

March 26, 2009

S 998. BEACH MANAGEMENT STUDY COMMISSION. Filed 3/25/09. *TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON BEACH MANAGEMENT ISSUES.*

Prohibits the Coastal Resources Commission (Commission) from ordering the removal of temporary erosion control structures (i.e., sandbags placed above mean high water and parallel to shore) in a community that is actively pursuing a beach nourishment project or an inlet relocation project on or before the effective date. Creates an exception from the moratorium for grants by the Commission for permit modifications for the repair and maintenance of temporary erosion control structures. The prohibition expires on September 1, 2010. Establishes a 17-member Legislative Study Commission on Beach Management Issues and directs the Commission to study strategies for protecting resources that minimize property loss, new beach management tools and financing mechanisms, and other specified subjects. Authorizes payments to members for subsistence and travel. Requires the Commission to submit a report to the Environmental Review Commission by April 1, 2010. The Commission terminates upon filing its report or upon convening of the 2010 Regular Session, whenever is earlier.

Intro. by Jenkins.

STUDY

May 4, 2009

S 998. MORATORIUM ON CERTAIN SANDBAG REMOVALS (NEW). Filed 3/25/09. Senate committee substitute makes the following changes to 1st edition. Clarifies that the Coastal Resources (CRC) Commission may not order the removal of a temporary erosion control structure that *has been permitted under GS Chapter 113A Article 7* in a community that is actively pursuing a beach nourishment project or an inlet relocation project on or before the act's effective date. Provides that the moratorium on actions related to temporary erosion control structures does not prohibit the CRC from doing the following (was, from granting permit modifications for the repair and maintenance of temporary erosion control structures): (1) granting permit modifications to allow the replacement of temporary erosion control structures that have been damaged or destroyed, within the originally permitted dimensions; (2) requiring the removal of temporary erosion control structures installed in violation of GS Chapter 113A Article 7 and rules adopted under that article; (3) requiring that a temporary erosion control structure that has been modified in violation of GS Chapter 113A Article 7 and rules adopted under the article be brought back into compliance with permit conditions; and (4) requiring the removal of a temporary erosion control structure that no longer protects an imminently threatened road and associated right of way or an imminently threatened building and associated septic system.

Removes provisions concerning the establishment and duties of the Legislative Study Commission on Beach Management Issues. Instead, requires the Department of Environment and Natural Resources (DENR), in consultation with the CRC, to study existing laws and policies related to the use of temporary erosion control structures for protecting imminently threatened roads and buildings. Requires that special consideration be given to the use of temporary erosion control structures on inlet shorelines and in communities actively pursuing a beach nourishment project. Requires DENR to report its findings to the Environmental Review Commission by April 1, 2010 and on its progress toward the completion of the Beach and Inlet Management Plan by June 1, 2010.

Makes a conforming change to the title.