



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

February 8, 2019

MEMORANDUM

CRC-19-04

TO: Coastal Resources Commission
FROM: Ken Richardson, *Shoreline Management Specialist*
SUBJECT: Town of Wrightsville Beach Static Vegetation Line Exception Reauthorization

Background:

Petitioner, the Town of Wrightsville Beach (“Town”), is requesting that its static line exception be reauthorized by the Coastal Resources Commission based on the information found within the attached five-year progress report. The granting of reauthorization by the Commission would result in the continued application of 15A NCAC 07H.0306(a)(8) to proposed development projects along the affected area of the town, which would allow the existing first line of stable and natural vegetation to be used in measuring setbacks rather than the more restrictive static or pre-project vegetation line described in 07H.0305(f) and 07H.0306(a)(1).

The Town’s original static line exception was granted by the Commission on September 9, 2009, and reauthorized on May 13, 2014. The Commission’s rule at 15A NCAC 07J.1204(b) indicates that the Commission “shall review a static line exception authorized under 15A NCAC 07J.1203 at intervals no greater than every five years from the initial authorization in order to renew its findings for the conditions defined in 15A NCAC 07J.1201(d)(1) through (d)(4).” Specifically, these four criteria require a showing by the Petitioner of (1) a summary of all beach fill projects in the area proposed for the exception, (2) plans and related materials showing the design of the initial fill projects, and any past or planned maintenance work, (3) documentation showing the location and volume of compatible sediment necessary to construct and maintain the project over its design life, and (4) identification of the financial resources or funding sources to fund the project over its design life. 15A NCAC 07J.1204(b) also states that the Commission shall consider design changes to the initial large-scale beach fill project, design changes to the location and volume of compatible sediment, and changes in the financial resources or funding sources necessary to fund the large-scale beach fill project.

Based on the Town’s 5-year progress report and additional exhibits attached, Staff recommends that the conditions in 15A NCAC 07J.1201(d)(1) through (d)(4) have been met, and there have been no changes in the last five years that should result in the Town’s static line exception being revoked. Staff recommends that the Commission renew the Town’s static line exception for another five years.



The following information is attached to this memorandum:

Attachment A: Relevant Procedural Rules

Attachment B: Staff's Report to the Coastal Resources Commission

Attachment C: Petitioner's 5-Year Progress Report

Attachment D: New Hanover County Interlocal Agreement for Contingency Plan Beach Nourishment

ATTACHMENT A: Relevant Procedural Rules

SECTION .1200 – STATIC AND VEGETATION LINE EXCEPTION PROCEDURES

15A NCAC 07J .1201 REQUESTING THE STATIC LINE EXCEPTION

(a) A petitioner subject to a static vegetation line pursuant to 15A NCAC 07H .0305 may petition the Coastal Resources Commission for an exception to the static vegetation line in accordance with the provisions of this Section. A "petitioner" shall be defined as:

- (1) Any local government;
- (2) Any group of local governments involved in a regional beach fill project;
- (3) Any qualified homeowner's association defined in G.S. 47F-1-103(3) that has the authority to approve the locations of structures on lots within the territorial jurisdiction of the association, and has jurisdiction over at least one mile of ocean shoreline; or
- (4) A permit holder of a large-scale beach fill project.

(b) A petitioner shall be eligible to submit a request for a static vegetation line exception after the completion of construction of the initial large-scale beach fill project(s) as defined in 15A NCAC 07H .0305 that required the creation of a static vegetation line(s). For a static vegetation line in existence prior to the effective date of this Rule, the award-of-contract date of the initial large-scale beach fill project, or the date of the aerial photography or other survey data used to define the static vegetation line, whichever is most recent, shall be used in lieu of the completion of construction date.

(c) A static vegetation line exception request applies to the entire static vegetation line within the jurisdiction of the petitioner, including segments of a static vegetation line that are associated with the same large-scale beach fill project. If multiple static vegetation lines within the jurisdiction of the petitioner are associated with different large-scale beach fill projects, then the static vegetation line exception in accordance with 15A NCAC 07H .0306 and the procedures outlined in this Section shall be considered separately for each large-scale beach fill project.

(d) A static vegetation line exception request shall be made in writing by the petitioner. A complete static vegetation line exception request shall include the following:

- (1) A summary of all beach fill projects in the area for which the exception is being requested including the initial large-scale beach fill project associated with the static vegetation line, subsequent maintenance of the initial large-scale projects(s) and beach fill projects occurring prior to the initial large-scale projects(s). To the extent historical data allows, the summary shall include construction dates, contract award dates, volume of sediment excavated, total cost of beach fill project(s), funding sources, maps, design schematics, pre-and post-project surveys and a project footprint;
- (2) Plans and related materials including reports, maps, tables and diagrams for the design and construction of the initial large-scale beach fill project that required the static vegetation line, subsequent maintenance that has occurred, and planned maintenance needed to achieve a design life providing no less than 30 years of shore protection from the date of the static line exception request. The plans and related materials shall be designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for said work;
- (3) Documentation, including maps, geophysical, and geological data, to delineate the planned location and volume of compatible sediment as defined in 15A NCAC 07H .0312 necessary to construct and maintain the large-scale beach fill project defined in Subparagraph (d)(2) of this Rule over its design life. This documentation shall be designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for said work; and
- (4) Identification of the financial resources or funding sources necessary to fund the large-scale beach fill project over its design life.

(e) A static vegetation line exception request shall be submitted to the Director of the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557. Written acknowledgement of the receipt of a completed static vegetation line exception request, including notification of the date of the meeting at which the request will be considered by the Coastal Resources Commission, shall be provided to the petitioner by the Division of Coastal Management.

(f) The Coastal Resources Commission shall consider a static vegetation line exception request no later than the second scheduled meeting following the date of receipt of a complete request by the Division of Coastal Management, except when the petitioner and the Division of Coastal Management agree upon a later date.

History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124; Eff. March 23, 2009;

15A NCAC 07J .1202 REVIEW OF THE STATIC LINE EXCEPTION REQUEST

(a) The Division of Coastal Management shall prepare a written report of the static line exception request to be presented to the Coastal Resources Commission. This report shall include:

- (1) A description of the area affected by the static line exception request;
- (2) A summary of the large-scale beach fill project that required the static vegetation line as well as the completed and planned maintenance of the project(s);
- (3) A summary of the evidence required for a static line exception; and
- (4) A recommendation to grant or deny the static line exception.

(b) The Division of Coastal Management shall provide the petitioner requesting the static line exception an opportunity to review the report prepared by the Division of Coastal Management no less than 10 days prior to the meeting at which it is to be considered by the Coastal Resources Commission.

*History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. March 23, 2009.*

15A NCAC 07J .1203 PROCEDURES FOR APPROVING THE STATIC LINE EXCEPTION

(a) At the meeting that the static line exception is considered by the Coastal Resources Commission, the following shall occur:

- (1) The Division of Coastal Management shall orally present the report described in 15A NCAC 07J .1202.
- (2) A representative for the petitioner may provide written or oral comments relevant to the static line exception request. The Chairman of the Coastal Resources Commission may limit the time allowed for oral comments.
- (3) Additional parties may provide written or oral comments relevant to the static line exception request. The Chairman of the Coastal Resources Commission may limit the time allowed for oral comments.

(b) The Coastal Resources Commission shall authorize a static line exception request following affirmative findings on each of the criteria presented in 15A NCAC 07J .1201(d)(1) through (d)(4). The final decision of the Coastal Resources Commission shall be made at the meeting at which the matter is heard or in no case later than the next scheduled meeting. The final decision shall be transmitted to the petitioner by registered mail within 10 business days following the meeting at which the decision is reached.

(c) The decision to authorize or deny a static line exception is a final agency decision and is subject to judicial review in accordance with G.S. 113A-123.

*History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. March 23, 2009.*

15A NCAC 07J .1204 REVIEW OF THE LARGE-SCALE BEACH-FILL PROJECT AND APPROVED STATIC LINE EXCEPTIONS

(a) Progress Reports. The petitioner that received the static line exception shall provide a progress report to the Coastal Resources Commission at intervals no greater than every five years from date the static line exception is authorized. The progress report shall address the criteria defined in 15A NCAC 07J .1201(d)(1) through (d)(4) and be submitted in writing to the Director of the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557. The Division of Coastal Management shall provide written acknowledgement of the receipt of a completed progress report, including notification of the meeting date at which the report will be presented to the Coastal Resources Commission to the petitioner.

(b) The Coastal Resources Commission shall review a static line exception authorized under 15A NCAC 07J .1203 at intervals no greater than every five years from the initial authorization in order to renew its findings for the conditions defined in 15A NCAC 07J .1201(d)(2) through (d)(4). The Coastal Resources Commission shall also consider the following conditions:

- (1) Design changes to the initial large-scale beach fill project defined in 15A NCAC 07J .1201(d)(2) provided that the changes are designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for the work;
- (2) Design changes to the location and volume of compatible sediment, as defined by 15A NCAC 07H .0312, necessary to construct and maintain the large-scale beach fill project defined in 15A NCAC 07J .1201(d)(2), including design changes defined in this Rule provided that the changes have been designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for the work; and
- (3) Changes in the financial resources or funding sources necessary to fund the large-scale beach fill project(s) defined in 15A NCAC 07J .1201(d)(2). If the project has been amended to include design changes defined in this Rule, then the Coastal Resources Commission shall consider the financial resources or funding sources necessary to fund the changes.

(c) The Division of Coastal Management shall prepare a written summary of the progress report and present it to the Coastal Resources Commission no later than the second scheduled meeting following the date the report was received, except when a later meeting is agreed upon by the local government or community submitting the progress report and the Division of Coastal Management. This written summary shall include a recommendation from the Division of Coastal Management on whether the conditions defined in 15A NCAC 07J .1201(d)(1) through (d)(4) have been met. The petitioner submitting the progress report shall be provided an opportunity to review the written summary prepared by the Division of Coastal Management no less than 10 days prior to the meeting at which it is to be considered by the Coastal Resources Commission.

(d) The following shall occur at the meeting at which the Coastal Resources Commission reviews the static line exception progress report:

- (1) The Division of Coastal Management shall orally present the written summary of the progress report as defined in this Rule.
- (2) A representative for the petitioner may provide written or oral comments relevant to the static line exception progress report. The Chairman of the Coastal Resources Commission may limit the time allowed for oral comments.
- (3) Additional parties may provide written or oral comments relevant to the static line exception progress report. The Chairman of the Coastal Resources Commission may limit the time allowed for oral comments.

History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. March 23, 2009.

15A NCAC 07J .1205 REVOCATION AND EXPIRATION OF THE STATIC LINE EXCEPTION

(a) The static line exception shall be revoked immediately if the Coastal Resources Commission determines, after the review of the petitioner's progress report identified in 15A NCAC 07J .1204, that any of the criteria under which the static line exception is authorized, as defined in 15A NCAC 07J .1201(d)(2) through (d)(4) are not being met.

(b) The static line exception shall expire immediately at the end of the design life of the large-scale beach fill project defined in 15A NCAC 07J .1201(d) (2) including subsequent design changes to the project as defined in 15A NCAC 07J .1204(b).

(c) In the event a progress report is not received by the Division of Coastal Management within five years from either the static line exception or the previous progress report, the static line exception shall be revoked automatically at the end of the five-year interval defined in 15A NCAC 07J .1204(b) for which the progress report was not received.

(d) The revocation or expiration of a static line exception is considered a final agency decision and is subject to judicial review in accordance with G.S. 113A-123.

History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. March 23, 2009.

15A NCAC 07J .1206 LOCAL GOVERNMENTS AND COMMUNITIES WITH STATIC VEGETATION LINES AND STATIC LINE EXCEPTIONS

A list of static vegetation lines in place for petitioners and the conditions under which the static vegetation lines exist, including the date(s) the static line was defined, shall be maintained by the Division of Coastal Management. A list of static line exceptions in place for petitioners and the conditions under which the exceptions exist, including the date the exception was granted, the dates the progress reports were received, the design life of the large-scale beach fill project and the potential expiration dates for the static line exception, shall be maintained by the Division of Coastal Management. Both the static vegetation line list and the static line exception list shall be available for inspection at the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557.

History Note: Authority G.S. 113A-107; 113A-113(b)(6), 113A-124;
Eff. March 23, 2009.

