

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35443-RIa-42

Short Title: Repeal Hardened Structure Ban. (Public)

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

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE THE BAN ON HARDENED STRUCTURES AND TO REQUIRE
3 THE NORTH CAROLINA COLLABORATORY TO UPDATE THE STATE'S BEACH
4 AND INLET MANAGEMENT PLAN AND TO APPROPRIATE FUNDS FOR THAT
5 PURPOSE.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 113A-115.1 is repealed.

8 SECTION 2. Article 7 of Chapter 113A of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 113A-115.2. Regulation of erosion control structures.**

11 The Commission shall not prohibit the placement or construction of temporary or permanent
12 erosion control structures. The Commission shall, however, adopt rules to regulate the placement,
13 construction, maintenance, and permitting of erosion control measures to ensure that an erosion
14 control structure will not result in significant adverse impacts to private property or to the public
15 recreational beach. In making this finding, the Commission shall take into account (i) the
16 potential benefits of the project, including protection of beaches, protective dunes, wildlife
17 habitats, roads, homes, and infrastructure, and (ii) mitigation measures that will be incorporated
18 into a project's design to prevent the potential for adverse impacts. For purposes of this section,
19 "erosion control structure" means a breakwater, bulkhead, groin, jetty, revetment, seawall, or any
20 similar structure."

21 SECTION 3. The Commission shall adopt temporary and permanent rules to
22 implement G.S. 113A-115.2, as enacted by Section 2 of this act. Temporary rules shall be
23 adopted no later than August 1, 2026.

24 SECTION 4. The Department of Environmental Quality shall amend the
25 management program it adopted pursuant to the federal Coastal Zone Management Act, 16
26 U.S.C. § 1451, et seq., to ensure the management program is consistent with the repeal of
27 G.S. 113A-115.1, as enacted by Section 1 of this act, and G.S. 113A-115.2, as enacted by Section
28 2 of this act, and shall seek approval of the proposed amended management plan by the United
29 States Secretary of Commerce or the Secretary's authorized designee no later than six months
30 after the effective date of this act.

31 SECTION 5. The sum of eight hundred fifty thousand dollars (\$850,000) in
32 nonrecurring funds for the 2026-2027 fiscal year is appropriated from the General Fund to the
33 North Carolina Collaboratory at the University of North Carolina at Chapel Hill (Collaboratory)
34 to update the State's Beach and Inlet Management Plan (Plan), notwithstanding subsections (c)
35 and (d) of Section 13.9 of S.L. 2000-67. The updated Plan should catalog current erosion
36 concerns along the State's oceanfront and estuarine shorelines, evaluate the dredging needs of



1 inlets and navigational channels, and recommend a prioritized schedule of maintenance dredging
2 projects with beneficial placement of beach-compatible material. In conducting this work, the
3 Collaboratory shall coordinate with the Division of Coastal Management of the Department of
4 Environmental Quality, the United States Army Corps of Engineers, and other knowledgeable
5 coastal authorities. Funds appropriated to the Collaboratory under this section may be used for
6 consultants or faculty, staff, or students affiliated with institutions of higher education to carry
7 out the Plan update. The Collaboratory shall issue the updated Plan no later than later than
8 December 1, 2027.

9 **SECTION 6.** Sections 1 and 2 of this act become effective September 1, 2026, and
10 apply to applications for erosion control structures submitted on or after that date. The remainder
11 of this act is effective when it becomes law.