

NC COASTAL RESOURCES COMMISSION (CRC)
September 27-28, 2007
Wilmington Hilton Riverside
Wilmington, NC

Present CRC Members

Courtney Hackney, Chairman
Doug Langford, Vice Chair

Melvin Shepard	Bob Wilson
Jerry Old	Joan Weld
Wayland Sermons	Bill Peele (arrived at 8:43 a.m. 9/27/07)
Joseph Gore (arrived at 9:22 a.m. 9/28/07)	Charles Elam (arrived at 8:39 a.m. 9/27/07)
Chuck Bissette (absent 9/28/07)	Bob Emory (absent 9/27/07)
Renee Cahoon (present at 5:00 p.m. for public hearing 9/27/07 and present 9/28/07)	

Present Coastal Resources Advisory Council Members (CRAC)

Bill Morrison, Chair
Dara Royal, Co-Chair

Frank Alexander	Harry Simmons
Deborah Anderson	Lester Simpson
Joe Beck	Andrea Frazier (Steve Sizemore)
Christine Mele (Paul Delamar)	Michael Street
Webb Fuller	Ray Sturza
Gary Greene	Tim Tabak
Judy Hills	Michael Street
Al Hodge	Penny Tysinger
Joe Lassiter	Joy Wayman
Travis Marshall	Beans Weatherly
Spencer Rogers	William Wescott
Frank Rush	David Stanley (Don Yousey)
Robert Shupe	

Present Attorney General's Office Members

Ed Gavin
Allen Jernigan
Christine Goebel
Amanda Little

CALL TO ORDER/ROLL CALL

Chairman Hackney called the meeting to order and reminded Commissioners of the need to state any conflicts due to Executive Order Number One and also the State Government Ethics Act.

Angela Willis called the roll. Lee Wynns, Bob Emory, Bill Peele, Jim Leutze, Renee Cahoon were absent for the roll call. Based upon this roll call, Chairman Hackney declared a Quorum.

MINUTES

Joseph Gore made a motion to accept the minutes of the July 2007 CRC meeting with no corrections noted. Melvin Shepard seconded this motion. The motion passed unanimously (Shepard, Old, Sermons, Gore, Langford, Bissette, Wilson, Weld).

EXECUTIVE SECRETARY'S REPORT

Jim Gregson, DCM Director, gave the following report.

Bonner Bridge

After years of negotiations, a team of officials from four agencies, making up the Merger 01 Review Board, including DENR's Chief Deputy Secretary Bill Laxton, has agreed to the short-bridge/phased approach option to replace the Bonner Bridge. The plan calls for the "short" bridge to be constructed parallel to the existing bridge, and potentially to later construct bridges over hot spots along N.C. Highway 12 through the Refuge and north of Rodanthe within the existing NC Highway 12 easement.

The sponsoring agencies agreed that reaching this decision does not imply that State or Federal permits or other approvals will be granted for the work; it simply means that they feel this approach is the least environmentally damaging practicable alternative within context of the National Environmental Policy Act. The agencies concurred that the Phase I of the project should be to construct the replacement bridge adjacent to the existing Bonner Bridge as soon as possible. The agencies concurred that the remaining phases of the project will present substantial challenges to the permitting agencies.

One day after the decision was made, the Southern Environmental Law Center and Audubon North Carolina wrote to the White House Council on Environmental Quality to ask it to investigate whether the National Environmental Policy Act was followed.

Navy OLF

Following a recent meeting with Navy officials, Gov. Mike Easley has reactivated his Outlying Landing Field Study Group. The study group will be charged with reviewing all

aspects of the OLF situation as it stands today, along with assisting the Navy's effort to gather input from regulatory agencies, advocacy organizations, local governments and citizens on potential sites in North Carolina for aircraft carrier pilot training.

The Navy announced last week that it has agreed to look at six alternative OLF sites in North Carolina. The sites include two in Gates County and two in Camden County, both of which are near the Naval Air Station Oceana in Virginia Beach, Va., where most of the squadrons using the landing field would be based. Also on the list is a site at the Angola Bay gameland, on the border of Pender and Duplin counties, and a site at the Hofmann Forest, on the border of Jones and Onslow counties.