15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the Coastal Resources Commission's rules shall be located according to whichever of the following is applicable:

- (1) The ocean hazard setback for development shall be measured in a landward direction from the vegetation line, the static vegetation line, or the measurement line, whichever is applicable.
- (2) In areas with a development line, the ocean hazard setback shall be set in accordance with Subparagraphs (a)(3) through (9) of this Rule. In no case shall new development be sited seaward of the development line.
- (3) In no case shall a development line be created or established on state owned lands or oceanward of the mean high water line or perpetual property easement line, whichever is more restrictive.
- (4) The ocean hazard setback shall be determined by both the size of development and the shoreline long term erosion rate as defined in Rule .0304 of this Section. "Development size" is defined by total floor area for structures and buildings or total area of footprint for development other than structures and buildings. Total floor area includes the following:
 - (A) The total square footage of heated or air-conditioned living space;
 - (B) The total square footage of parking elevated above ground level; and
 - (C) The total square footage of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designed to be load-bearing.Decks, roof-covered porches, and walkways shall not be included in the total floor area unless they are enclosed with material other than screen mesh or are being converted into an enclosed space with material other than screen mesh.
- (5) With the exception of those types of development defined in 15A NCAC 07H .0309, no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback shall be established based on the following criteria:
 - (A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
 - (B) A building or other structure greater than or equal to 5,000 square feet but less than 10,000 square feet requires a minimum setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater;
 - (C) A building or other structure greater than or equal to 10,000 square feet but less than 20,000 square feet requires a minimum setback of 130 feet or 65 times the shoreline erosion rate, whichever is greater;
 - (D) A building or other structure greater than or equal to 20,000 square feet but less than 40,000 square feet requires a minimum setback of 140 feet or 70 times the shoreline erosion rate, whichever is greater;
 - (E) A building or other structure greater than or equal to 40,000 square feet but less than 60,000 square feet requires a minimum setback of 150 feet or 75 times the shoreline erosion rate, whichever is greater;
 - (F) A building or other structure greater than or equal to 60,000 square feet but less than 80,000 square feet requires a minimum setback of 160 feet or 80 times the shoreline erosion rate, whichever is greater;

- (G) A building or other structure greater than or equal to 80,000 square feet but less than 100,000 square feet requires a minimum setback of 170 feet or 85 times the shoreline erosion rate, whichever is greater;
 - (H) A building or other structure greater than or equal to 100,000 square feet requires a minimum setback of 180 feet or 90 times the shoreline erosion rate, whichever is greater;
 - (I) Infrastructure that is linear in nature, such as roads, bridges, pedestrian access such as boardwalks and sidewalks, and utilities providing for the transmission of electricity, water, telephone, cable television, data, storm water, and sewer requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
 - (J) Parking lots greater than or equal to 5,000 square feet require a setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater;
 - (K) Notwithstanding any other setback requirement of this Subparagraph, a building or other structure greater than or equal to 5,000 square feet in a community with a static line exception in accordance with 15A NCAC 07J .1200 requires a minimum setback of 120 feet or 60 times the shoreline erosion rate in place at the time of permit issuance, whichever is greater. The setback shall be measured landward from either the static vegetation line, the vegetation line, or measurement line, whichever is farthest landward; and
 - (L) Notwithstanding any other setback requirement of this Subparagraph, replacement of single-family or duplex residential structures with a total floor area greater than 5,000 square feet, and commercial and multi-family residential structures with a total floor area no greater than 10,000 square feet, shall be allowed provided that the structure meets the following criteria:
 - (i) the structure was originally constructed prior to August 11, 2009;
 - (ii) the structure as replaced does not exceed the original footprint or square footage;
 - (iii) it is not possible for the structure to be rebuilt in a location that meets the ocean hazard setback criteria required under Subparagraph (a)(5) of this Rule;
 - (iv) the structure as replaced meets the minimum setback required under Part (a)(5)(A) of this Rule; and
 - (v) the structure is rebuilt as far landward on the lot as feasible.
- (6) If a primary dune exists in the AEC on or landward of the lot where the development is proposed, the development shall be landward of the crest of the primary dune, the ocean hazard setback, or development line, whichever is farthest from vegetation line, static vegetation line, or measurement line, whichever is applicable. For existing lots, however, where setting the development landward of the crest of the primary dune would preclude any practical use of the lot, development may be located oceanward of the primary dune. In such cases, the development may be located landward of the ocean hazard setback, but shall not be located on or oceanward of a frontal dune or the development line. The words "existing lots" in this Rule shall mean a lot or tract of land that, as of June 1, 1979, is specifically described in a recorded plat and cannot be enlarged by combining the lot or tract of land with a contiguous lot or tract of land under the same ownership.
- (7) If no primary dune exists, but a frontal dune does exist in the AEC on or landward of the lot where the development is proposed, the development shall be set landward of the frontal dune, ocean hazard setback, or development line, whichever is farthest from the vegetation line, static vegetation line, or measurement line, whichever is applicable.
- (8) If neither a primary nor frontal dune exists in the AEC on or landward of the lot where development is proposed, the structure shall be landward of the ocean hazard setback or development line, whichever is more restrictive.
- (9) Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically, but shall not be structurally, attached to an existing structure that does not conform with current setback requirements.
- (10) Established common law and statutory public rights of access to and use of public trust lands and waters in ocean hazard areas shall not be eliminated or restricted. Development shall not encroach upon public accessways, nor shall it limit the intended use of the accessways.
- (11) Development setbacks in areas that have received large-scale beach fill as defined in 15A NCAC 07H .0305 shall be measured landward from the static vegetation line as defined in this Section,

unless a development line has been approved by the Coastal Resources Commission in accordance with 15A NCAC 07J .1300.

- (12) In order to allow for development landward of the large-scale beach fill project that cannot meet the setback requirements from the static vegetation line, but can or has the potential to meet the setback requirements from the vegetation line set forth in Subparagraphs (a)(1) and (a)(5) of this Rule, a local government, group of local governments involved in a regional beach fill project, or qualified "owners' association" as defined in G.S. 47F-1-103(3) that has the authority to approve the locations of structures on lots within the territorial jurisdiction of the association and has jurisdiction over at least one mile of ocean shoreline, may petition the Coastal Resources Commission for a "static line exception" in accordance with 15A NCAC 07J .1200. The static line exception shall apply to development of property that lies both within the jurisdictional boundary of the petitioner and the boundaries of the large-scale beach fill project. This static line exception shall also allow development greater than 5,000 square feet to use the setback provisions defined in Part (a)(5)(K) of this Rule in areas that lie within the jurisdictional boundary of the petitioner, and the boundaries of the large-scale beach fill project. If the request is approved, the Coastal Resources Commission shall allow development setbacks to be measured from a vegetation line that is oceanward of the static vegetation line under the following conditions:

- (A) Development meets all setback requirements from the vegetation line defined in Subparagraphs (a)(1) and (a)(5) of this Rule;
- (B) Development setbacks shall be calculated from the shoreline erosion rate in place at the time of permit issuance;
- (C) No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent building or structure. When the configuration of a lot precludes the placement of a building or structure in line with the landward-most adjacent building or structure, an average line of construction shall be determined by the Division of Coastal Management on a case-by-case basis in order to determine an ocean hazard setback that is landward of the vegetation line, a distance no less than 30 times the shoreline erosion rate or 60 feet, whichever is greater;
- (D) With the exception of swimming pools, the development defined in Rule .0309(a) of this Section shall be allowed oceanward of the static vegetation line; and
- (E) Development shall not be eligible for the exception defined in Rule .0309(b) of this Section.

(b) No development shall be permitted that involves the removal or relocation of primary or frontal dune sand or vegetation thereon that would adversely affect the integrity of the dune. Other dunes within the ocean hazard area shall not be disturbed unless the development of the property is otherwise impracticable. Any disturbance of these other dunes shall be allowed only to the extent permitted by 15A NCAC 07H .0308(b).

(c) Development shall not cause irreversible damage to historic architectural or archaeological resources as documented by the local historic commission, the North Carolina Department of Natural and Cultural Resources, or the National Historical Registry.

(d) Development shall comply with minimum lot size and set back requirements established by local regulations.

(e) Mobile homes shall not be placed within the high hazard flood area unless they are within mobile home parks existing as of June 1, 1979.

(f) Development shall comply with the general management objective for ocean hazard areas set forth in 15A NCAC 07H .0303.

(g) Development shall not interfere with legal access to, or use of, public resources, nor shall such development increase the risk of damage to public trust areas.

(h) Development proposals shall incorporate measures to avoid or minimize adverse impacts of the project. These measures shall be implemented at the applicant's expense and may include actions that:

- (1) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;
- (2) restore the affected environment; or
- (3) compensate for the adverse impacts by replacing or providing substitute resources.

(i) Prior to the issuance of any permit for development in the ocean hazard AECs, there shall be a written acknowledgment from the applicant to the Division of Coastal Management that the applicant is aware of the risks associated with development in this hazardous area and the limited suitability of this area for permanent structures. The acknowledgement shall state that the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development.

(j) All relocation of structures shall require permit approval. Structures relocated with public funds shall comply with the applicable setback line and other applicable AEC rules. Structures, including septic tanks and other essential accessories, relocated entirely with non-public funds shall be relocated the maximum feasible distance landward of the present location. Septic tanks shall not be located oceanward of the primary structure. All relocation of structures shall meet all other applicable local and state rules.

(k) Permits shall include the condition that any structure shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration as defined in 15A NCAC 07H .0308(a)(2)(B). Any such structure shall be relocated or dismantled within two years of the time when it becomes imminently threatened, and in any case upon its collapse or subsidence. However, if natural shoreline recovery or beach fill takes place within two years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled at that time. This permit condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed pursuant to 15A NCAC 07H .0308(a)(2).

History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. September 9, 1977;
Amended Eff. December 1, 1991; March 1, 1988; September 1, 1986; December 1, 1985;
RRC Objection due to ambiguity Eff. January 24, 1992;
Amended Eff. March 1, 1992;
RRC Objection due to ambiguity Eff. May 21, 1992;
Amended Eff. February 1, 1993; October 1, 1992; June 19, 1992;
RRC Objection due to ambiguity Eff. May 18, 1995;
Amended Eff. August 11, 2009; April 1, 2007; November 1, 2004; June 27, 1995;
Temporary Amendment Eff. January 3, 2013;
Amended Eff. September 1, 2017; February 1, 2017; April 1, 2016; September 1, 2013.

and the first work under this reauthorization began in 1991, resulting in a current project authorization through 2041. In 1986, another project placed sand on both Masonboro Island and Wrightsville Beach using sediment from the inlet area between the two jetties and extending into Banks Channel. Since 1986, beach fill projects have occurred approximately every four years, beginning in 1991, using a combination of federal, state, and local funding sources.

III. Summary of Petitioner’s Evidence Supporting the Four Factors

The Commission’s rule at 15A NCAC 07J.1204(b) indicates that the Commission “shall review a static line exception authorized under 15A NCAC 07J.1203 at intervals no greater than every five years from the initial authorization in order to renew its findings for the conditions defined in 15A NCAC 07J.1201(d)(2) through (d)(4).” Specifically, these four criteria require a showing by the Petitioner of (1) a summary of all beach fill projects in the area proposed for the exception, (2) plans and related materials showing the design of the initial fill projects, and any past or planned maintenance work, (3) documentation showing the location and volume of compatible sediment necessary to construct and maintain the project over its design life, and (4) identification of the financial resources or funding sources to fund the project over its design life.

15A NCAC 07J.1204(b) also states that the Commission shall consider design changes to the initial large-scale beach fill project, design changes to the location and volume of compatible sediment, and changes in the financial resources or funding sources necessary to fund the large-scale beach fill project. Staff’s summary and analysis of Petitioner’s response to these four criteria and any design changes or funding changes in the last five years follows.

A. Summary of fill projects in the Area-First factor per 15A NCAC 07J.1201(d)(1)

The Town’s original static line exception application report (CP&E, 2009) lays out the summary of beach fill projects in the area as follows:

Project Nourishment History

Since 1986, sand bypassing from the Masonboro inlet and renourishment of the Wrightsville Beach project have been accomplished approximately every four years using a combination of Federal O&M funds, Federal Construction General Funds, and non-Federal cost share contributions from the State and New Hanover County. The one exception was in 2006 when additional Federal and State emergency supplement funds were made available which augmented normal funding. In accordance with the PL 99-662 authorization, Federal O&M pays for 46% of the nourishment required for Wrightsville Beach with funding for the remaining 54% the responsibility of nonfederal interests. The non-federal share is normally provided by the State and New Hanover County. New Hanover County funds are derived from the room occupancy tax while State funds are appropriated by the NC General Assembly.

