to the Division

and will be sorely missed. We wish her the very best in her retirement. Sarah Young, who has served as DCM's Public Information Officer and website administrator for the past three years, is moving over to serve as PIO for the DEQ Division of Water Resources. We thank her for her work and wish her well, and welcome Tricia Smith, who is now the lead PIO for both DMF and DCM, and will supervise a new PIO position for DCM in Morehead City. Tricia has 12 years of experience with DEQ, and worked for 16 years for the Jacksonville Daily News where she covered fisheries and coastal management issues. Finally, today is a very special day for one member of the DCM family. I hope you will all join me in wish Mike Lopazanski a very happy birthday, and many more with DCM.

VARIANCES

Thrasher (CRC VR 19-02), North Topsail Beach, Oceanfront Setback

Jason Dail, Christine Goebel, Esq./Pro se

Jason Dail provided an overview of the site. Assistant General Counsel, Christine Goebel represented staff and stated Mr. and Mrs. Thrasher are present and will represent themselves. Petitioners own oceanfront property at 1124 New River Inlet Road in North Topsail Beach. The property is located within the Commission's Ocean Hazard Area of Environmental Concern. Following damage from Hurricane Florence to their oceanfront deck railings. Petitioners filed a CAMA Minor Permit application seeking to remove an existing 64 square foot uncovered deck on the third story in to a window and adding a 208-square foot roof below the window to cover the two oceanfront decks below. On February 7, 2019, DCM acting as the LPO for the Town of North Topsail Beach, denied Petitioner's CAMA Minor Permit application as the proposed roof does not meet the applicable 75' setback from the first line of stable and natural vegetation. On February 25, 2019, Petitioners filed a variance request petition to request the Commission vary the oceanfront setback rules so they can develop the roof as proposed. Ms. Goebel reviewed the stipulated facts of this variance request and stated staff and petitioners agree on three of the four variance criteria which must be met in order to grant the variance.

Mrs. Margaret Thrasher, Petitioner, reviewed the stipulated facts that she contends supports the granting of the variance request. Mrs. Thrasher stated this request is an attempt to protect the structure from wind and rain damages.

Bob Emory made a motion that Petitioner has shown that strict application of the applicable development rules, standards, or orders issued by the Commission will cause the Petitioner an unnecessary hardship. Phil Norris seconded the motion. The motion passed unanimously (Catlin, Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

Phil Norris made a motion to support Petitioner's position that hardships result from conditions peculiar to the petitioner's property. Larry Baldwin seconded the motion. The motion passed unanimously (Catlin, Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

Larry Baldwin made a motion that Petitioner has shown that hardships do not result from the actions taken by the Petitioner. Russell Rhodes seconded the motion. The motion

passed unanimously (Catlin, Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

Phil Norris made a motion that Petitioner has shown that the variance requested by the Petitioner will be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; will secure the public safety and welfare; and preserve substantial justice. Doug Medlin seconded the motion. The motion passed unanimously (Catlin, Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

This variance request was granted.

**NC Ports (CRC VR 19-04), Wilmington, Dredging in PNA
Courtney Spears, Christine Goebel, Esq./Scott Slusser, Special Deputy Attorney General
Commissioner Catlin recused himself from discussion and voting on this agenda item.**

Courtney Spears provided an overview of the site. Assistant General Counsel, Christine Goebel represented staff and stated Scott Slusser and Mollie Cozart are present from the Attorney General 's Office and will represent Petitioner. Ms. Goebel reviewed the stipulated facts of the variance request and stated N.C. State Ports Authority develops and maintains the state port facility in Wilmington, south of the Cape Fear Memorial Bridge on the Cape Fear River. On October 26, 2018, Petitioner sought a major modification to a long-existing CAMA Major Permit to install a 1,416-foot long vertical submerged toe wall, to enlarge the existing turning basin from 1,400 feet to 1,524 feet in diameter necessitating 17.76 acres of dredging including 1.4 acres of wetlands, and the removal of an existing wooden pier. This area of the Cape Fear River is designated as a Primary Nursery Area by the Marine Fisheries Commission, and per 15A NCAC 7H .0208(b)(1), new dredging in a PNA is prohibited. Additionally, concerns were raised by DMF and DCM about significant adverse impacts to PNA and Coastal Wetlands resources. On March 19, 2019, DCM denied Petitioner's modification request based on its incompatibility with those rules noted in the denial letter. Petitioner now seeks a variance to allow the proposed new dredging and other development proposed. Petitioner sought and were granted special permission by the Chair to waive the usual variance procedure timeline rules and proceed in an expedited manner at the CRC's April meeting. Ms. Goebel reviewed the stipulated facts of this variance request and stated staff and petitioner agree on all four statutory criteria which must be met