The secretary of the Navy is reviewing an analysis of the six sites along with 10 sites offered by Virginia. The Navy is expected to decide by mid-November whether to undertake in-depth environmental reviews of any of them.

2007 Legislative Summary

HB 942 Oak Island Beach Nourishment Project - Authorizes the Town of Oak Island to levy special assessments prior to the construction of beach renourishment projects to meet the local match requirements. The funds would be returned to taxpayers if the projects are not contracted within 4 years.

SB 646 Enact Waterfront Access Study Recommendations - Provides property tax relief for working waterfront property based on present use value. The bill establishes an advisory committee for the coordination of waterfront access, directs the Department of Transportation to expand public access to coastal waters and waives fees for Coastal Area Management Act emergency permits. The Legislature also appropriated \$20 million for waterfront access projects. The Division of Marine Fisheries is the Agency responsible for establishing a program to solicit proposals and disburse the Waterfront Access and Marine Industry Fund which will be set up using certificate of participation bonds.

SB 1453 Oyster Shell/Highway Beautification - Prohibits the Department of Transportation and other governmental units from using oyster shells for landscaping or as ground cover along highways. The bill directs that oyster shells be provided to the Division of Marine Fisheries for oyster revitalization projects.

New CRAC Member

Please welcome Bert Banks, who was appointed to the CRAC by the Albemarle Commission on July 19. Mr. Banks is the Executive Director of the Albemarle Commission. Adrian Cox was also appointed as an alternate CRAC Representative. Mr. Cox is the Planner and Regional Planning Organization Coordinator for the Commission.

NERR Office Open House

Last Thursday, DCM and NOAA's Center for Coastal Fisheries and Habitat Research,

held an open house to dedicate their new joint facility on Pivers Island in Beaufort. The event included remarks by Jack Dunnigan, Assistant Administrator for NOAA's National Ocean Service, and DENR Secretary William Ross. The new building has office space for the staff of both programs, a teaching laboratory, and a 120-seat auditorium.

Staff News

Dr. Steve Everhart is the new District Manager for our Wilmington Division office filling the position I left in June. Steve comes to us from the Wildlife Resources Commission, where he was a Wildlife Biologist serving as a permit coordinator. Steve has a BS in Biology from UNCW, an MS in Wildlife Biology and Ecology and his PhD in Zoology/Ecology from NC State University. He was a professor of Biology for 22 years at Campbell University and also served as Dean there. He has also served as Vice President for Academic Affairs at Chowan College. Steve also served in the United States Air Force for 6 years and is retired from the Army Reserves.

Debra Savage has joined the Raleigh office as a GIS Analyst. Debbie previously worked for NCSU's Center for Earth Observation.

Our new NOAA CSC Fellow, Lauren Theodore, joined the Raleigh office last month. Her project will focus on the development of the beach and inlet management plan. Lauren earned her BS degree from Bryn Mawr College and her MS from the University of Michigan. Her experience is in natural resources management, and she currently works for the Virginia Department of Environmental Quality.

We have two new small additions to the DCM family:

- Coastal Training Program Coordinator Whitney Jenkins and her husband, Shannon, are the proud parents of a baby boy, Eli Leggett Jenkins, born Sept. 10.
- Our attorney, Merrie Jo Alcoke, and her husband Tom Wilson, welcomed a baby girl, Millie Kate, on Sept. 16.

Attorney News:

While Merrie Jo is on leave, the Division will be provided with additional legal assistance by Mr. Tom Moffitt. Tom is a former Special Deputy Attorney General with the Environmental Division and the Special Litigation Division of the Attorney Generals Office. We would like to welcome Tom to the DCM team.

Ed Gavin with the Administrative Unit of the Environmental Division of the Attorney Generals Office will be filling in for Jill Hickey today and tomorrow.

Jamie Kritzer who is the Public Information officer for the Department of Environment and Natural Resources will be sitting in for Michele Walker at this meeting.

CHAIRMAN'S COMMENTS

Chairman Hackney stated that he was asked some time ago about the legal issues and the response of CAMA regarding sea level rise. When the Coastal Area Management Act was established there was no thought given to rising sea level. He stated that the CRC is looking at this issue through shoreline stabilization. There will be a presentation this morning on sea level rise.