The most recent project occurred in February/March 2018. Table 1 provides a history of each nourishment event including the nourishment dates, borrow source, placement area, volumes, and cost of the operation.

Table 1. Summary of beach nourishment projects at Wrightsville Beach. Dates marked with an asterisk (*) are maintenance projects that have occurred after the initial Static Vegetation Line Exception was approved by the CRC in September 2009.

Nourishment Dates	Borrow Area ⁽¹⁾	Placement Area ⁽²⁾	Pay Yardage (CY)	Cost of Operation
Feb-Jul 1965	Banks Channel	0 to 40	2,933,100	\$739,339
Mar-Jul 1966	Deposition Basin	30 to 130	319,408	\$436,242
Oct 1966	Behind Shell Is.	120 to 140	42,700	\$50,697
Mar – May 1970	S. End Banks Ch.	60 to 140	1,436,533	\$578,545
Mar – May 1980	S. End Banks Ch.	60 to 140	540,715	\$1,159,936
Dec 1980-Apr 1981	Masonboro Inlet	60 to 140	1,249,699	\$4,427,792
Apr – Jun 1986	Masonboro Inlet	60 to 140	898,593	\$1,331,715
Jan – May 1991	Masonboro Inlet	60 to 140	1,016,684	\$2,682,412
Mar – Jun 1994	Masonboro Inlet	82 to 146	619,031	\$1,973,591
Mar – Apr 1998	Masonboro Inlet	60 to 140	1,116,573	\$2,890,256
Mar – May 2002	Masonboro Inlet	60 to 140	783,691	\$2,463,983
Jan – Apr 2006	Masonboro Inlet	60 to 140	531,717	\$4,810,290
Feb-Mar 2010*	Masonboro Inlet	75 to 160	450,000	\$2,800,000
Jan-May 2014*	Masonboro Inlet	75 to 160	700,000	\$6,150,000
Feb – Mar 2018*	Masonboro Inlet	75 to 160	842,000	\$1,040,000

5-Year Progress Report: Fill Projects

Three additional beach nourishment projects have taken place since the Commission granted the Town of Wrightsville Beach a Static Vegetation Line Exception in September 2009. 1) A project was constructed between February and March 2010, during which 450,000 cubic yards of sand was placed on the beach; 2) the second was constructed between January and May 2014, during which 700,000 cubic yards of material was placed on the beach, and; 3) a third project was constructed between February and March 2018, with 842,000 cubic yards of material placed on beach.

2010 Project:

Table 2 and Figures 2, 3, and 4 below summarize the 2010 project and project boundary.

Table 2. Summary of Wrightsville Beach 2010 Coastal Storm Damage Reduction Project.

Construction Date	2/17/2010 to 3/2/2010
Contract Award	November 23, 2009
Borrow Volume	450,000 cubic yards
Project Cost	\$2.8M
Project Design Maps	Provided

Figure 2. 2010 project boundary area between stations 75+00 (left transect) to 160+00 (right transect).



Figure 3. 2010 Project beach profile at Station 95+00; and before/after construction photos.

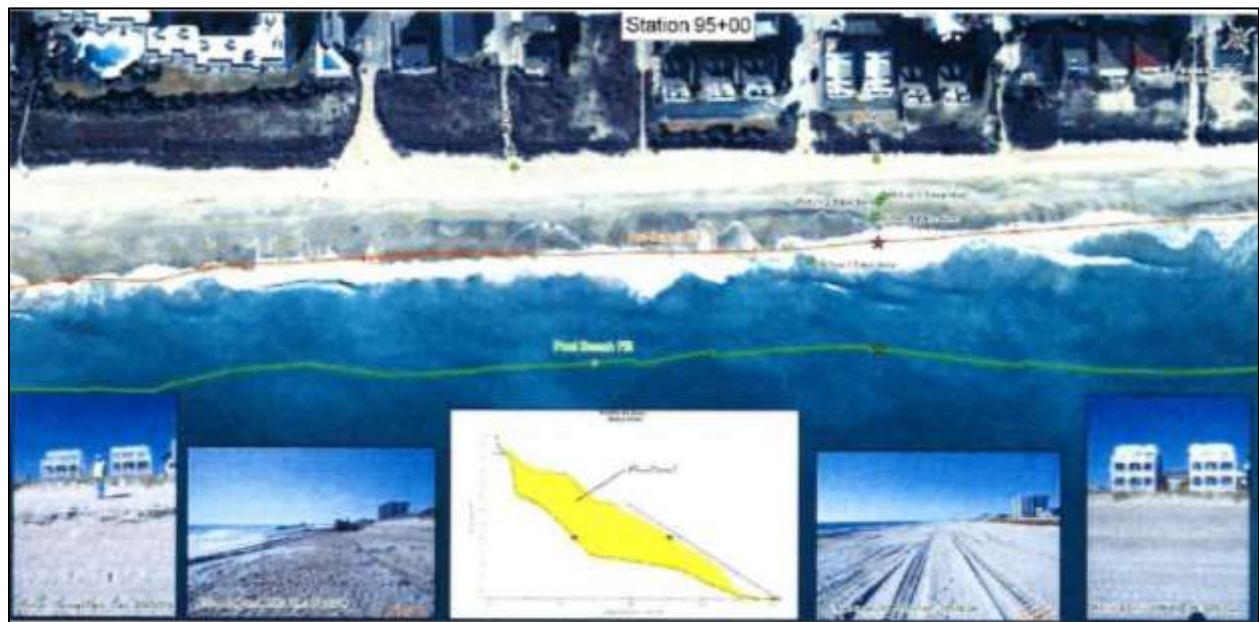
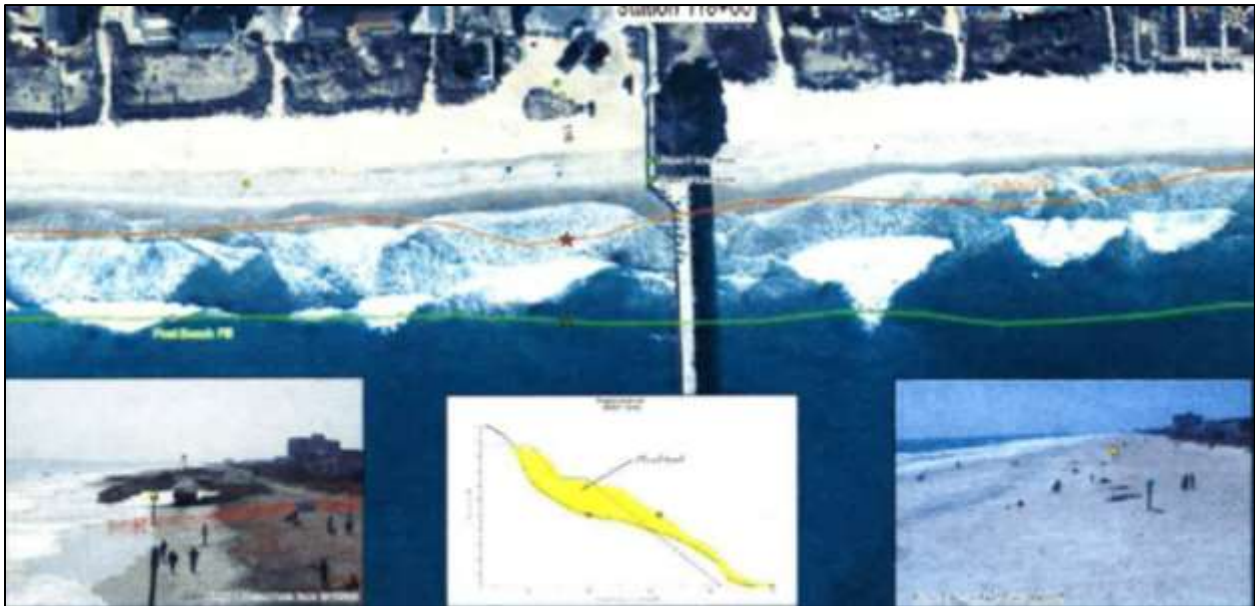


Figure 4. 2010 Project beach profile at Station 118+00; and before/after construction photos.



2014 Project:

Table 3 and Figures 5, 6, 7, and 8 below show the boundary and summarize the 2014 project. All fill material came from the Town’s permitted borrow site (Masonboro Inlet). The sediment trap in Masonboro Inlet was established to capture material transported over the weir section of the north jetty, and has been used since 1986. No changes were required.

Table 3. *Wrightsville Beach 2014 Coastal Storm Damage Reduction Project.*

Construction Date	January 2014 to May 2014
Contract Award	December 2013
Borrow Volume	700,000 cubic yards
Project Cost	\$6.15M
Project Design Maps	Provided

Figure 6. 2014 beach profile at Stations 95+00 and 99+00 with before/after construction photos. The basemap is pre-project aerial imagery.