Scott Slusser, Special Deputy Attorney General, represented Petitioner and reviewed the stipulated facts which Petitioner contends support the granting of the variance request. Mr. Slusser thanked the Commission for hearing the variance request on an expedited timeframe. NC Ports has agreed to several mitigation measures for this proposed development including creating tidal pools within existing Phragmites habitat, donating funds to complete the construction and monitoring a fish passage at Lock and Dam #1 in the upper Cape Fear River, tidal marsh enhancement by removing invasive Phragmites vegetation, creating a perpetual conservation easement on 30.2 acres of Port property east of the Brunswick River, and delaying construction of this proposed project until July 1, 2019 to minimize potential adverse effects on anadromous fish during their annual migration up river for spawning. DCM Staff has also recommended, and

Ports has agreed to three additional mitigation measures including a condition requiring a monitoring plan to be created in coordination with federal and state resource agencies and to be funded by NC Ports to evaluate the effects of improvements to Lock and Dam #1 and whether the intended improved fish passage was successful; a condition requiring NC Ports and DEQ to negotiate and agree to an MOU outlining specific public and interagency engagement for any future plans, studies, and alternatives analyses related to the expansion of Port facilities prior to permit application submittal or petitioners for Commission variances to include public hearings, appropriate stakeholder engagement, and a process for improved coordination of timelines for state and federal environmental reviews to encourage improved interagency reviews and discussion of potential impacts and mitigation measures; and a condition requiring that if NC Ports needs to seek moratorium relief for the proposed dredging associated with this project, that it will be done through the Minor Modification of the CAMA Major Permit issued pursuant to the variance. DCM staff and Petitioners agree on all four variance factors.

Larry Baldwin made a motion that Petitioner has shown that unnecessary hardships would result from strict application of the Commission's rules, standards, or orders. Craig Bromby seconded the motion. The motion passed unanimously (Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

Phil Norris made a motion that Petitioner has shown that the hardships result from conditions peculiar to the property. Robert High seconded the motion. The motion passed unanimously (Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

Larry Baldwin made a motion that Petitioner has shown that the hardships do not result from actions taken by the Petitioner. Doug Medlin seconded the motion. The motion passed unanimously (Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

Robin Smith made a motion that Petitioner has shown that the requested variance will be consistent with the spirit, purpose, and intent of the rules, standards, or orders will secure public safety and welfare; and will preserve substantial justice. Should the variance request be granted, the NC Ports will incorporate all the mitigation measures identified by DCM as well as requiring the MOU to be completed prior to September 1, 2019. Additionally, NC Ports should comply with all mitigation required by any federal permits obtained. Craig Bromby seconded the motion. The motion passed unanimously (Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

This variance request was granted with conditions.

ACTION ITEMS

Consideration of Final Adoption of 15A NCAC 7J .0409 Civil Penalties

Mike Lopazanski

Mike Lopazanski stated these were minor amendments for consistency with timeframe changes that were passed by the Legislature that added ten days to the existing CRC timeframe regarding

the issuance of notices of violation and assessments. The intent was to allow extra time for the violator and the State to work together to resolve violations. No comments were received on these amendments.

