

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS45536-RIa-41

Short Title: Pilot for Shoreline Stabilization Projects. (Public)

Sponsors: Senators Brinson, Lazzara, and Hanig (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A PILOT PROGRAM TO PERMIT CONSTRUCTION OF
3 SHORELINE STABILIZATION PROJECTS UNDER CERTAIN CONDITIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 7 of Chapter 113A of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 113A-115.2. Shoreline stabilization pilot projects.**

8 (a) Notwithstanding any limitation of G.S. 113A-115.1, there is established a pilot
9 program to authorize construction of shoreline stabilization pilot projects at locations statewide
10 where oceanfront homes face imminent danger of being lost to the ocean. The North Carolina
11 Collaboratory established pursuant to G.S. 116-255 shall evaluate potential locations and shall
12 recommend a limited number of pilot projects sufficient to evaluate different shoreline
13 conditions, erosion risks, and management approaches, based on all of the following criteria:

- 14 (1) The severity and immediacy of the erosion threat at the location.
15 (2) The potential for adverse effects of the pilot project proposed to be sited at the
16 location on adjacent properties and shorelines.
17 (3) The scientific value of monitoring data that can be gathered for a pilot project
18 proposed to be sited at the location.
19 (4) The willingness of a governing entity with jurisdiction over the location at
20 which a pilot project is proposed to be sited to comply with requirements of
21 this section and monitoring protocols to be adopted by the Division pursuant
22 to subsection (b) of this section.
23 (5) The economic impact of continued erosion, including potential loss of public
24 or private property, public infrastructure, tax base, transportation access,
25 utilities, or other community assets, if shoreline stabilization measures are not
26 authorized.

27 (b) The Division of Coastal Management, in coordination with the Collaboratory, shall
28 prior to construction of any pilot project establish active monitoring protocols for such projects,
29 including a defined monitoring period. No later than 60 days after the conclusion of the
30 monitoring period established for each project, the Division and the Collaboratory shall jointly
31 prepare and submit a report on the monitoring results for the project to the Commission and the
32 General Assembly.

33 (c) The governing entity with jurisdiction over the location at which a shoreline
34 stabilization project is to be sited, whether a unit of local government or homeowners association,
35 shall be:

- 36 (1) Required to do all of the following:



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- 1 a. Fund the pilot project in its entirety. No State funds shall be used for
2 construction of a pilot project unless the General Assembly
3 specifically appropriates funds for that project.
4 b. Obtain all federal, State, and local permits and authorizations required
5 for the pilot project.
6 c. Prior to construction, post a bond or other financial assurance
7 instrument in an amount sufficient to cover the cost of removal of the
8 structure.
9 (2) Exempt from any limitations or requirements of G.S. 113A-115.1 for the
10 duration of the active pilot project, defined as the period during which the
11 stabilization structure is in place and active monitoring is being conducted.
12 This exemption shall remain in effect for the permitted life of the structure,
13 including any required monitoring period, and shall terminate upon removal
14 of the structure, expiration or revocation of the permit, or a final agency
15 determination requiring removal, whichever occurs first.
16 (d) As used in this section, the following definitions apply:
17 (1) "Sheet pile wall" is an erosion control structure that consists of a driven,
18 vibrated, or pushed row of interlocking vertical pile segments to form a
19 continuous wall.
20 (2) "Shoreline stabilization pilot project" means a permanent erosion control
21 structure, as that term is defined under G.S. 113A-115.1, and including a sheet
22 pile wall and wave attenuation system."

23 **SECTION 2.** The sum of eight hundred fifty thousand dollars (\$850,000) in
24 nonrecurring funds for the 2026-2027 fiscal year is appropriated from the General Fund to the
25 North Carolina Collaboratory at the University of North Carolina at Chapel Hill (Collaboratory)
26 to do both of the following:

- 27 (1) Carry out the study required under Section 1 of this act, including expenses
28 related to consultants or faculty, staff, or students affiliated with institutions
29 of higher education.
30 (2) Update the State's Beach and Inlet Management Plan (Plan), notwithstanding
31 subsections (c) and (d) of Section 13.9 of S.L. 2000-67. The updated Plan
32 should catalog current erosion concerns along the State's oceanfront and
33 estuarine shorelines, evaluate the dredging needs of inlets and navigational
34 channels, and recommend a prioritized schedule of maintenance dredging
35 projects with beneficial placement of beach-compatible material. In
36 conducting this work, the Collaboratory shall coordinate with the Division of
37 Coastal Management of the Department of Environmental Quality, the United
38 States Army Corps of Engineers, and other knowledgeable coastal authorities.
39 The Collaboratory shall incorporate the findings of the study required by
40 Section 1 of this act, whether preliminary or final, into the final Beach and
41 Inlet Management Plan update. Funds appropriated to the Collaboratory under
42 this section may be used for consultants or faculty, staff, or students affiliated
43 with institutions of higher education to carry out the Plan update. The
44 Collaboratory shall issue the updated plan no later than December 1, 2027.

45 **SECTION 3.** The Department of Environmental Quality shall amend the
46 management program it adopted pursuant to the federal Coastal Zone Management Act, 16
47 U.S.C. § 1451, et seq., to ensure the management program is consistent with G.S. 113A-115.2,
48 as enacted by Section 1 of this act, and shall seek approval of the proposed amended management
49 plan by the United States Secretary of Commerce or the Secretary's authorized designee no later
50 than six months after the effective date of this act.

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