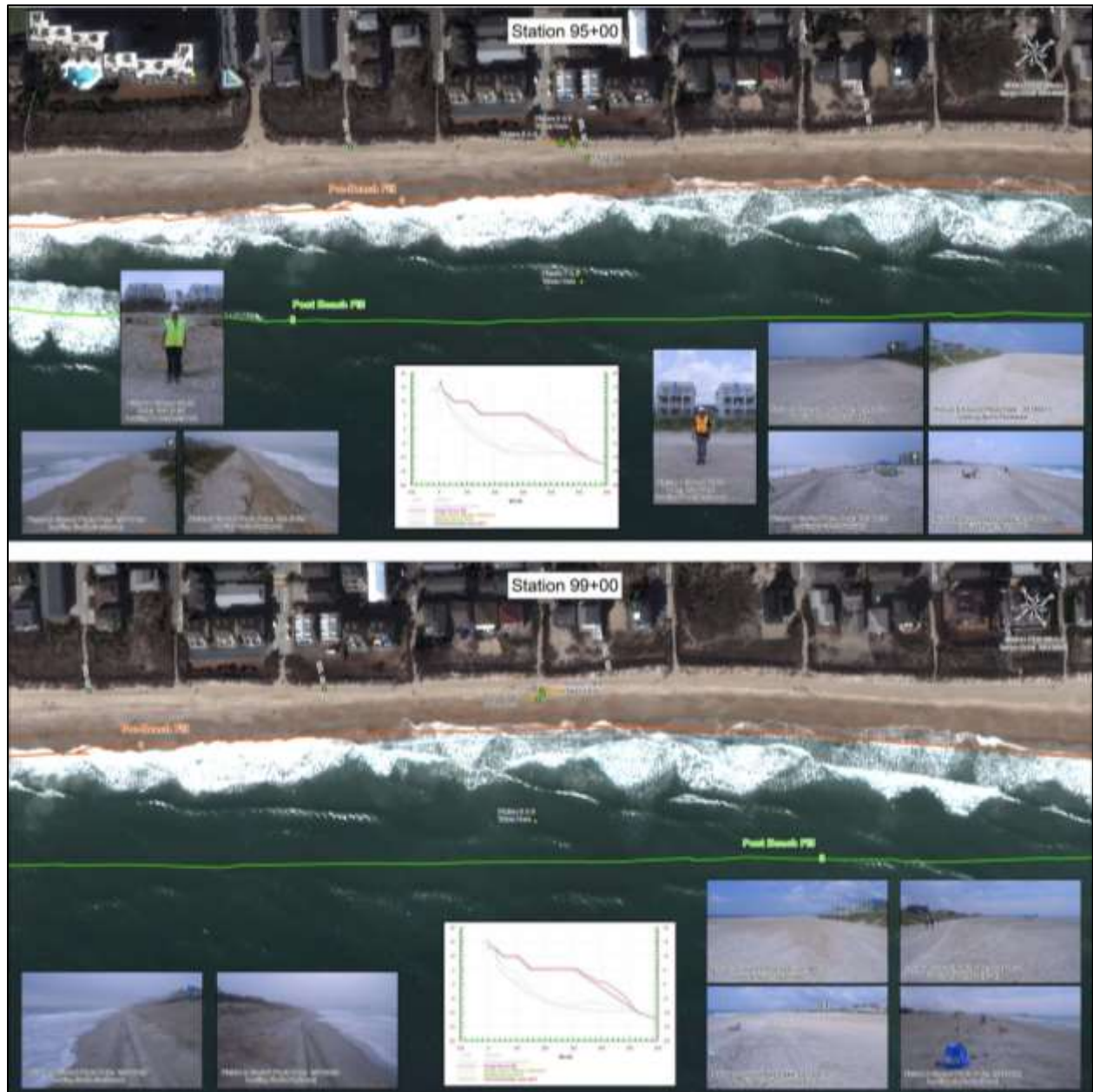
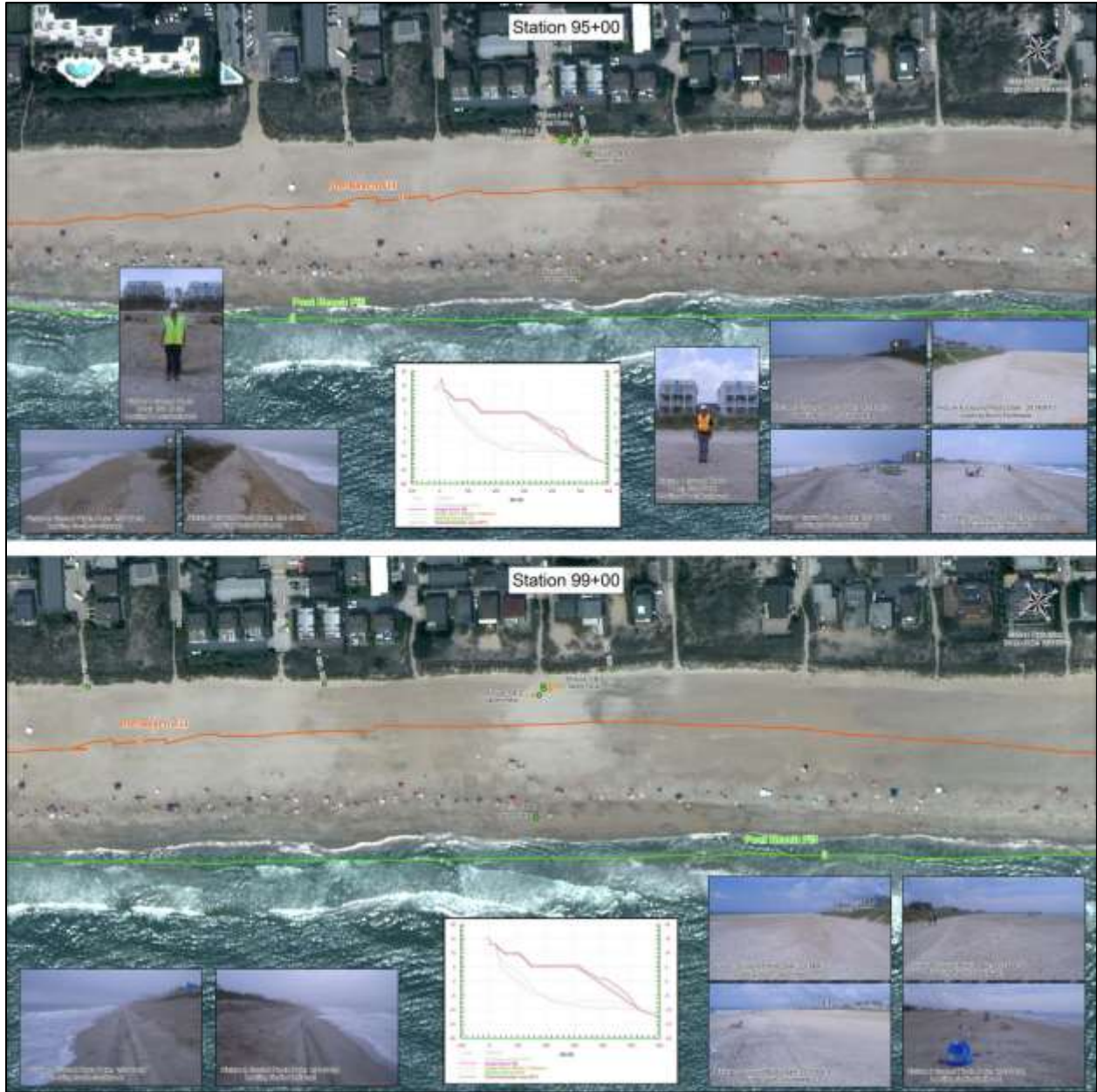


Figure 8. 2014 beach profile at Stations 95+00 and 99+00 with before/after photos. The basemap is post-project aerial imagery.



2018 Project:

Table 4 and Figures 9, 10, 11, 12, and 13 below summarize the 2018 project and project boundary. The sediment trap in Masonboro Inlet was established to capture material transported over the weir section of the north jetty, and has been used since 1986. No changes were required.

Table 4. Wrightsville Beach 2018 Coastal Storm Damage Reduction Project.

Construction Date	February to March 2018
Contract Award	October 2017
Borrow Volume	842,000 cubic yards
Project Cost	\$10.4M
Project Design Maps	Provided

Figure 9. 2018 project boundary area and borrow site (Masonboro Inlet).



Figure 10. 2018 project boundary between Stations 75+00 (left transect) to 160+00 (right transect).



Figure 11. 2018 beach profile at Station 95+00 with before and after photos.

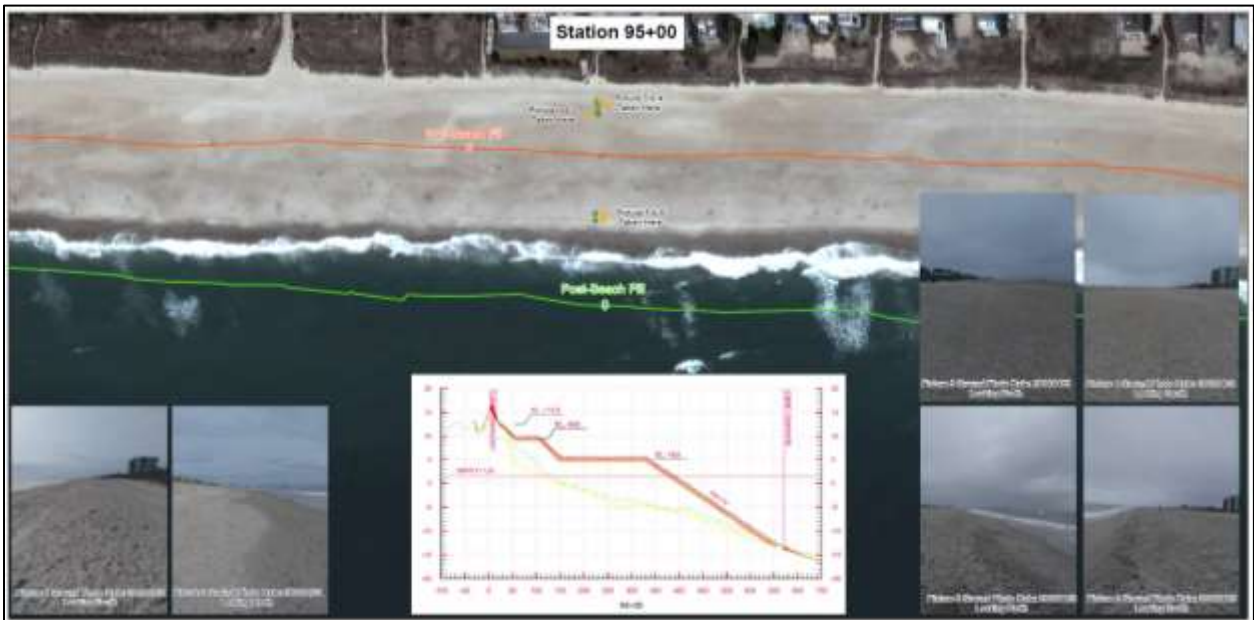


Figure 12. 2018 beach profile at Station 119+00 with before and after photos.

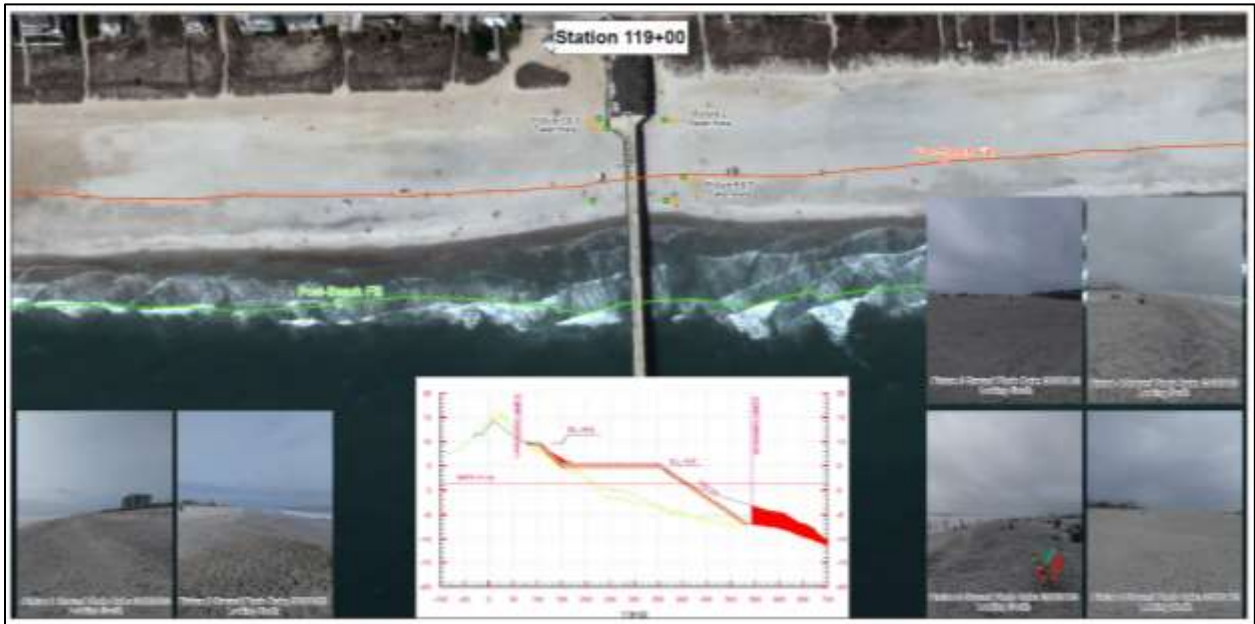
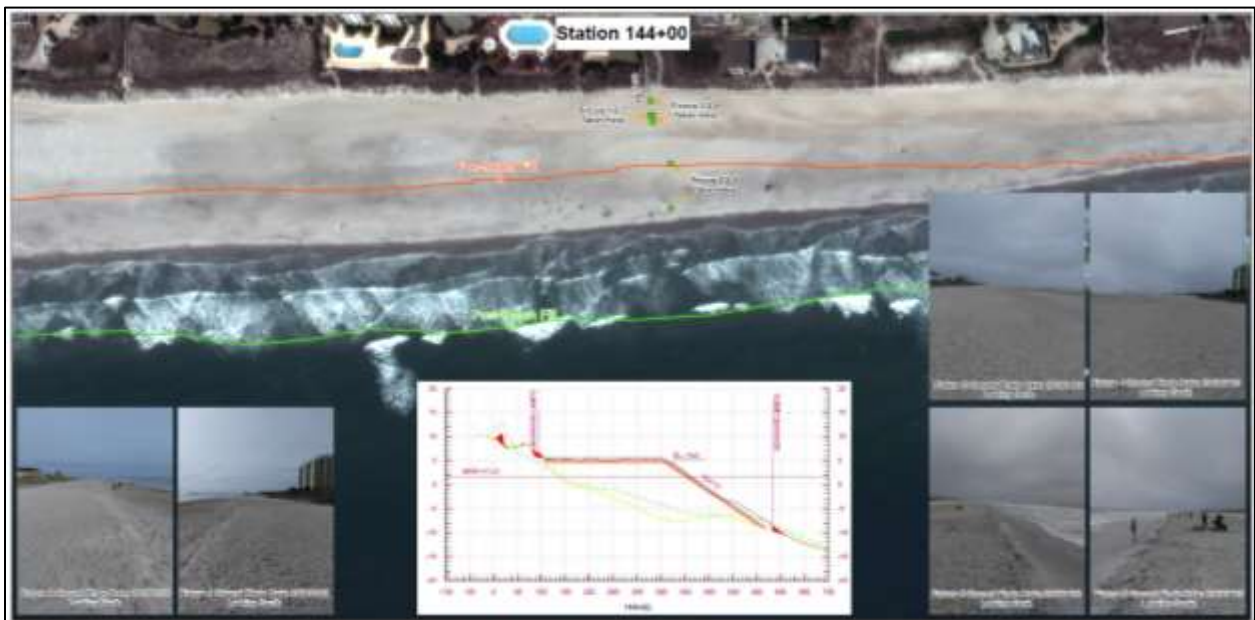


Figure 13. 2018 beach profile at Station 144+00 with before and after photos.