Bob Emory made a motion to adopt amendments to 15A NCAC 7J .0409. Doug Medlin seconded the motion. (Catlin, Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

Consideration of Final Adoption of 15A NCAC 7H .2700 General Permit for Construction of Marsh Sills for Wetland Enhancement in Estuarine and Public Trust Waters

Mike Lopazanski

Mike Lopazanski stated these changes mirror the temporary amendments that became effective April 1, 2019. These permanent amendments will replace the temporary amendments.

Larry Baldwin made a motion to adopt amendments to 7H .2701, .2704, and .2705. Phil Norris seconded the motion. The motion passed unanimously (Catlin, Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

PUBLIC INPUT AND COMMENT

No comments.

CRC RULE DEVELOPMENT

DEQ Permit Transformation-Proposed Amendments to 15A NCAC 7H & 7J (CRC 19-13)

Gregg Bodnar

Gregg Bodnar stated these amendments will facilitate the electronic permit transformation that DCM is undertaking at the direction of the Department. DEQ began this initiative about one year ago. This initiative will allow the public to apply, view the status, and pay for permits online. This will alleviate some of the problems that we see with the paper permit applications such as missing information and static forms that do not fit each project. This will also reduce costs for postage, paper and storage space and will ensure records retention in the event of a fire, flood or major storm. These proposed amendments address the changes needed to use an electronic system including electronic signatures, delivery by email, and electronic payments.

Larry Baldwin made a motion to approve amendments to 15A NCAC 7H and 7J for public hearing. Robert High seconded the motion. The motion passed unanimously (Catlin, Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

LEGAL UPDATES

Update on Litigation of Interest to the Commission (CRC 19-14)

Mary Lucasse, CRC Counsel, reviewed all active and pending litigation of interest to the CRC.

Robin Smith made a motion that the Commission move into closed session pursuant to NCGS 143-318.11(a)(3) to consult with its attorney regarding (1) the complaint filed in the United States District Court for the Eastern District of North Carolina by Michael and Catherine Zito against the North Carolina Coastal Resources Commission. That case number is 2:19-CV-00011-D. The Commission will also be updated on (2) the Petition for

Judicial Review brought by the Town of Wrightsville Beach against the Coastal Resources Commission and Grand View Holdings, LLC in the General Court of Justice for New Hanover County, File Number 17 CVS 004392. Phil Norris seconded the motion. The motion passed unanimously (Catlin, Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, Bromby, High, Medlin).

The Commission returned to open session.

COASTAL RESILIENCE INITIATIVES – STATE LEVEL

Update on Climate Interagency Council & DCM Initiatives

Tancred Miller

Tancred Miller stated resilience is the ability of a community or region to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from natural hazards. The State of North Carolina is working to adapt to climate-related extreme events and long-term risks in order to preserve economic, natural, and cultural resources; minimize social disruption and displacement from extreme events; and lessen the need for disaster recovery spending. Adaptation strategies include avoiding hazards, defending against hazards by using physical barriers to redirect or block impacts, accommodate for the hazard by designing and building so that natural processes do less damage, and relocating from the hazard by moving to a safer location. The CRC's rules incorporate these adaptation strategies. The CRC's land use policies include compatibility management goals that ensure that development and use of resources or preservation of land balance protection of natural resources and fragile areas with economic development, avoids risks to public health, safety and welfare. The CRC's land use plan elements also address responding to the natural environment. Resilience has been integral to the CRC's rules and policies and DCM's initiatives. DCM in cooperation with partners will hold two resiliency planning workshops for local governments and a Resiliency Summit open to the public for continued stakeholder engagement.

VA Governor Northam Executive Order 24

Skip Stiles, Executive Director Wetlands Watch

Skip Stiles stated most of our work is with local governments. The coastal conversation has changed based on evidence of change. Rainfall intensity is increasing. Current stormwater regulations are based on past activity. The localities are pushing the state agencies to respond. We are also seeing increased rates of sea level rise, but there are no standards or guidance for the local governments. Virginia Beach is finishing up its study on projected changes in coastal flooding. This will help with planning for short and long-term infrastructure. After a number of years of nothing happening, in 2018 the Governor issued an Executive Order to focus the state's resources on the issues of flooding, sea level rise, and hazard mitigation. There is also a proposal to develop a Coastal Resilience Master Plan. This will begin the process of putting together a strategic approach to how to deal with flooding, sea level rise and resilience in Virginia. There is no interagency council, which North Carolina does include in its plan. The Virginia Department of Health has formed a Climate Change Committee to look at septic failure and salt water intrusion into drinking water supplies, and impacts on vulnerable populations. One other initiative is coming from the Federal Government, the Department of Defense Authorization Act, which establishes a number of new programs to spend money in communities that surround military facilities where operational readiness of the facilities can be compromised by the