VARIANCE REQUEST

Marsh Harbour – (CRC-VR-07-15) Brunswick County, Permit Extension

Christy Goebel of the Attorney General's Office, representing the Division of Coastal Management, reviewed the stipulated facts for the variance request filed by Marsh Harbour Resorts, LLC and LaDane Williamson. Amos Dawson of Williams Mullin Maupin Taylor, represented Petitioners. Petitioners request a variance from the Commission's rule regarding development period extensions (15A NCAC 07J .0404). They are requesting a permit extension to continue the project under the original permit.

Ms. Goebel stated that while staff expressly disagrees with Petitioner's vested rights argument, they do agree on the four statutory criteria. Mr. Dawson reiterated the agreement of the four criteria and stated that Petitioners seek an extension of the development period for three years, rather than the typical two-year period.

Jerry Old made a motion to support Staff's position that strict application of the rules, standards or orders issued by the Commission cause the Petitioner unnecessary hardships. Joseph Gore seconded this motion. This motion passed unanimously (Shepard, Old, Elam, Sermons, Gore, Peele, Langford, Bissette, Wilson, Weld).

Doug Langford made a motion to support Staff's position that hardships result from conditions peculiar to the Petitioner's property. Joseph Gore seconded this motion. This motion passed unanimously (Shepard, Old, Elam, Sermons, Gore, Peele, Langford, Bissette, Wilson, Weld).

Doug Langford made a motion to support Staff's position that the hardships do not result from actions taken by the Petitioner. Joseph Gore seconded this motion. This motion passed unanimously (Shepard, Old, Elam, Sermons, Gore, Peele, Langford, Bissette, Wilson, Weld).

Doug Langford made a motion to support Staff's position that the variance request will be consistent with the spirit, purpose, and intent of the rules; secure public safety and welfare; and preserve substantial justice. He also added that this extension would expire on December 31, 2009. Charles Elam seconded this motion.

This motion passed unanimously (Shepard, Old, Elam, Sermons, Gore, Peele, Langford, Bisette, Wilson, Weld).

This variance was granted.

PRESENTATIONS

Sea Level Rise Issues (CRC-07-08)
Tancred Miller and Guy Stefanski

Tancred Miller, Policy Analyst for DCM, began this presentation. He stated that this presentation is designed to educate and update the CRC on this issue as well as to stimulate thought and discussion. It is important to distinguish the differences between climate change and sea level rise. Some of the current data will be examined and the existing efforts which are ongoing at the international, national, state and regional levels.

Climate change is a result of the sun's energy reaching the earth's surface. Some of the energy is reflected back out to the atmosphere by reflections off of snow and ice. The melting of snow and ice causes less reflection and more energy (heat) is retained. Increased greenhouse gases cause more heat to be retained on earth, raising temperatures. The three most powerful greenhouse gases are water vapor, carbon dioxide, and methane. The other mechanism for climate change is the human influence. Mobile source pollution (cars and trucks) is primarily carbon dioxide from burning fossil fuels in our engines. Data shows a positive relationship between global average temperature and atmospheric carbon dioxide. Stationary source pollution, such as coal-fired power plants, creates carbon dioxide and water vapor. Livestock flatulence is a significant source of methane. People should be more thrifty everyday in an effort to use less energy and increase the use of renewable energy instead of fossil fuels. Forests absorb atmospheric carbon and contain it in a benign form. Large-scale deforestation reduces the earth's ability to mitigate our use of fossil fuels. There is positive proof that the climate is warming on both the earth's surface and in the upper atmosphere.

There are several mechanisms for sea level rise. Freshwater runoff is a minor but accepted source of sea level rise. Land subsistence is an edge effect that amplifies the impact of sea level rise. As the land at the water's edge sinks the relative water level on the landscape gets higher. This is known as relative sea level rise. Circulation changes and storm surges are other effects that, like subsistence, appear to change sea level rise. Thermal expansion of the water is a significant mechanism, based on the simple physical principle that warmer water takes up more space than colder water. The largest and most widely reported mechanism is the melting of the glaciers at the earth's northern and southern areas (Greenland, Arctic, Antarctica). This is the largest potential source of sea level rise and data show the glaciers are melting at unprecedented increasing rates. Data over the past one hundred years shows the global average sea level has been rising about 1.8 mm per year.

