

**Report to the North Carolina General Assembly
Environmental Review Commission**



***Report on the Implementation of
Terminal Groin Legislation***

January 1, 2024

**Division of Coastal Management
NORTH CAROLINA DEPARTMENT
OF ENVIRONMENTAL QUALITY**

Pursuant to G.S. 113A-115.1(i)

REPORT ON IMPLEMENTATION OF TERMINAL GROIN LEGISLATION (January 2024 Update)

Session Law 2011-387 (S110) authorized the Coastal Resources Commission (CRC) to permit the construction of terminal groins under a pilot program if the commission finds that (i) structures or infrastructure are imminently threatened by erosion, and that nonstructural approaches to erosion control are impractical; (ii) the terminal groin will be accompanied by a concurrent beach fill project; (iii) construction and maintenance of the terminal groin will not result in significant adverse impacts to private property or to the public recreational beach; (iv) the terminal groin will be managed pursuant to an inlet management plan; and (v) there are sufficient financial resources to cover the costs associated with the terminal groin. The legislation also required that the CRC report to the Environmental Review Commission on the implementation of the act, including a detailed description of each proposed and permitted terminal groin and its accompanying beach fill project. Session Law 2017-10 decreased the reporting frequency of this reporting requirement of this report to once every five years, beginning on January 1, 2019.

The Coastal Policy Reform Act of 2013 (Senate Bill 151), which modified G.S. 113A-115.1(a)(3) to allow for construction of other design features, such as L-heads, in association with a terminal groin, as well as clarified portions of the existing terminal groin legislation dealing with project funding, financial assurances, and monitoring and mitigation requirements, was ratified by the legislature on July 22, 2013, and signed into law on August 23, 2013. Part of Senate Bill 151 required that the financial assurance plan for a project must be certified by either the Secretary of the Department of Environmental Quality (DEQ) or the CRC. Further clarifications on information needs related to the financial assurance certifications were also amended.

To date, six communities have expressed varying levels of interest in pursuing a terminal groin project or are in the process of satisfying the requirements of G.S. 113A-115.1. The following summaries outline the current status of these communities' efforts.

Village of Bald Head Island

A permit application for the Village's terminal groin proposal was submitted to the Division of Coastal Management on July 25, 2014. The Village received certification from DEQ of their financial assurance package prior to the final submittal of the permit application package. Following completion of the state and federal agency review of the application package, Coastal Area Management Act Permit No. 91-14 was issued on October 21, 2014. Construction of the terminal groin was completed in 2015. The Division of Coastal Management's monitoring of the terminal groin during and following construction has not identified any issues that would require significant permit modifications or enforcement actions. While ongoing post-construction monitoring performed by the permittee has not identified any significant issues that would require corrective or mitigative measures, the Village performed a maintenance beach nourishment event, received nourishment from the U.S. Army Corps of Engineers' regularly scheduled Wilmington Harbor maintenance project, and is currently seeking permit authorization for a second Village-sponsored maintenance nourishment event.

Ocean Isle Beach



DCM issued Permit No. 107-16 to the Town of Ocean Isle Beach on November 7, 2016. Construction on the groin was anticipated to begin in late 2017. However, the Town suspended construction pending resolution of an appeal filed by the Southern Environmental Law Center on behalf of the Audubon Society relating to the Federal permit issued for this project by the USACE. The appeal of the federal permit was resolved and the Town constructed the terminal groin in the winter of 2021-2022 in conjunction with regularly scheduled construction of the U.S. Army Corps of Engineers' Coastal Storm Risk Management (CSRМ) project. Project construction was completed in the spring of 2024. The first annual monitoring report was submitted to DCM in 2023. The report did not identify any significant issues that would require corrective or mitigative measures at this time, and monitoring is ongoing.

Figure Eight Island Homeowners Association

In 2012, the Figure Eight Island Homeowners Association prepared a draft Environmental Impact Statement (DEIS) that addressed shoreline stabilization options for Rich Inlet in New Hanover County. The applicant's preferred alternative was the construction of a terminal groin at Rich Inlet with a concurrent beach fill project. In July 2012, the Division of Coastal Management provided comments on the DEIS to the USACE. The applicant and USACE have completed the process of incorporating these comments, as well as those from other commenting agencies and the public, into a supplemental Environmental Impact Statement (SIES) for the proposed project. Also incorporated into the SEIS were several project design modifications which the applicant believed were necessary to address both agency and local citizen concerns. The SEIS was released for public and agency comment in July 2015, and the Division of Coastal Management provided comments on the document in September 2015. A FEIS was released for the project in June of 2016 and the Division of Coastal Management provided comment on the document in August of 2016. The applicant is now reevaluating project alternatives to instead consider inlet realignment/maintenance rather than pursuing a terminal groin.

Holden Beach

The USACE released a DEIS for agency and public comment in August 2015. The Division of Coastal Management commented on the DEIS in October 2015. A public hearing on the proposed project was held in February 2016. In early 2018, a public notice was issued by the USACE requesting public and agency comments on the FEIS. However, in April 2018, following a reassessment by the Town of their options for shoreline protection on the east end of the island, the Town formally notified the Division of Coastal Management and the USACE that they were withdrawing their request for a terminal groin, as they were no longer interested in pursuing this option.

Carteret County

As part of its ongoing efforts to develop a long-term programmatic approach to address erosion problems along Bogue Banks, Carteret County added the use of a terminal groin at Bogue Inlet as one of several options that could be used to respond to shoreline erosion over the next 50 years. However, the terminal groin option was not included as a part of the applicant's preferred alternative and was also not included in the County's permit application for the long-term programmatic approach. State and Federal permits for the County's long-term beach management plan project, which did not include a terminal groin, were issued in September 2018.



North Topsail Beach

Several meetings have been held between representatives of the Town of North Topsail Beach, the Division of Coastal Management and the USACE to discuss the possibility of the Town pursuing authorization to construct a terminal groin adjacent to New River Inlet. The Town has hired an engineering consultant to help them explore their options for stabilizing the New River Inlet shoreline. The engineering consultant was approved by the USACE through a third-party contract in September 2019. The contract authorized the engineer to prepare an EIS. The development of the EIS document must proceed to comment on the FEIS prior to application for the required Coastal Area Management Act permit for a terminal groin. A scoping meeting was held by the USACE in November 2021, but the DEIS is still being developed and has not yet been distributed for preliminary review.