inability of the military to access the bases. There are a number of new provisions that are going to develop planning partnerships between the military and surrounding communities to deal with critical infrastructure. Wetlands Watch has identified where there are problems and barriers and is trying to seek solutions. Where there are no pre-disaster plans at a community scale that focus on ecosystem services and not enough professionals in the design community with the needed experience, we will hold a resilience design effort in a tidal shoreline community using state university students, to see if we can develop practical approaches. Since there was no guidance to Virginia's shoreline localities from the State on adaptation and no policy tools provided for addressing sea level rise, we developed and maintain a web-based Virginia local government guide to adaptation and promote solutions in one-on-one sessions with local government staff. Another problem we identified was the high need for flood mitigation and the FEMA funds are low, so there is a long waiting line for funding. We will work with legislators to establish and fund the Virginia Shoreline Resiliency Fund. There is also very little actual data on the extent of inundation. Water level monitors are expensive. People in the communities know where it floods. We would like to develop a sea level rise smartphone application to crowdsource this information. Data mapping improves future predictions.

Coastal Resilience Options for NC

Brian Boutin, The Nature Conservancy

Brian Boutin stated we are seeing more extreme weather events including rainfall flooding, wild fires, and droughts. Sea level rise will also affect the coastal areas greater than inland areas. The literature defines resilience as the capacity of a system to function in the face of disturbance. Resilience is not a state of being, but rather a set of capacities that enables a system to prevent or respond to threats to its health and stability. The three resilience capacities do not operate independently, but rather build on each other to create a continuum. The absorptive capacity to avert or minimize disturbances through preventative measures, short-term coping strategies, and incremental shifts in management practices. The adaptive capacity to make proactive and informed choices in the short to medium term about how to adapt to disturbances, including taking advantage of new opportunities arising from change. Lastly, the accommodative capacity to transition to an alternative stable state in the long-term based on changing conditions. Coastal communities can increase their resilience by effectively protecting, restoring and sustainably managing their natural resources while strengthening local capacity for climate adaptations. We are helping communities connect the dots with existing policy mechanisms that can be used to increase their resilience including their land use planning policies and the National Flood Insurance Program. Many of our local communities do not have access to adequate funding to be able to put solutions on the ground. In Currituck County, the value to the citizens came from natural places, hunting and fishing. The citizen's concerns included flooding and water quality. The goal was to identify areas at risk for flooding and develop community-supported strategies to mitigate risk. The Community Rating System Explorer is a great tool. The NFIP values a community's actions that reduce risk and provides discounts on flood insurance premiums. The CRS Explorer focuses on identifying parcels that count as open space preservation activities and provides the ability to view and download maps and supporting information. By protecting the naturally functioning open space areas, you get credits for flood insurance and well as flood risk reduction, ecosystem services, and cultural preservation. In the Town of Swansboro, we helped the Town go through the vulnerability consequences and adaptation planning scenarios. The Town built this into its CAMA Land Use Plan update. The Town looked at its assets and critical

infrastructure and what scenarios could be implemented on the ground to ensure that it can remain for the long-term. Resilience needs to have a comprehensive approach. Each strategy has limits in terms of their capacity to influence resilience. The State and CRC can support resilience by creating equitable resilience building, developing strategies with local communities, discourage maladaptive strategies, enable calculated risk taking and foster cross-agency collaboration.

