

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 607

AMENDMENT NO. A13
(to be filled in by
Principal Clerk)

S607-ABR-98 [v.4]

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Amends Title [NO]
Fourth Edition

Date _____, 2024

Representative Miller

1 moves to amend the bill on page 29, lines 17–18, by inserting between those lines:

2
3 **"AUTHORIZE REPLACEMENT OF CERTAIN EROSION CONTROL STRUCTURES**

4 **SECTION 16.1.(a)** G.S. 113A-115.1 reads as rewritten:

5 **"§ 113A-115.1. Limitations on erosion control structures.**

6 (a) As used in this section:

7 (1) "Erosion control structure" means a breakwater, bulkhead, groin, jetty,
8 revetment, seawall, or any similar structure.

9 (1a) "Estuarine shoreline" means all shorelines that are not ocean shorelines that
10 border estuarine waters as defined in G.S. 113A-113(b)(2).

11 (2) "Ocean shoreline" means the Atlantic Ocean, the oceanfront beaches, and
12 frontal dunes. The term "ocean shoreline" includes an ocean inlet and lands
13 adjacent to an ocean inlet but does not include that portion of any inlet and
14 lands adjacent to the inlet that exhibits characteristics of estuarine shorelines.

15 (3) "Terminal groin" means one or more structures constructed at the terminus of
16 an island or on the side of an ~~inlet, inlet, or where the ocean shoreline~~
17 converges with Frying Pan Shoals, with a main stem generally perpendicular
18 to the beach shoreline, that is primarily intended to protect the terminus of the
19 island from shoreline erosion ~~and or~~ inlet migration. A "terminal groin" shall
20 be pre-filled with beach quality sand and allow sand moving in the littoral
21 zone to flow ~~past-around, over, or through~~ the structure. A "terminal groin"
22 may include other design features, such as a number of smaller supporting
23 structures, that are consistent with sound engineering practices and as
24 recommended by a professional engineer licensed to practice pursuant to
25 Chapter 89C of the General Statutes. A "terminal groin" is not a jetty.

26 (b) No person shall construct a permanent erosion control structure in an ocean shoreline.
27 The Commission shall not permit the construction of a temporary erosion control structure that
28 consists of anything other than sandbags in an ocean shoreline. This subsection shall not apply
29 to any of the following:

30 (1) Any permanent erosion control structure that is approved pursuant to an
31 exception set out in a rule adopted by the Commission prior to July 1, 2003.



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1 (2) Any permanent erosion control structure that was originally constructed prior
2 to July 1, 1974, and that has since been in continuous use to protect an inlet
3 that is maintained for navigation.

4 (3) Any terminal groin permitted pursuant to this section.

5 (b1) This section shall not be construed to limit the authority of the Commission to adopt
6 rules to designate or protect areas of environmental concern, to govern the use of sandbags, or to
7 govern the use of erosion control structures in estuarine shorelines.

8 (c) The Commission may renew a permit for a permanent erosion control structure
9 originally permitted pursuant to a variance granted by the Commission prior to July 1, 1995, if
10 the Commission finds that: (i) the structure will not be enlarged beyond the dimensions set out
11 in the original permit; (ii) there is no practical alternative to replacing the structure that will
12 provide the same or similar benefits; and (iii) the replacement structure will comply with all
13 applicable laws and with all rules, other than the rule or rules with respect to which the
14 Commission granted the variance, that are in effect at the time the structure is ~~replaced~~replaced,
15 except as otherwise provided in this subsection. If a permanent erosion control structure
16 originally permitted pursuant to a variance granted by the Commission prior to July 1, 1995,
17 consists of a field of geotextile sand tubes, the field of geotextile sand tubes may be replaced with
18 rock erosion control structures subject to the following criteria:

19 (1) The number of rock erosion control structures shall be equal to or less than
20 the number of geotextile sand tubes originally permitted.

21 (2) The structure(s) or field of structures may consist of groins, including T-head
22 or lollipop groins, or breakwaters to be approved by the Division of Coastal
23 Management, in its discretion, or by variance from the Coastal Resources
24 Commission.

25 (3) The structure field shall not be enlarged beyond the alongshore dimensions
26 authorized under the original permit, and the aggregate overall length of the
27 rock structures shall not exceed the aggregate overall length of the geotextile
28 sand tubes authorized under the original permit.

29 (4) The plans for the work shall be sealed by a professional engineer licensed to
30 practice pursuant to Chapter 89C of the General Statutes with experience in
31 engineering in the coastal area.

32 The Commission shall permit replacement of the geotextile sand tubes with rock erosion
33 control structures meeting the criteria of subdivisions (1) through (4) of this subsection as
34 replacement of the permanent erosion control structure originally permitted. Such a permanent
35 erosion control structure is not a terminal groin and shall not be subject to the provisions of this
36 section applicable to terminal groins.

37 ...

38 (g) The Commission may issue no more than ~~six~~seven permits for the construction of a
39 terminal groin pursuant to this section, provided that two of the ~~six~~seven permits may be issued
40 only for the construction of terminal groins on the sides of New River Inlet in Onslow County
41 and Bogue Inlet between Carteret and Onslow Counties.

42"

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1 **SECTION 16.1.(b)** No later than August 1, 2024, the Department of Environmental
2 Quality shall prepare and submit to the United States National Oceanic and Atmospheric
3 Administration for approval by that agency the proposed changes made to G.S. 113A-115.1, as
4 amended by subsection (a) of this section. The Department of Environmental Quality shall report
5 to the Environmental Review Commission on the status of their activities pursuant to this section
6 quarterly, beginning September 1, 2024, until such time as the General Assembly repeals this
7 reporting requirement.

8 **SECTION 16.1.(c)** Subsection (a) of this section becomes effective on the later of
9 the following dates and applies to applications for permits pending or filed on or after that date:

10 (1) October 1, 2024.

11 (2) The first day of a month that is 60 days after the Secretary of Environmental
12 Quality certifies to the Revisor of Statutes that the National Oceanic and
13 Atmospheric Administration has approved the changes made to
14 G.S. 113A-115.1, as amended by subsection (a) of this section, as required by
15 subsection (b) of this section. The Secretary shall provide this notice along
16 with the effective date of this section on its website."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**