The IPCC says that even if we drastically reduce our emissions today, it will be centuries before the rate of sea level rise returns to the slower rate of the last century. The CRC should concentrate on sea level rise and not on climate change. The CRC has the authority and duty to act under CAMA and there will be a high cost for inaction. Slides were shown of susceptible areas of North Carolina's coast that would be affected by sea level rise. Some of the areas at risk include the barrier islands and slides were shown displaying the vulnerability of Cape Hatteras National Seashore. A list of existing and ongoing work and responses to sea level rise were given. The CRC should consider long-term planning.

Guy Stefanski, Strategic Planning Manager for DCM, addressed the work he has been involved in as a member of the Technical Advisory Team for NOAA's "Ecological Impacts of Sea Level Rise" research project since 2003. It involves the development of ecological and physical models that look at the landscape in North Carolina as a result of sea level rise.

Guy reiterated the fact that sea level is rising and stated that the low-lying areas will be the areas that will be inundated and impacted the most. Much of the coastal estuarine area of North Carolina is less than twenty feet above mean sea level with large percentages being at about five feet above mean sea level. A majority of our low-lying lands are located in the northern coastal province (north of Cape Lookout). Extensive development in the past decades has put more people and property at risk. Over the long term, the coast will experience a loss in recreational values and property.

What will the impacts be to the natural systems as a result of sea level rise? North Carolina has about 320 miles of ocean shoreline and about 8,000 miles of estuarine shoreline. Wetlands and coastal marshes provide critical habitat for a variety and abundance of plants, animals, fish, and birds. It is important to know how these habitats and ecosystems change with sea level rise. Estuarine shorelines will migrate with sea level rise. The shoreline has changed and modifications have changed the character and function of wetlands as they are forced to migrate with the rising sea level.

More proactive approaches are needed to plan for sea level rise. We need to begin to think about ways to mitigate the impacts. Local officials and citizens should be educated. To assist in this effort, this project is a development of modeling and mapping tools to better predict the fate of these natural systems. It will show which areas are most vulnerable to sea level rise. NOAA's center for Sponsored Coastal Ocean Research's Program is conducting a research project in North Carolina involving several partners. The ultimate goal of this project is to provide meaningful ecological data and understanding that can be combined with the development of physical and ecological models. A coastal flooding model will be created which simulates the flooding of the area. Also, we want to know what is happening ecologically. What is present in these systems and how will they respond? Researchers will be able to monitor what is occurring and show the landscape models. These projects are in various stages of development but are scheduled to conclude in August 2008. As this study continues and

models develop, the intent is to bring in the researchers that are putting this together and visually show the CRC some of the end results.

Bulkhead Study Dr. Martin Posey

Dr. Posey, UNCW Professor, discussed the impacts of erosion control structures on faunal communities. There is anticipation of the continuing problem of increasing demand for erosion control structures over the next years. Sea level rise, storms, and high development in coastal regions drive the desire for these structures. There have been concerns about the ecosystem impacts of these structures. These structures are often placed in areas of degraded shoreline. There are also concerns about replacing the natural shoreline and to what degree this will impact the shoreline's face. Previous studies have often been limited in scope, have only involved a single site or have compared structures to pristine reference areas. These previous studies have provided variable results. The objective of the project was to compare faunal communities among bulkheads, revetments, and sills at multiple sites. Infauna (organisms that live in the sediment), epifauna (those things attached to the surface of the structure or on the surface of the flat), and nekton (fish, shrimp, crab) were all sampled. Samples were taken from intact structures that were at least two years old and all samples were as standardized as possible. This was a two-year study (2004-2005). There were four sites sampled.

Infauna are considered as indicators of the community. First, they are important in the food web. They are primary food for many fish, crab and shrimp. Most importantly, they are stationary and are longer living than many other organisms and can be a better indicator of the site characteristics. Core sampling was used at the base of the structure and also behind the sill for sill structures. Sampling was done at the low intertidal and subtidal. This was done twice yearly for two years. It was discovered that infaunal patterns for richness and diversity were highly variable by site.

