



North Carolina Department of Environment and Natural Resources

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Governor

Dee Freeman
Secretary

October 5, 2011

MEMORANDUM

TO: ENVIRONMENTAL REVIEW COMMISSION
The Honorable David Rouzer, Chair
The Honorable Robert Mitchell Gillespie, Co-Chair
The Honorable Ruth Samuelson, Co-Chair

FROM: Kari Barsness *KB*
Director of Legislative and Intergovernmental Affairs

SUBJECT: Coastal Resources Commission Report On the Implementation of SL 2011-387 – An Act to Authorize the Permitting and Construction Of Up To Four Terminal Groins At Inlets Under Certain Conditions

DATE: October 5, 2011

Pursuant to SL 2011-387, the N.C. Coastal Resources Commission is directed by the General Assembly to permit the construction of a terminal groin under a pilot program. The legislation also requires that the CRC report to the Environmental Review Commission on the implementation of the act including a detailed description of each proposed and permitted terminal groin and its accompanying beach fill project by September 1st of each year. Please consider the Coastal Resources Commission report attached as the formal submission.

If you have any questions or need additional information, please contact me by phone at (919) 715-4189 or via e-mail at Kari.Barsness@ncdenr.gov.

cc: Robin Smith, Assistant Secretary
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North Carolina Coastal Resources Commission



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N.C. COASTAL RESOURCES COMMISSION REPORT ON IMPLEMENTATION OF TERMINAL GROIN LEGISLATION SEPTEMBER 1, 2011

Session Law 2011-387 (S110) authorizes the Coastal Resources Commission (CRC) to permit the construction of a terminal groin under a pilot program if the Commission finds that (i) structures or infrastructure are imminently threatened by erosion and that nonstructural approaches to erosion control are impractical; (ii) the terminal groin will be accompanied by a concurrent beach fill project; (iii) construction and maintenance of the terminal groin will not result in significant adverse impacts to private property or to the public recreational beach; (iv) the terminal groin will be managed pursuant to an inlet management plan; and (v) there are sufficient financial resources to cover the costs associated with the terminal groin.

The legislation also requires that the CRC report to the Environmental Review Commission on the implementation of the act including a detailed description of each proposed and permitted terminal groin and its accompanying beach fill project.

While there have been several inquiries by local governments into the permitting process, the CRC has not had a permit application submitted for the construction of a terminal groin. At the August 25, 2011 CRC meeting, Commissioners reviewed the provisions of the legislation and discussed the need for additional rule making. At this time, the CRC does not foresee the need to adopt any additional rules in order to implement the act. The Commission has asked for recommendations from the CRC Science Panel on Coastal Hazards regarding certain provisions of the law, including guidelines for the determination of adverse impacts of a terminal groin as described in SL 2011-387. The Science Panel will take up this issue at their October 6, 2011 meeting.



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