B. Design of the initial fill projects and past/planned maintenance - Second factor per 15A NCAC 07J.1201(d)(2)

The Town's original static line exception application report (CP&E, 2009) provides information about the design of the beach fill project for Wrightsville Beach, and how that project has performed in the past. Since 2009, subsequent projects have performed consistently with those detailed in the 2009 report.

5-Year Progress Report: Project Design and Performance

There have been no design changes to the initial large-scale beach fill project following the granting of the static line exception in September 2009 by the Commission.

C. Compatible Sediment-Third factor per 15A NCAC 07J.1201(d)(3)

The Town's original static line exception application report (CP&E, 2009) provides information about the availability of compatible sediment for future beach fill projects. Since 1986, material from within Masonboro Inlet has been used to maintain beach fill projects. At the time of the most recent project in 2018, no changes were required.

5-Year Progress Report: Compatible Sediment

It appears to Staff that the sediment standard of less than 10% fines, used by the USACE and currently by DCM for permitting federal projects, can be met by the current borrow area in the channel between the north and south jetties, and extending into Banks Channel. This source has been compatible and large enough to satisfy past fill projects. Additionally, the USACE has begun looking at alternative sources offshore and on the south side of the ebb tide delta off Masonboro Island should the current source of sand prove to be insufficient to meet project needs. There have been no design changes to the location and volume of compatible sediment following the granting of the static line exception by the Commission in September 2009.

D. Financial Resources-Fourth factor per 15A NCAC 07J.1201(d)(4)

New Hanover County has a 3% room occupancy tax that is used to fund beach nourishment and tourism activities in the County. Sixty percent (60%) of the funds collected go toward beach nourishment. At the present time, the balance is approximately \$37.5 million with annual collections totaling around \$3.4 million in 2017 for CSDR projects, and has historically grown by approximately 3% per year since 1984.

Currently, the New Hanover County Ports Waterways and Beach Commission (PW&B Commission) manages beach nourishment funds and make recommendations to the Board on the use of the funds. In addition to the Wrightsville Beach project, New Hanover County has two other federal storm damage reduction projects it supports; namely, Carolina Beach and Kure Beach. Federal funding for beach nourishment projects has been difficult to obtain in recent years as more often than not these funds have not been included in the President's budget. As a result, local representatives have had to add the funds to the House and Senate versions of the appropriations bill. State funding for the projects, which is budgeted through the NC Division of Water Resources, has been fairly reliable, but given the recent budget deficits in North Carolina, continued State support could also present problems for future operations. Based on this, the PW&B Commission has evaluated three funding scenarios involving future funding from the federal government and State of North Carolina. The three scenarios are:

Scenario 1: All three projects will continue to receive funding from the federal government and the State at the same level as in the past. Under this scenario, the federal government will cover 65% of the cost of periodic nourishment and nonfederal interests responsible for the remaining 35%. The State's share of the nonfederal portion is authorized up to 75% and the local (County) share 25% of the non-federal costs. Scenario 1 assumes the State will contribute the maximum allowed under State Law or 75% of the non-federal costs which is equal to 26.25% of the total cost for periodic nourishment. The 25% local share of the nonfederal cost is equivalent to 8.75% of the total cost of periodic nourishment. Federal O&M funds will continue to pay for 46% of the nourishment costs to mitigate for the impacts of the Masonboro Inlet jetties.

Scenario 2: Federal funding support for the projects will end but O&M funds to mitigate for the impacts of the Masonboro Inlet jetties will continue. The State will contribute 75% of the normal 35% local share or 26.25% of the periodic nourishment costs allocated to the Wrightsville Beach project. New Hanover County will fund the balance of the periodic nourishment costs or 73.75% of the total cost of periodic nourishment for all three County projects.

Scenario 3: Federal funding and State funding for the Wrightsville Beach project will end but federal O&M funding to mitigate for the impacts of the Masonboro Inlet project will continue. The County will assume responsibility for 100% of the cost of periodic nourishment of the Wrightsville Beach project and 100% of the nourishment costs for the other two County projects.

Under Scenario 1, sufficient funds will be available to continue nourishment of the Wrightsville Beach project and the other two County projects well beyond the 25-year requirement stipulated in 15A NCAC 07J.1201.

In 2014, the PW&B Commission concluded that under Scenario 2, State funds combined with the County funds would be able to completely fund all three County projects well beyond the 25 years required by 15A NCAC 07J.1201. Under Scenario 3 in which all funding would be provided by the County, funds generated by the room occupancy tax would be sufficient to support all three projects through the year 2041 and possibly 2044. Based on the three funding scenarios, the Wrightsville Beach project will continue to receive periodic nourishment well beyond the 25 years required for the static line exception.

5-Year Progress Report: Financial Resources

The primary funding mechanism (Federal Project Cooperation Agreement) remains current for the Wrightsville Beach Coastal Storm Damage Reduction Project. A second federal funding mechanism is now in place in the form of contributing authority approved by Congress in 2012. The contributing authority option allows the non-federal sponsor the option of augmenting federal funding shortfalls. As a local funding strategy, an interlocal agreement has been approved between New Hanover County and each beach community. The agreement sets percentages of financial participation (attached) in the event shortfalls occur within federal and state budgets. Considering only funding at current intervals and historical placement volumes, ample funding should be available for the Wrightsville Beach Coastal Storm Damage Reduction Project for the foreseeable future (greater than 25 years). New Hanover County currently has approximately \$37.5 million in room occupancy tax reserve funding for future local match or local participation in beach projects. Annual collections totaled an estimated \$3.4 million in 2017 for CSDR projects and, historically,

the fund has grown by approximately 3% per year since 1984. The Town of Wrightsville Beach has placed an additional \$2.7 million in a Capital Improvement Fund to augment room occupancy tax funds and is committed to setting aside additional funds in future budgets. Staff also notes that while 25 years of funding must be shown through this process, the Commission will have the opportunity to re-evaluate the static line exception and the necessary requirements every five years, and can address any major changes in future funding.

IV. Staff's Recommendation

The Commission, through 15A NCAC 07J.1204(c), directs Staff to provide a recommendation to the Commission whether the conditions defined in 15A NCAC 07J.1201(d)(1) through (d)(4) have been met and whether any design or funding changes in the last five years should result in the static line exception being revoked. Based on the Town's 5-year progress report and additional exhibits attached, Staff recommends that the conditions in 15A NCAC 07J.1201(d)(1) through (d)(4) have been met, and there have been no changes in the last five years that should result in the Town's static line exception being revoked. Staff recommends that the Commission renew the Town's static line exception for another five years.

V. References

Coastal Planning & Engineering (CP&E), 2009. Wrightsville Beach, NC Static Line Exception Application Report. Prepared for Town of Wrightsville Beach, NC, June 2009.

USACE, 1982. Feasibility Report and Environmental Assessment on Shore and Hurricane Wave Protection, Wrightsville Beach, North Carolina, U.S. Army Corps of Engineers, Wilmington District, September 1982.

USACE, 2000. Special Report – Impact of Federal Navigation and Storm Damage Reduction Projects on Masonboro Island, NC, U.S. Army Engineer District, Wilmington, NC, October 2000.

TOWN OF WRIGHTSVILLE BEACH, NC



REVIEW OF THE LARGE SCALE BEACH-FILL PROJECT AND APPROVED STATIC LINE EXCEPTION PURSUANT TO 15A NCAC 07J .1204

Prepared by: Town of Wrightsville Beach

December 1, 2018

Bill Blair, III
Mayor

Hank Miller
Alderman

Lisa Weeks



Darryl Mills
Mayor Pro Tem

Elizabeth King
Alderman

Tim Owens

TOWN OF WRIGHTSVILLE BEACH

Post Office Box 626

321 Causeway Drive

Wrightsville Beach, North Carolina 28/180

(910) 239-1700

FAX (910)256-7910

December 13, 2018

NC Division of Coastal Management

Attn: Braxton Davis, Director

400 Commerce Avenue

Morehead City, NC 28557

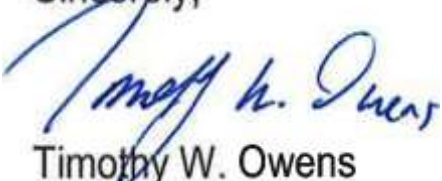
Dear Mr. Davis,

The Town of Wrightsville Beach filed a request for a static line exception from the CRC on July 13, 2009. The case was heard by the CRC and later approved on September 9, 2009. Pursuant to 15A NCAC 07J .1204, the Town of Wrightsville Beach is required to provide a progress report to the Coastal Resources Commission at intervals no greater than every 5 years from the initial authorization in order to renew its findings for conditions defined in 15A NCAC 07J .1201 (d) (1) through (d)4. The Coastal Resources Commission will also consider conditions as outlined in 15A NCAC 07J .1204(b)(1) through (3).

Attached is information that is being submitted as a progress report for the Town's Static Line Exception. I believe that you will find that it meets all of the criteria required by the North Carolina Administrative Code as outlined above. Since the Town received the static line exception, the Town has had 3 storm damage reduction project completed by the US Army Corps of Engineers. The Town continues to value the importance of storm damage reduction projects and the importance that they play in protecting local infrastructure, property and the Town's tourism economy.

Thank you for your assistance with this matter. If you have any questions, please contact me at (910)239-1770.

Sincerely,

A handwritten signature in blue ink that reads "Timothy W. Owens". The signature is written in a cursive style with a large initial 'T'.

Timothy W. Owens

Town Manager

Wrightsville Beach, NC
Static Line Exception 5 Year Review

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PURPOSE

The Town of Wrightsville Beach applied for and received an exception from the static line pursuant to NCGS 113A-107, 113(b)(6), 113A-124 and 15A NCAC 7J .1200 from the North Carolina Coastal Resources Commission on August 27, 2009. The Coastal Resources Commission shall review a static line exception authorized under 15A NCAC 07J .1203 at intervals no greater than every five years from the initial authorization in order to renew its findings for the conditions defined in 15A NCAC 07J . 1201 (d)(2) through (d)(4).

This document has been created for submittal to the NC Coastal Resources Commission for the review of conditions as it relates to the Town's static line exception reauthorization.

PROJECT AUTHORIZATION AND HISTORY

(Text and Figures taken from Wrightsville Beach Static Line Exception Report, Coastal Planning and Engineering, Inc. June 2009)

The Town is located primarily on a barrier island located in New Hanover County, North Carolina. The island is approximately 1.2 square miles in size (excluding Harbor Island) and is approximately 4.5 miles long and 0.25 miles wide. It is generally oriented in a north-south direction. It is bounded on the north by Mason Inlet and to the south by Masonboro Inlet. Mason Inlet was relocated in 2002 moving the inlet system 3,000 feet closer to the north and away from threatened structures on the north end of Wrightsville Beach and Shell Island Resort. Masonboro Inlet is a navigational channel and there are jetties on either side of the channel. The north jetty was installed in 1966 and the south jetty was installed in 1980.

Currently, the static line extends for approximately 2.3 miles from just north of North Ridge Lane (northern end of the static line) to just south of Sprunt Street (southern end of the static line). The static line was determined by DCM Staff using 1980 aerial photographs and staff located the static line along the vegetation line shown on those photographs. The current average annual erosion setback factor for the affected area is 2.0 feet per year. Based on New Hanover County's GIS images with 2006 aerial photographs overlain with parcel boundaries, the affected area is a highly developed area with an estimated 6 vacant oceanfront lots located in the affected area.

Wrightsville Beach has had a long history of oceanfront development and of beach fill projects. The first beach fill project was authorized by Congress in 1962 and work began in 1965. The north jetty was completed in 1966 with additional fill associated with its construction. The next project was in 1970 along the northern portion of the project area. Following Hurricane David in 1979, the next projects were in April of 1980 to repair the northern portion of the project area and then a larger restoration project in late-1980 through April 1981 which used sediment from between the north and south jetties after the south jetty was installed in 1980.