Epifauna are expected to be greater in number on structures. These are an important food source, particularly crabs. Quadrat sampling was used on the structure or tideflat. This was done twice yearly for two years. Total abundance and diversity of epifauna were lowest on mudflats and plastic bulkheads. They were much higher on concrete bulkheads and oyster reefs. Oysters and mussels dominate on concrete bulkheads and revetments (stone). Barnacles are dominant on plastic bulkheads.

Nekton were sampled in two different ways twice per year for two years. With seines, these were measured adjacent to structures or along tideflats. Diversity was greatest on the mudflat for two sites, but was not for the other two sites. The number of species were higher at one site, and yet not different at the other sites. Total abundance was not different for any of the sites. The dominant fish species were similar at all sites. The second method was the breder trap. This was a passive sampling method. These traps were placed adjacent to structures and along the tideflat twice per year for two years. Nekton were found in higher diversity and richness at the tideflat, sill, and bulkhead at

one site but no difference for other sites. Total abundance variability was greater next to sills, tideflat, and bulkheads at on site. Yet at another the abundance was higher next to revetments and tideflats (although somewhat lower with plastic bulkheads).

The general conclusions from the preliminary analysis of this data show that materials make a difference. Plastic bulkheads versus concrete do differ for epifauna, nekton, and certain infauna. There were detectable effects for infauna at the base of the structure. There was no effect detected for nekton. This may reflect the mobile nature of nekton. One of the biggest conclusions of this study was the strong variability by site. This suggests that landscape may be important in trying to understand the impacts of structures on various organisms in the estuary.

PUBLIC HEARINGS

15A NCAC 7J .0409 Civil Penalties

Jim Stephenson, Policy Director for the NC Coastal Federation, had one comment in favor of this rule. Mr. Stephenson stated that he had been following this rule through the legislature. He said that this is an important change and the Coastal Federation is pleased that the Commission has taken action on approving draft rule language and would encourage the Commission to approve the final rule language.

COMMITTEE REPORTS

CRAC Report

Bill Morrison presented the minutes from the CRAC meeting. (SEE ATTACHMENT FOR WRITTEN REPORT).

P & SI Committee Report

Bill Peele presented the minutes from the P & SI Committee meeting. (SEE ATTACHMENT FOR WRITTEN REPORT).

The CRC took the following action:

Bill Peele made a motion to approve certification of the Morehead City Land Use Plan. This motion passed unanimously (Shepard, Old, Elam, Sermons, Emory, Peele, Langford, Wilson, Weld, Cahoon).

Bill Peele made a motion to approve certification of the Land Use Plan for the Town of Calabash. This motion passed unanimously (Shepard, Old, Elam, Sermons, Emory, Peele, Langford, Wilson, Weld, Cahoon).

Bill Peele made a motion to approve certification of the Land Use Plan for the Town of Shallotte. This motion passed unanimously (Shepard, Old, Elam, Sermons, Emory, Peele, Langford, Wilson, Weld, Cahoon).

I & S Report

Bob Emory presented the minutes from the I & S Committee meeting. (SEE ATTACHMENT FOR WRITTEN REPORT).

The CRC took the following action:

Bob Emory made a motion to send 15A NCAC 07J .1200 to public hearing.

Bob Wilson made the suggestion to add to 07J .1201(d)(3) the following language: ...location and volume of compatible sand as defined in 15A NCAC 07H .0312, *and the documented right to procure sand* necessary to construct. Jeff Warren asked if there could be latitude provided to staff in the motion for staff to work with this suggestion as long as it captured the spirit of this discussion. This was agreed upon.

Melvin Shepard made a motion to amend the rule sent to public hearing to include the additional language. Bob Wilson seconded this motion. The motion passed unanimously (Shepard, Old, Elam, Sermons, Emory, Peele, Langford, Wilson, Weld, Cahoon).

PUBLIC COMMENT AND INPUT

There were no public comments for this meeting.