Resiliency and Environmental Justice

Penny Hooper, NC Interfaith Power and Light Leadership Council

Penny Hooper stated environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implantation, and enforcement of environmental laws, regulations and policies. Coastal resilience means building the ability of a community to bounce back after a hazardous event such as hurricanes, coastal storms, and flooding, rather than simply reacting to impacts. Each community may have a different answer to how to combine coastal resiliency with environmental justice, but all involve building trust between the groups of low income and color and groups of wealth and power within that community. We need to work towards community engagement and risk assessments between these two groups of people because all are affected by the same ecosystem and climate change issues, but personal ability to respond is very different. FEMA is not the answer for everyone. Necessary paperwork and no temporary housing were very problematic as well as delays for receipt of funding, especially from a justice perspective. The same was true of private flood insurance. NC Interfaith Power and Light works through faith communities to identify and implement positive hope-filled responses to climate change as a moral imperative. Our work centers around energy, worship, and the food-faith-climate connection. We educate and advocate about the theological call to care for the least among us through presentations, workshops, film screenings, media campaigns, and religious events. NC IPL is the only NC-based statewide organization that works on addressing the ecological and justice issues of climate change as a faith based initiative. We frequently partner with other environmental groups. Now more than ever, disparate parts of eastern Carteret County need each other to recover from Hurricane Florence, to better prepare for rising waters, and to strengthen the economic and social well-being of our residents. When you are making resiliency policy decisions, remember that it is very important to notice who is not in the room.

COASTAL RESILIENCE INITIATIVES – LOCAL LEVEL

Local Flood Recovery & Buyouts

Allen Castelloe, Town of Windsor

Allen Castelloe stated the Town of Windsor loves the rivers in its area, but they have caused much grief. Since 1999, many storms have caused flooding similar to Hurricane Floyd. Many of our residents are familiar with what to do after a flooding event, but morale is low since these events keep happening. Of the 1100 permanent, occupied structures in Windsor, 150 flooded in Hurricane Matthew. Fifty of the 120 business structures were flooded as well. We have been working with NCSU and Sea Grant to do a preliminary view of what the underlying problems are and potential solutions. We have developed in places that maybe should not have been developed. Our businesses are struggling, and we are in the process of buyouts on 34 properties through Emergency Management with FEMA money. We have conducted a downtown retrofit remodel study for our downtown businesses. The USACE has also looked at this area. Some

modeling has been done on the river system as well. The Roanoke River is having a direct impact on Windsor which compounds the problems from the Cashie River. Sea level is rising, and the Albemarle Sound is 12-18 inches higher than it was 100 years ago which is significant when your town is only four feet about sea level currently. The Town is purchasing property on high ground to offer to our businesses.

Wind Pool & Homeowners Insurance

Willo Kelly, Outer Banks Association of Realtors

Willo Kelly stated homeowner, wind, and flood insurance play a role in coastal communities and is mandatory if a homeowner has a mortgage. The cost of property insurance impacts the affordability of housing and the ability to qualify for a mortgage and more importantly to maintain a mortgage. Insurance has a direct impact on our communities. Those without a mortgage are not required to maintain property insurance and can elect to have fire and liability coverages only. What would the impacts be after a disaster if most homeowners did not have coverage? The North Carolina rate making system is causing very high rates along the coast. Every homeowner should have coverage, but sometimes insurance becomes cost prohibitive and homeowners are losing their largest investment. Incentives and mitigation credits are a great start, but Alabama and Florida's hazard mitigation credits are twice that of North Carolina's. Community mitigation efforts should be included calculating a lower cost. Stormwater management plans, infrastructure maintenance, and beach nourishment should provide credits to homeowners. A consumer advocate should be available in every community to help policy holders lower their risks, but also lower their premiums. Moving forward with insurance we need to empower the policy holder. We should incentivize hazard mitigation, the rate making system should be revised, and a statewide catastrophe fund should be created.