The project was reevaluated in September 1982 by the United States Army Corps of Engineers (USACE), and was reauthorized in 1986. The reauthorization extended federal cost sharing for the life of the project (50 years per USACE), and the first work under this reauthorization began in 1991, resulting in a current project authorization through 2041. In 1986, another project placed sand on both Masonboro Island and Wrightsville Beach using sediment from the borrow area between the two jetties and extending into Banks Channel. Since 1986, beach fill projects have occurred approximately every four years, beginning in 1991, using a combination of federal, state, and local funding sources.

PROJECT DESIGN TEMPLATE

(Text and Figures taken from Wrightsville Beach Static Line Exception Report, Coastal Planning and Engineering, Inc. June 2009)

The Wrightsville Beach federal storm damage reduction project was originally authorized by Public Law 87-874 in 1962 (H.D. 511, 87th Cong. 2nd session.). The project covers 14,000 feet of ocean shoreline extending north from Masonboro Inlet (Figure 1). While not part of the authorized project, a 1,000-foot to 2,000-foot transition fill is normally included at the north end for engineering performance purposes. The cross-sectional configuration of the authorized project consists of a 25-foot wide dune at elevation 12.5 feet above NAVD fronted by a 50-foot wide storm berm at elevation 9.5 feet above NAVD (Figure 2). A plan layout of the project showing its footprint is provided in Figures 3a and 3b. Periodic nourishment of the project is performed approximately every 4 years.

A reevaluation of the Wrightsville Beach project was made in September 1982 with the results provided in a report entitled Feasibility Report and Environmental Assessment on Shore and Hurricane Wave Protection, Wrightsville Beach, North Carolina (USACEI 982). The reevaluation report led to the reauthorization of the project by the Water Resources Development Act of 1986 (PL 99-662). The re-authorization extended Federal cost sharing for periodic beach nourishment for the life of the project. This has been interpreted by the Corps of Engineers (USACE) to mean 50 years from the initiation of construction under the new authority. Initial construction under the PL 99-662 occurred in 1991. Based on this USACE interpretation of the PL 99-662 reauthorization, federal funding for periodic nourishment of the Wrightsville Beach project is authorized through the year 2041. The 1986 reauthorization acknowledged the Federal navigation project at Masonboro Inlet (USACE, 1977) was responsible for 46% of the volumetric erosion along the Wrightsville Beach project and this impact would be mitigated through Federal funds for sand bypassing. Sand bypassing at Masonboro Inlet is accomplished by removing material from a dredged sediment trap that begins about 2,500 feet into Banks Channel and includes most of the area between the two jetties. Material enters the sediment trap by passing over the weir section of the north jetty.

The 1991 nourishment operation will be used in this static line exception renewal as the project construction start date. Therefore, the Wrightsville Beach project has been in existence for 22 years and satisfies the minimum requirement of 5 years as specified in 15A NCAC 07J .1201. Also

as specified in 15A NCAC 07J .1201, this application will provide information that demonstrates the project will continue to be maintained until at least the year 2041 or 25 years from the date of the exception application. Given the existing federal authority that extends through 2041 and the likelihood the project could be reauthorized yet again, maintenance of the project is expected to continue well beyond 2039.

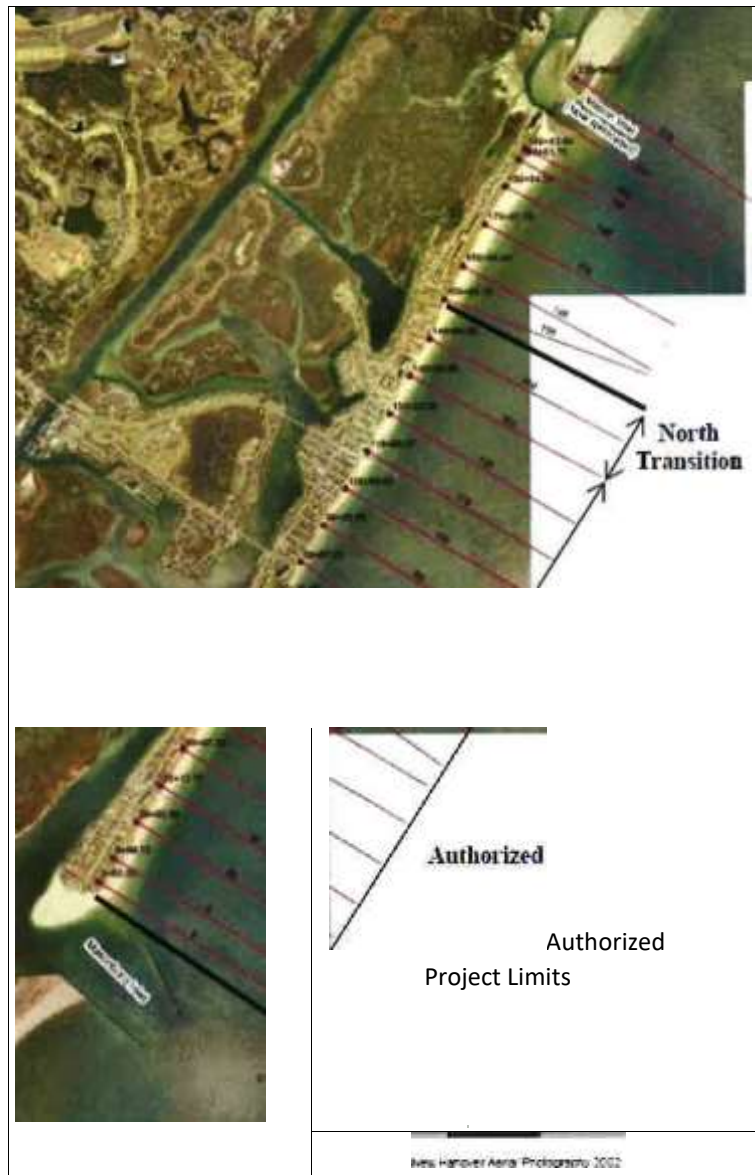


Figure 1. Wrightsville Beach project limits and USACE Baseline Stations.

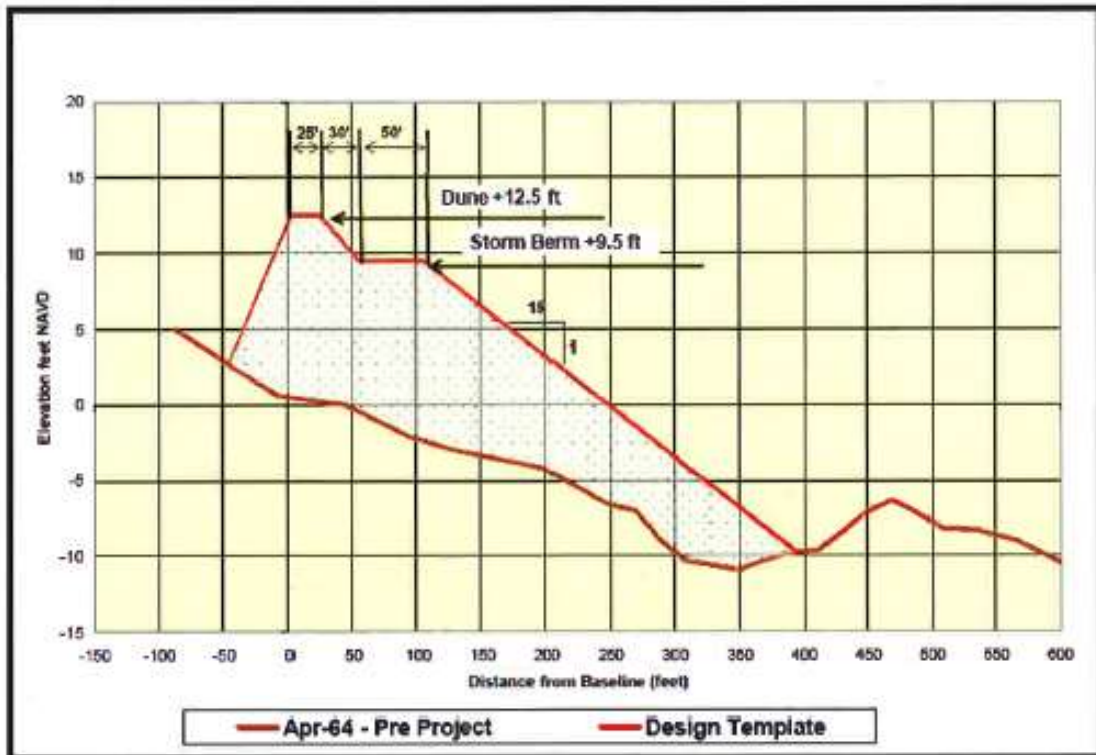


Figure 2. Wrightsville Beach authorized cross-section.

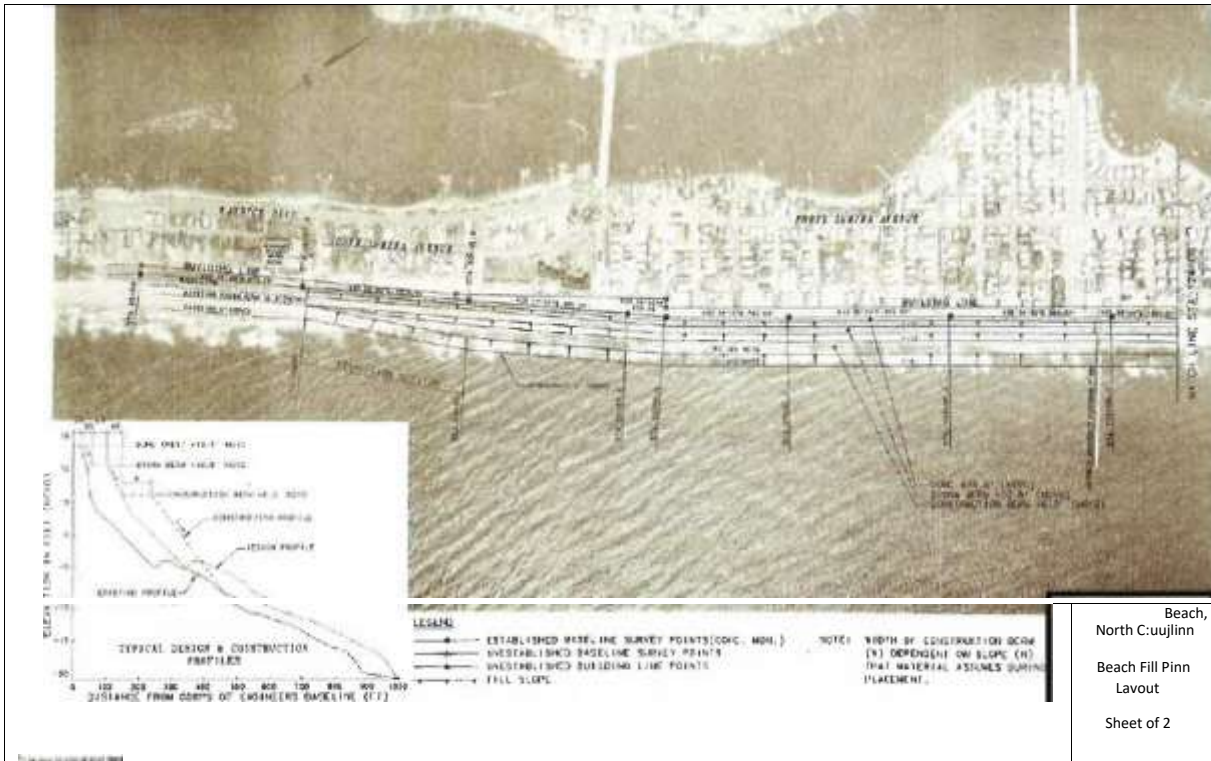


Figure 3a — Wrightsville Beach, NC — Beach Fill Plan.

