

ADOPTED



CHANGES TITLE

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1708

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1708-ASB-48 [v.3]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [YES]
Second Edition

Date 7-7, 2010

Senator Jenkins

1 moves to amend the bill on page 1, lines 6 and 7,
2 by rewriting those lines to read:

3
4 "AGENCY AND TO PROVIDE THAT THE COASTAL RESOURCES COMMISSION
5 MAY AUTHORIZE THE CONSTRUCTION OF A TERMINAL GROIN BY VARIANCE
6 IF CERTAIN CRITERIA ARE MET." and
7

8 on page 1, line 24,
9 by rewriting that line to read:

10
11 "SECTION 3. G.S. 113A-115.1 reads as rewritten:

12 "§ 113A-115.1. Limitations on erosion control structures.

13 (a) As used in this section:

- 14 (1) "Erosion control structure" means a breakwater, bulkhead, groin, jetty,
15 revetment, seawall, or any similar structure.
- 16 (2) "Ocean shoreline" means the Atlantic Ocean, the oceanfront beaches, and
17 frontal dunes. The term "ocean shoreline" includes an ocean inlet and lands
18 adjacent to an ocean inlet but does not include that portion of any inlet and
19 lands adjacent to the inlet that exhibits characteristics of estuarine shorelines.
- 20 (3) "Terminal groin" means a groin that is constructed on the side of an inlet to
21 limit or control sediment passage into the inlet channel.

22 (b) No person shall construct a permanent erosion control structure in an ocean
23 shoreline. The Commission shall not permit the construction of a temporary erosion control
24 structure that consists of anything other than sandbags in an ocean shoreline. This section shall
25 not apply to (i) any permanent erosion control structure that is approved pursuant to an
26 exception set out in a rule adopted by the Commission prior to 1 July 2003 or (ii) any
27 permanent erosion control structure that was originally constructed prior to 1 July 1974 and that
28 has since been in continuous use to protect an inlet that is maintained for navigation. This
29 section shall not be construed to limit the authority of the Commission to adopt rules to
30 designate or protect areas of environmental concern, to govern the use of sandbags, or to
31 govern the use of erosion control structures in estuarine shorelines.

32 (c) The Commission may renew a permit for an erosion control structure issued
33 pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may



* H 1 7 0 8 - A S B - 4 8 - V - 3 *

NORTH CAROLINA GENERAL ASSEMBLY **CHANGES TITLE**
AMENDMENT
House Bill 1708

AMENDMENT NO. /
(to be filled in by
Principal Clerk)

H1708-ASB-48 [v.3]

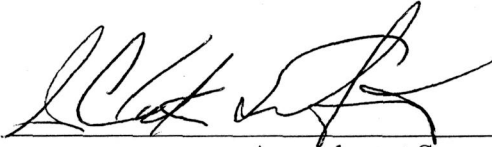
Page 2 of 2

1 authorize the replacement of a permanent erosion control structure that was permitted by the
2 Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the
3 Commission finds that: (i) the structure will not be enlarged beyond the dimensions set out in
4 the original permit; (ii) there is no practical alternative to replacing the structure that will
5 provide the same or similar benefits; and (iii) the replacement structure will comply with all
6 applicable laws and with all rules, other than the rule or rules with respect to which the
7 Commission granted the variance, that are in effect at the time the structure is replaced.

8 (d) In addition to the exceptions set out in subsection (b) of this section, the
9 Commission may approve a permit for construction of a terminal groin as a sediment
10 management device pursuant to a variance under G.S. 113A-120.1. A permit may be issued
11 under this section notwithstanding Commission rules or policies that would otherwise prohibit
12 such construction. Every application for a permit to construct a terminal groin under this
13 section shall be accompanied by an environmental impact statement that meets the
14 requirements of G.S. 113A-4. A permit issued for a terminal groin pursuant to this section shall
15 require any permittee to provide financial assurance, in the form of a bond, insurance policy,
16 escrow account, or other financial instrument, that is adequate to cover the cost of removal of
17 the terminal groin if the Commission determines through monitoring results that the terminal
18 groin project has an adverse impact on the environment or on other properties that cannot be
19 sufficiently mitigated."

20 **SECTION 4.** This act is effective when it becomes law."

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

37-11

FAILED

TABLED

7-7-10

Janet D. Smith

ADOPTED