Flood Maps & Freeboard

Donna Creef, Dare County

Donna Creef stated resiliency at the local level has been practiced in Dare County since we have so much experience with coastal storms and changing conditions. The biggest risk that we face is flooding. We address resilience through the education of our property owners, mitigation and protection of our natural resources, and through regulations that address the hazards. Our participation in the Community Rating System, which is a voluntary program the National Flood Insurance Program, where communities do outreach activities and create regulatory standards to receive points to reduce rates on flood insurance. Dare County's recertification was in 2015. This provides a significant savings to our property owners. In 2017, Dare County partnered with our municipal partners in joining our efforts for CRS activities. We came up with a unified approach and developed a brochure which talks about the risks, protection measures of flood insurance, and built an informative webpage. One of the things that we are seeing in Dare County is the use of living shorelines for mitigation of our natural resources and provide protection to our estuarine shoreline. Dare County uses FEMA money to elevate structures. Since 1999, Dare County has used this money to elevate 72 homes and have pending applications for 24 more homes. Since 2011, 143 homes have been elevated by property owners with their own funds. Dare County also has a flood damage prevention ordinance. In conjunction with the revised flood maps, we will have a local elevation standard that will be adopted. The preliminary flood maps should be adopted in 2020. There is a significant reduction in the number of properties that will be in the flood zone in Dare County. We are concerned about this reduction and do not believe that the

new maps accurately represent the soundside flooding component in Dare County. These new maps may cause some homeowners to discontinue their flood insurance. Dare County plans to elevate its freeboard from one foot to three feet.

Vulnerability Planning

Kris Noble, Hyde County

Kris Noble stated hurricanes have been a catalyst for vulnerability planning for years. Hyde County has five townships. Mainland Hyde County has a rural population and economics are based on agriculture, commercial seafood, and tourism. We are at sea level across the County and almost the entire County is in the floodplain. We flood. Our roads flood, our fields flood, and sometimes our homes and businesses flood. Our peat soils have been ditched and drained with hydrologic modifications through to date back to Native American settlements. Some of our first colonial records include letters to the king asking permission to ditch, dike, and drain the land. We have been assessing our vulnerabilities and looking for solutions for a very long time. In 2003, the county government planning process was formalized. Hurricane Isabel destroyed every critical facility that we had. Following this, we have become more aggressive, resilient, fortified and really starting to assess our vulnerabilities and planning around them. We have been making adaptations to include raising homes, raising HVACs, installing pumps, flood gates, tide gates, and the Swan Quarter dike system. Diking is not cheap and it is not quick. There are 17 miles of dike protecting Swan Quarter. We have raised road elevations, installed composite post piles and sheet piling. We were lucky enough to secure the funding from NCRS to wrap a protector around our vulnerable village. This has allowed us to protect our homes and make our transportation routes safer. Swan Quarter is just one vulnerable area. We were and are by no means done. We have engaged with NC Sea Grant and Stetson University to go through the formal VCAPS process (Vulnerability, Consequences, and Adaptation Planning Scenarios). We looked as closely as possible at every threat and vulnerability we had across the mainland comprehensively and began to initiate action alternatives for each threat and each vulnerability. Hyde County is on the forefront of coastal change. The residents are engaged in proactively finding solutions that prevent damage before floods are forecast. Some options like CRS points are things the County can do to benefit us right now.

OLD/NEW BUSINESS

Chair Cahoon stated Commissioners Emory and Smith will work with Christy Goebel and Mary Lucasse to address an interpretive ruling on setback exemptions and including roofs over decks.

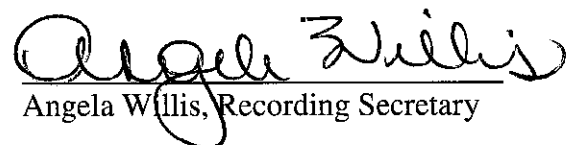
Phil Norris made a motion to adopt a Resolution in opposition to offshore drilling and exploration. Doug Medlin seconded the motion. The motion passed unanimously (Catlin, Norris, Rhodes, Simmons, Smith, Baldwin, Cahoon, Emory, High, Medlin).

With no further business, the CRC adjourned.

Respectfully submitted,



Braxton Davis, Executive Secretary



Angela Willis, Recording Secretary