PRESENTATIONS

Public Trust Doctrine, Riparian Rights and CAMA (CRC-07-07)
Dr. Joe Kalo

Dr. Kalo, Professor of Law at UNC, made a presentation addressing public trust doctrine, riparian rights and CAMA. Dr. Kalo stated that coastal waters, the natural resources in those waters and the submerged lands lying underneath those waters are public assets of the State of North Carolina and should be managed for the long-term benefit of all citizens of North Carolina for this generation and future generations. The origin of this public trust doctrine can be traced back to Roman Law. Roman Law viewed the sea as belonging to no one and the use of its waters and shores should be open to all. This was further refined in English Common Law by adding the idea that title to submerged lands was held by the King (in a trust for the public). Then in early Colonial State and Federal Law, the public trust doctrine was further adapted to the conditions in this country. It was extended to fresh water rivers, the Great Lakes and other fresh waters. There are three basic principles. First, all navigable waters are public waters and are incapable of being privately owned. If any part of the water body is navigable, all of the waters are navigable as per Full Breadth Doctrine. Second, the natural resources in these waters are all public resources to be managed for the public benefit. Third, legal title to the submerged lands is held by the State in a different capacity than they hold other State

lands. The submerged lands are held in a quasi-trust for the benefit of the people. Public trust rights are defined in NC General Statute to include, but not limited to swimming, hunting, fishing, and all recreational activities. Public trust rights have evolved to include environmental protection within the protected public trust interest. All power over the public trust lies with the General Assembly.

Riparian rights can only be held by riparian owners. To be a riparian owner, you must have fee title to land which abuts a waterbody and the waterbody has to be one of the described boundaries to that land. Riparian rights are not severable from the fee title. Riparian rights include consumptive (which are not important in the coastal context) and non-consumptive rights. Non-consumptive rights include access to the waterbody. Neither the State nor anyone else can build an impediment to block the owner's access to the waters edge. Nor can anyone build an impediment to deep water. The right to pier out is limited to docks, piers, wharfs, and related facilities. This is a result of Common Law to encourage water commerce, fishing, and water transportation and other water dependant activities. Common Law rights do not include the right to place non-water dependant structures over state public trust waters and lands. The legislative goals of CAMA are to provide a management system capable of preserving and managing the natural ecological conditions of the estuarine system, the barrier dune system, and the beaches, so as to safeguard and perpetuate their natural productivity and their biological, economic, and esthetic values. CAMA is also charged with establishing policies, guidelines and standards for the protection, preservation and conservation of natural resources. Finally, CAMA is responsible for the protection of present common law and statutory public rights in the lands and waters of the coastal area. The General Assembly has set out a directive to the CRC (NCGS 113A-120) as to how to implement these goals in the CAMA permit process, the General Assembly stated that development that adversely impacted public trust rights and interests was not to be allowed. The CRC may make exceptions and allow non-water dependent structures to be placed in public trust waters. (Urban Waterfront rules are an example of a limited exception.) However, the general statutory mandate still applies to urban waterfronts—development shall not jeopardize public trust rights.

Inlet Hazard Areas (CRC-07-09)

Dr. Magery Overton and Jeff Warren

Dr. Overton, NCSU Professor, introduced the project addressing the inlet hazard areas. She stated that there has been a tremendous increase in how we map and the quality of mapping. This project brings high quality data. The report is still in its draft form. She stated that from this point, the report will be modified. Dr. Overton stated that we need to use what we see as scientists and implement that knowledge into policy. There is one specific rule within the inlet hazard zone. The shoreline positioning data can tell us about how to interpret the erosion rates in the inlet hazard zones.

Jeff Warren, DCM Coastal Hazards Specialist, stated that if the Commission were to embrace these new boundaries, the new rule language would refer to this report. The

current rule language refers to the 1978 report by Priddy and Carraway. Jeff then showed photos of several inlets. Inlet shorelines can change very quickly. The rules say that in the inlet hazard AEC, there can be no commercial or multi-family greater than 5,000 square feet. There is also no limit for single-family residences. There is no single-family exemption in the inlet hazard area. The setback is not currently based on the erosion rates of the shoreline. This brings up a challenge as many hazard areas have changed and moved down the beach. This doesn't reflect the erosion that is happening in the inlet. We now have the data to better understand this and can generate erosion rates (that is included in the analysis for this report).