Beach,
North C:uujlinn
Beach Fill Pinn
LAYOUT
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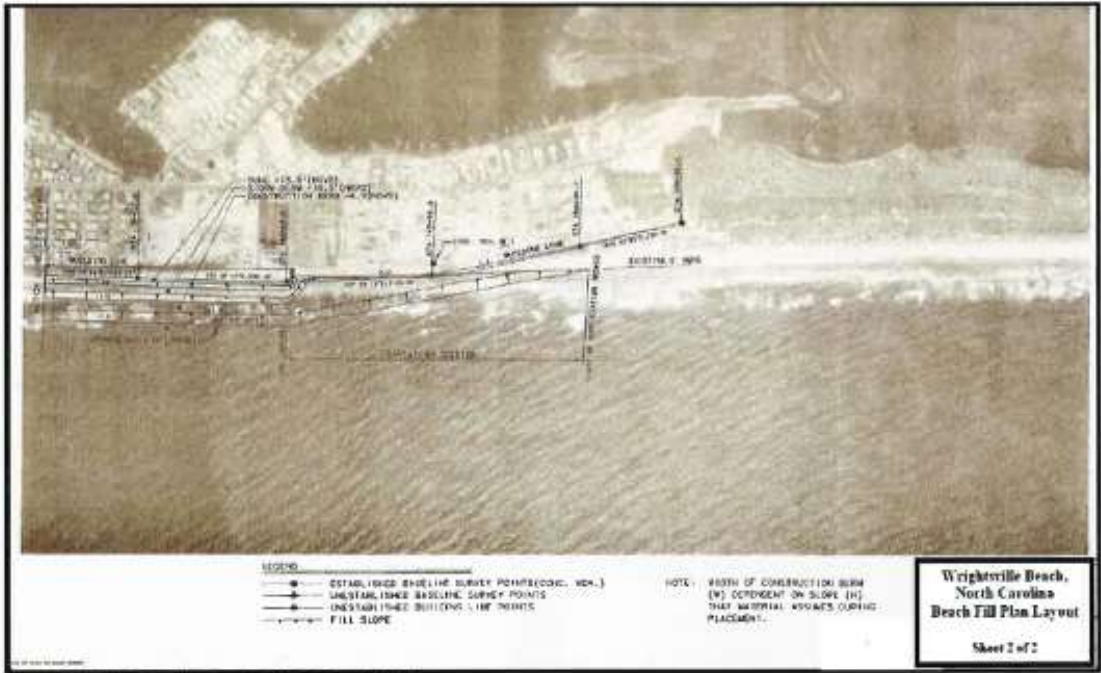


Figure 3b Wrightsville Beach, NC —Beach Fill Plan.

PAST PROJECT SPECIFIC DATA

Table 1. Wrightsville Beach Nourishment History

Nourishment Dates	Borrow Area ⁽¹⁾	Placement Area (stas.) ⁽²⁾	Pay Yardage (cy)	Cost of Operation
Feb – Jul 65	Banks Channel	0 to 140	2,933,100	\$739,339
Mar – Jul 66	Deposition Basin	30 to 130	319,408	\$436,242
Oct 66	Behind Shell Is.	120 to 140	42,700	\$50,697
Mar – May 70	S. End Banks Ch.	60 to 140	1,436,533	\$578,545
Mar – May 80	S. End Banks Ch.	60 to 140	540,715	\$1,159,936
Dec 80 – Apr 81	Masonboro In.	60 to 140	1,249,699	\$4,427,792
Apr – Jun 86	Masonboro In.	60 to 140	898,593	\$1,331,715
Jan – May 91	Masonboro In.	60 to 140	1,016,684	\$2,682,412
Mar – Jun 94	Masonboro In.	82 to 146	619,031	\$1,973,591
Mar – Apr 98	Masonboro In.	60 to 140	1,116,573	\$2,890,256
Mar – May 02	Masonboro In.	60 to 140	783,691	\$2,463,983
Jan – Apr 06	Masonboro In.	60 to 140	531,717	\$4,810,290

⁽¹⁾ The Masonboro Inlet borrow area includes the southern 2,500 feet of Banks Channel

⁽²⁾ Stations in 100's feet.

Table 2. Wrightsville Beach Funding Sources

Nourishment Dates	Federal Funding Source				Non-Federal	Cost of Operation
	CG	PL84-99	Sec 111	O&M		
Feb-Jul 65	\$496,836				\$242,503	\$739,339
Mar-Jul 66	\$167,826			\$175,925	\$79,667	\$436,242
Oct 66	\$ 12,397			\$ 32,375	\$5,925	\$50,697
Mar-May 70	\$142,888	\$202,412		\$173,475	\$59,770	\$578,545
Mar-May 80		\$520,424	\$129,200		\$510,312 ⁽¹⁾	\$1,159,936
Dec 80- pr 81	\$850,239			\$2,591,271	\$986,282	\$4,427,792
Apr-Jun 86				\$676,415	\$655,300	\$1,331,715
Jan-May 91	\$897,468			\$1,022,848	\$762,096	\$2,682,412
Mar-Jun 94	\$605,042			\$970,004	\$398,545	\$1,973,591
Mar-Apr 98	\$903,987			\$1,436,812	\$549,457	\$2,890,256
Mar-May 02	\$756,726			\$1,207,196	\$500,061	\$2,463,983
Jan-Apr 06 ⁽¹⁾	\$2,478,679			\$1,075,018	\$1,256,593	\$4,810,290

⁽¹⁾ The 2006 operation included both Federal and State Emergency Supplemental Funds.

RECENT PROJECT DATA AND FIGURES

Wrightsville Beach 2010 Coastal Storm Damage Reduction Project

Construction Date	2/17/2010 to 3/2/2010
Contract Award	November 23, 2009
Borrow Volume	450,000 CY
Project Cost	\$2.8M
Project Design Maps	Provided

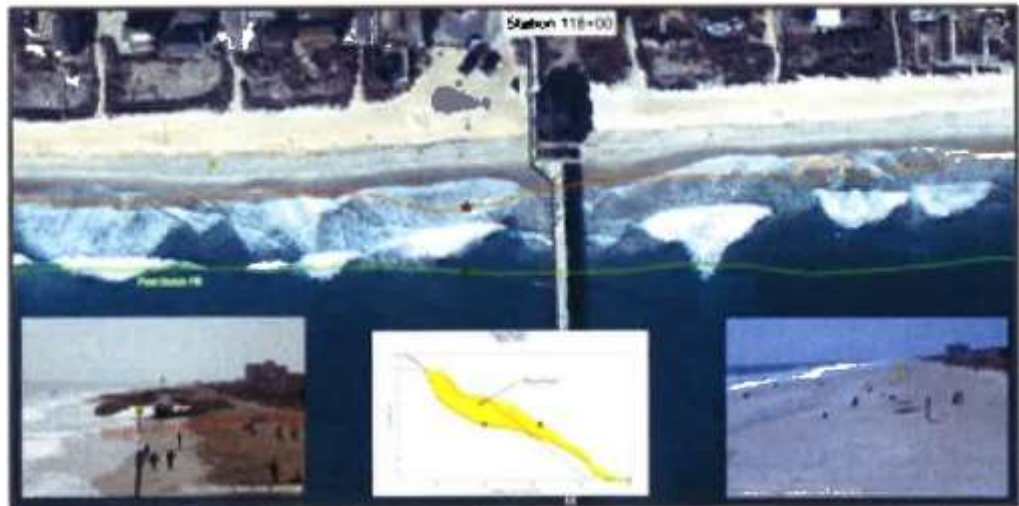
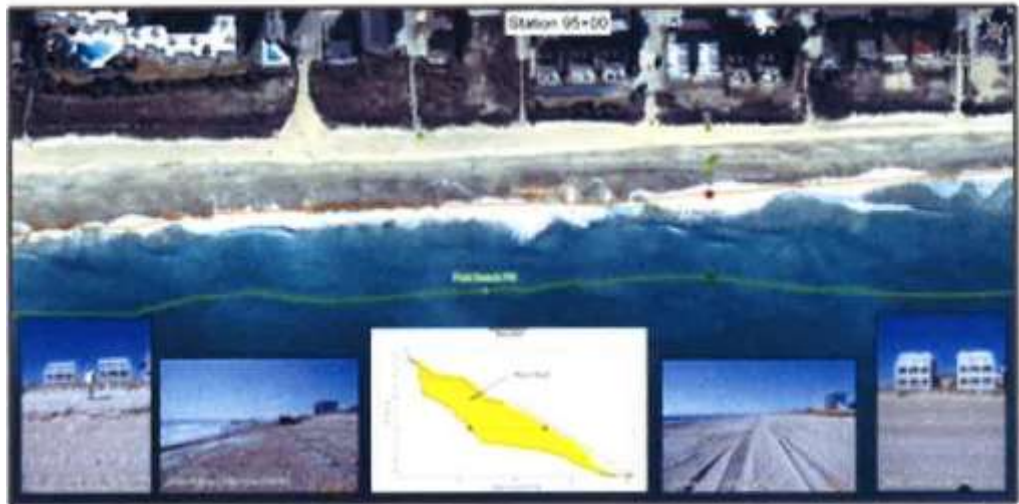
2010 Project Boundary



2010 Project Boundary and Beach Profile (large copies of maps below provided as an attachment)



ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
BRAXTON C. DAVIS
Director



Proposed Wrightsville Beach 2014 Coastal Storm Damage Reduction Project

Construction Date	January 2014 to May 2014
Contract Award	December 2013
Borrow Volume	700,000 cy
Project Cost	\$6.15 M
Project Design Maps	Attached

All sand for the project will come from the current borrow site within Masonboro Inlet. The sediment trap in Masonboro Inlet has been used since 1986. The area was established to capture material transported over the weir section of the Masonboro Inlet north jetty to facilitate sand bypassing to both Wrightsville Beach and Masonboro Island.



WRIGHTSVILLE BEACH 2018 COASTAL STORM DAMAGE REDUCTION PROJECT

Construction Date	February to March 2018
Contract Award	October 2017
Beach Fill Placement	842,000 cubic yards
Total Project Costs	\$10.4 million
Project Placement Map	Attached
<p>Note: The sand for the project came from the current borrow site and sediment trap within Masonboro Inlet and Banks Channel. The sediment trap, used since 1986, captures material transported over the northern jetty weir section to facilitate sand bypassing to both Wrightsville Beach and Masonboro Island-</p>	

Wrightsville Beach — 2018 Project Map



Review of the Large-Scale Beach Fill Projects and Approved Static Line Exceptions

As previously stated, the North Carolina Coastal Resources Commission is to review the status of Large-Scale Beach Fill Projects and approved Static Line Exceptions at least every 5 years pursuant to 15A NCAC 07J .1204.

FINDINGS

15A NCAC 07J .1204 REVIEW OF THE LARGE-SCALE BEACH-FILL PROJECT AND APPROVED STATIC LINE EXCEPTIONS

(b) The Coastal Resources Commission shall review a static line exception authorized under 15A NCAC 07J .1203 at intervals no greater than every five years from the initial authorization in order to renew its findings for the conditions defined in 15A NCAC 07 .1201 (d)(2) through (d)(4). The Coastal Resources Commission shall also consider the following conditions:

- (1) Design changes to the initial large-scale beach fill project defined in 15A NCAC 07J .1201 (d)(2) provided that the changes are designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for the work;

There have been no design changes following the granting of the static line exception in 2009 by the Coastal Resource Commission. New Hanover County, on behalf of Wrightsville Beach, have received a local permit for the project using the same design as the US Army Corps of Engineers Project. The purpose of a locally held authorization would be in the event that Federal funding is not available.

- (2) Design changes to the location and volume of compatible sediment, as defined by 15A NCAC 07 H .0312, necessary to construct and maintain the large-scale beach fill project defined in 15A NCAC 07J .1201 (d)(2), including design changes defined in this Rule provided that the changes have been designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for the work; and

There have been no design changes to the location and volume of compatible sediment following the granting of the static line exception in 2009. New Hanover County received a local permit for the project using the same design as the US Army Corps of Engineers Project

The US Army Corps of Engineers has completed vibrocore sampling of several potential offshore borrow sites. While these areas appear promising, the Corps of Engineers has not received adequate funding to complete the final analysis of the areas. The Town plans on asking the Corps to consider funding the completion of this project.

- (3) Changes in the financial resources or funding sources necessary to fund the largescale beach fill project(s) defined in 15A NCAC 07J .1201. If the project has been amended to include design changes defined in this Rule, then the Coastal Resources Commission shall consider the financial resources or funding sources necessary to fund the changes.

The primary funding mechanism (Federal Project Cooperation Agreement) remains current for the Wrightsville Beach Coastal Storm Damage Reduction Project. A second federal funding mechanism is now in place in the form of contributing authority approved by Congress in 2012. The contributing authority option allows the non-federal sponsor the option of augmenting federal funding shortfalls.

As a local funding strategy, an Inter-local agreement has been approved between New Hanover County and each beach community. The agreement sets percentages of financial participation (attached) in the event shortfalls occur within federal and state budgets. Considering only funding at current intervals and historical placement volumes, ample funding should be available for the Wrightsville Beach Coastal Storm Damage Reduction Project for the foreseeable future (greater than 25 years).