Focus for this report was on the twelve developed inlets (Tubbs, Shallotte, Lockwood Folly, Cape Fear River, Carolina Beach, Masonboro, Mason, Rich, New Topsail, New River, Bogue and Beaufort). In the future, we can look at the remaining inlets. Some inlets have moved and some have closed. The old report only looked at the lateral movement of the inlets and that is not the only thing that we need to take into account. There is a natural oceanward-landward movement which exists. Recommendations were given to the Commission on the new boundaries. DCM would recommend that the CRC support the need to review the additional inlet policies that may not have come up in discussion related to this report, but what needs to be done in the future. Does the Commission want to address what happens when a new inlet opens? Should there be a set of boundaries that immediately go into place, any new inlet will have a boundary of two thousand feet on either side until an inlet hazard area can be established or the inlet is closed? Staff will continue to work with the science panel and potentially come back before the Commission as early as January 2008 with a completed report and draft rule language with some of these ideas that would reference the report in part and other revisions. Jeff stated that to accept this report, would require a rule change because reference is made to this new report in the rule that would amend twelve and potentially other inlets. If the CRC only adopts new boundaries, there are issues with how to define the development within those boundaries (1) how to define the erosion rate in the setback and (2) a provision needs to be addressed to disallow any structure over 5,000 square feet in an inlet hazard area.

Melvin Shepard made a motion for the CRC to accept/approve this document and use it as the basis for drafting rules related to the inlet hazard zone. Charles Elam seconded this motion. The motion passed with nine votes (Shepard, Old, Elam, Sermons, Emory, Peele, Langford, Weld, Cahoon) (Wilson abstained).

OLD/NEW BUSINESS

A review of CRAC recommendations was postponed until the next meeting.

Chairman Hackney addressed the Contested Case documents which the CRC receives prior to each meeting. A suggestion was made by OAH that these documents should be provided to the Commission on compact discs. After discussion Chairman Hackney stated that there should be a consensus as to how these documents are delivered. Everyone agreed that they would prefer to receive a hard copy of these documents.

Joan Weld stated that there is a need for some strategic planning. She said that the Sea Level Rise issue is a good example. There was a good staff presentation, good discussion and now what is next? What kind of policies will this involve? She stated that with a new Director of DCM and a new Chairman of the CRC, this will be a good time to think about a retreat to figure out a way to be more proactive and less reactive. There are very large issues coming at the CRC. Chairman Hackney agreed with this idea. Wayland Sermons stated that having a meeting every other month with six per year is taxing on Staff. He suggested making one of these six meetings a planning session that would not have the same procedural agenda. Chairman Hackney stated that once the new variance rules are effective, there will be more flexibility with the schedule. He also suggested that one meeting per year be only for variances for both days. Jim Gregson stated that Staff will work until November to come up with some ideas for this topic and bring them before the CRC at the November meeting. Ted Tyndall stated that there could be more time in between meetings for staff to prepare these documents in the proper format and for Staff to have time to collaborate on it versus one person. Bob Wilson requested from Jim Gregson that a list of priority topics that Staff thinks strategic planning would benefit be provided at the next meeting. He stated that one of those topics should be staffing.

Melvin Shepard requested that a presentation be made on Takings Issues. He would like to hear from the attorneys on this issue that could be a result of the new boundaries on ocean hazards.

Renee Cahoon made a comment about the new DWQ Stormwater regulations that have gone out to public hearing. DWQ has decided that one size fits all. She stated that the science does not support a one size fits all theory. She asked where we are in coordination with CHPP as it pertains to these new regulations? Chairman Hackney stated that these inter-agencies (CHPP) meet every quarter. Ted Tyndall stated that the comment period on these rules is open and the deadline for comments is November 15 and a staff recommendation will be put together on behalf of DCM. Mike Lopazanski stated that Tom Reeder made a presentation at the last meeting to cover the new rules and the public hearing schedule. Jim Gregson stated that in the draft rule there is some alternate language and DCM has strong feelings about and some procedural matters that would affect the permit process.

With no further business, the CRC adjourned.

Respectfully submitted,

James H. Gregson, Executive Secretary

Angela Willis, Recording Secretary