New Hanover County currently has approximately \$37.5M in room occupancy tax reserve funding for future the local match or local participation in beach projects. Annual collections total an estimated \$3.4M in 2017 for CSDR projects and, historically, the fund has grown by approximately 3% per year since 1984. The Town of Wrightsville Beach has placed an additional \$2.7M in a Capital Improvement Fund to augment Room Occupancy Tax funds and is committed to setting aside additional funds in future budgets.

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**ATTACHMENT D: New Hanover County Interlocal Agreement for Contingency Plan
Beach
Nourishment**

New Hanover County Contract #12-019

STATE OF NORTH CAROLINA

NEW HANOVER COUNTY

INTERLOCAL AGREEMENT FOR CONTINGENCY PLAN BEACH NOURISHMENT

This Interlocal Agreement ("Agreement") is made Dec 8, 2011 by and between the County of New Hanover, North Carolina, a body corporate and politic (hereinafter referred to as the "County") and the Municipalities of Wrightsville Beach, Carolina Beach, and Kure Beach, bodies politic and corporate (hereinafter referred to as the "Towns").

PURPOSE

WHEREAS, the ocean beaches located within the corporate boundaries of Wrightsville Beach, Carolina Beach and Kure Beach (herein collectively the "Town Beaches") are a valuable resource bringing economic, environmental, cultural and recreational benefits to people of the United States, including those in the State of North Carolina; and

WHEREAS, the financing and maintenance of the Town Beaches has been and remains an appropriate function of the Federal and State governments; and

WHEREAS, maintenance of the Town Beaches through United States Army Corps of Engineers nourishment projects funded primarily by the Federal and State governments has accordingly been successfully performed for many decades; and

WHEREAS, the maintenance of Town Beaches is vital to continued economic, environmental and cultural well-being of the County and Town; and

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WHEREAS, critical to the Municipalities of Wrightsville Beach, Carolina Beach, and Kure Beach is demonstrating the long-term feasibility of financing plans for the maintenance of their ocean beaches, in order to preserve their status as or to establish eligibility for designation as a Static Vegetation Line Exception community under regulations promulgated by the State's Coastal Area Management Act; and

WHEREAS, the ongoing availability of Federal and State funding for Corps of Engineers managed beach nourishment projects remains uncertain; and

WHEREAS, County and Towns accordingly seek to establish contingency plans to address various scenarios wherein Federal or State monies may not be available for beach nourishment; and

WHEREAS, County and Towns also seek to provide for the potential use of sixty percent (60%) of the first three percent (3%) of the Room Occupancy Tax available for beach nourishment (subsequent references to the "use of Room Occupancy Tax" shall mean use of the portion of the Room Occupancy Tax available for beach nourishment as defined hereinabove) and local general revenues, as necessary, for funding of either a portion of Corps managed beach nourishment or County managed beach nourishment projects if Federal or State funds are unavailable or insufficient for such purposes; and

WHEREAS, County and Towns are jointly seeking approval by State and Federal Agencies of a **contingent Nourishment Plan for the Town Beaches**, and the State, in anticipation of such a plan, is prepared to complete/review any necessary environmental studies, and State and Federal Agencies involved in the have indicated that they strongly prefer and require that units of local government work on and submit one mutual plan for beach nourishment without individual towns seeking separate funding or individual beach nourishment projects except in emergencies. Provided that nothing contained in this Agreement shall be construed to limit or restrict the authority of Wrightsville Beach, Carolina Beach, and Kure Beach to continue to participate in and seek funding for their existing Corps managed beach nourishment programs; and

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WHEREAS, it is within the contemplation of the Parties hereto and State agencies involved in the approval process that the U.S. Army Corps of Engineers and other Federal approval agencies will issue one permit for the Town Beaches. Use of said permit is contingent upon Federal and/or State funding being unavailable or insufficient for Corps managed projects; and

WHEREAS, County and Towns now desire to enter into an agreement that provides a planning mechanism, plan, and compact among the parties for a contingent beach nourishment program for the Town Beaches (hereinafter referred to as the or "Plan"), which utilizes available funds from the County's Room Occupancy Tax together with the general revenue of the respective locality and any State and Federal funding secured for the Master Nourishment Plan; and

WHEREAS, County and Towns now desire to enter into an agreement addressing local funding sources should Federal and State monies be unavailable or insufficient to finance nourishment projects for the Town Beaches; and

WHEREAS, under this Agreement it is contemplated that the County as the lead sponsor, with the assistance of its Wilmington/New Hanover County Port, Waterway and Beach Commission, and consultants hired by the County, in consultation with the Towns, will prepare the Master Nourishment Plan for approval by the Towns. Upon written approval by all of the Towns of such Plan, the Plan will then be implemented under this Agreement with the County being the designated permittee for beach nourishment; and

WHEREAS, notwithstanding this Agreement or any provisions therein, the Parties agree to support and continue efforts to procure Federal and State funding for beach nourishment projects.

NOW THEREFORE, County and Towns to NCGS 160A-17 and Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes, hereby contract and agree as follows:

1. Purpose. This agreement seeks to address the following different potential scenarios:
 - a. Those situations in which Federal or State funding for beach nourishment for Corps managed projects for Town Beaches is reduced.

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- b. Those situations in which no Federal or State funding for beach nourishment for Town Beaches is available. In such event the County and Towns would proceed under the contingent plan and permit process set forth herein.

County and Towns enter into this Agreement in order to prepare, approve and carry out the Master Nourishment Plan providing for acquisition of one permit for nourishment of the Town **Beaches and identification of the source of tax funds and other revenues to be used to implement such plan**. The Master Nourishment Plan shall not include navigational or harbor dredging where the dredged materials is not used for beach nourishment.

2. Development of Master Nourishment Plan. The County, using available Room Occupancy Tax revenues, will over the next 18 to 36 months develop the Master Plan in consultation with State and Federal Agencies, the Towns, consulting engineers, and the Wilmington/New Hanover County Port, Waterway and Beach Commission, and submit the same to the Towns for consideration and approval by all of the Towns. **Concurrently the County will submit for a State and Federal permit to carry out and complete the Plan**. The Master Plan shall not be effective until approved by all of the Towns in writing. The final approved plan will contain the following principles and encompass and cover the following subjects, goals and objectives:
 - a. Easements and Rights-of-Way. Each Town shall be responsible for providing the staging areas, sites or necessary lands, easements, and rights-of-way required for the development, construction, and maintenance of those elements of the Master Nourishment Plan to be implemented within the Town. No Town will be obligated to provide sites, staging areas or facilities for nourishment that will take place in another party's jurisdiction. However, the plan will provide that Towns may cooperate in providing staging areas and access to the beach for beach construction equipment regardless of where the beach construction activity is taking place when joint nourishment projects are undertaken.
 - b. Public Beach Access and Parking. The Towns shall be responsible for securing, constructing, and maintaining any and all access/parking facilities stipulated as

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a condition of receiving State or Federal funding. All public beach accesses and parking facilities must be secured prior to issuing a notice to proceed for each construction event.

c. Funding Contingency. Each party's participation in a nourishment project with a Master Nourishment Plan will be contingent on such party, in its sole discretion, being able to fund its portion of the project. Each Town is required to anticipate the need for the local share and to either budget for the same over a period of years, provide for and conduct place tax districts or similar means of funding the local share. Failure to meet local funding needs by one or more Towns could result in the County passing over a project of the Town due to lack of funding.

d. Construction Administration. The County may serve in the role as lead administrator for any nourishment event associated with the Master Nourishment Plan.

3. Cost-sharing for Corps-Managed Projects or Projects Implemented Under the Master Nourishment Plan. In the event Federal and State funding is insufficient to pay the costs of any beach nourishment project, the Room Occupancy Tax will pay any shortfall in funding for such project up to a maximum of 82.5% of the total project costs. If after payment of Room Occupancy Tax funds in an amount equal to 82.5% of the total project costs a shortfall remains, such shortfall shall be paid by the Town in which such project is located up to a maximum of 17.5% of the total project costs.
4. Ownership and Use of Nourished Beaches. The ownership and use of beaches nourished under this Agreement are subject to the State Lands Act.
5. Withdrawal, Termination, Modifications, Amendments, and Binding Effects. The commitment of each Town to provide public beach access, parking or any other lands or rights-of way, or any rules or regulations with respect to use of the same, as a party to this agreement, is expressly conditioned on Federal and State laws, regulations, or

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interpretations thereof, as of the date of approval of this agreement by signatories herewith. If there are amendments, changes or interpretations to Federal or State law or regulations, which are adopted after this Agreement is approved which affect a party's rights and obligations in this Agreement, any party that chooses not to meet the requirements shall have a right to withdraw from this Agreement at any time.

Once approved by the County and all of the Towns, this Agreement shall remain in effect until June 30, 2015 and be binding on the Parties regardless of changes in the composition of boards of the respective units of local government that are parties hereto. This Agreement shall automatically renew for subsequent periods of four years unless any party gives notice in to all other parties at least 180 days before the expiration of the then current term of its desire that the Agreement not renew at its termination. In such event, the Agreement shall terminate at the end of its then current term.

Once approved, no party may withdraw except that a Town upon twelve (12) months Written notice to the County and other Towns may withdrawal. Withdrawal of a party as provided in this paragraph shall not cause the Agreement to terminate. The Agreement shall only be terminated as provided in the preceding paragraph.

6. Any amendment or modification to this Agreement shall require the written consent of all Parties.

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IN WITNESS WHEREOF, the parties have executed this Agreement

NEW HANOVER COUNTY CONTRACT #127



TOWN OF CAROLINA BEACH

ATTEST:

Melinda P. [Signature]
Town Clerk

By: [Signature]
Mayor



TOWN OF KURE BEACH

ATTEST:

[Signature]
Town Clerk

By: [Signature]
Mayor

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COUNTY OF NEW HANOVER

ATTEST:

By: Ted Davis Jr
Chairman of the Board

Sheila L. Schutt
Clerk to the Board



TOWN OF WRIGHTSVILLE BEACH

ATTEST:

P. J. Givette
Mayor

Sylvia J. Holliman
Town Clerk

Approved as to form/County Attorney
Kenj Meyer



TOWN OF CAROLINA BEACH

ATTEST:

Melinda
Town Clerk

By: [Signature]
Mayor



TOWN OF KURE BEACH

ATTEST:

[Signature]
Town Clerk

By: [Signature]
Mayor

NORTH CAROLINA

NEW HANOVER COUNTY

I, **Teresa P. Elmore**, a Notary Public of the State and County aforesaid certify that Sheila L. Schult acknowledged that she is Clerk to the Board of Commissioners of New Hanover County and that by authority duly given and as the act of the Board the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by herself as its Clerk.

WITNESS my hand and official seal this 8 day of Dec, 2011.

Teresa P Elmore
Notary Public

My commission expires:



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NORTH CAROLINA

NEW HANOVER COUNTY

I, Virginia A. Houser, a Notary Public of the State and County aforesaid certify that Sylvia J. Holleman acknowledged that she is Clerk to the Board of Alderman of Wrightsville Beach and that by authority duly given and as the act of the Board the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by herself as its Clerk.

WITNESS my hand and official seal this 17th day of November, 2011.

Virginia A. Houser
Notary Public



My commission expires: 5/3/12

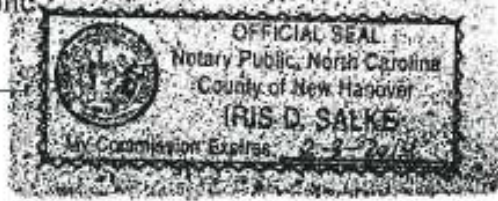
NORTH CAROLINA

NEW HANOVER COUNTY

I, Iris D. Salke, a Notary Public of the State and County aforesaid certify that Melinda N. Prusa acknowledged that she is Clerk to the Town Council of Carolina Beach and that by authority duly given and as the act of the Council the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by herself as its Clerk.

WITNESS my hand and official seal this 15 day of November, 2011.

Iris D. Salke
Notary Public



My commission expires: 2-3-2014

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NORTH CAROLINA

NEW HANOVER COUNTY

I, Sheila L. Schult, a Notary Public of the State and County aforesaid certify that Nancy Avery acknowledged that she is Clerk to the Town Council of Kure Beach and that by authority duly given and as the act of the Council the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by herself as its Clerk.

WITNESS my hand and official seal this 18th day of November, 2011.



Sheila L. Schult
Notary Public

My commission expires: 3/17/2013

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