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CARTERET COUNTY BEACH COMMISSION Special Interim Meeting to Discuss the USACE's Parking/Access Regulations

Minutes
Pine Knoll Shores Town Hall
August 5, 2002, 10 am

Acronyms:

IB – Indian Beach
NCDCM – N.C. Division of Coastal Management
PKS – Pine Knoll Shores
USACE – United State Army Corps of Engineers
SPO – Shore Protection Office

Attendance.

Commission chair Buck Fugate, Commission Members William Donnelly, Bob Gallo, Doug Harris, George Herrmann, Jack Goldstein, Capt. Jim Willis III, secretary Greg Rudolph, Alesia Sanderson (Emerald Isle representative), Tom Jarrett (consulting engineer), and the general public. Absent were Members Doug Brady, Pat McElraft, vice-chair Frank Rush, and Dr. John Wells.

- (1) **Call to Order.** – Chairman Fugate called the meeting to order and thanked Mr. Jarrett for meeting with the Beach Commission. The purpose of the interim meeting was to discuss the USACE's parking/access requirements, their applicability to Bogue Banks, and their historical application to other storm reduction projects. Mr. Jarrett was invited to provide his insight to these objectives and provide some guidance on how to proceed from this point.
- (2) **USACE's Parking/Access Regulations.** – Member Gallo disclosed that PKS has received all the signatures from the Roosevelt family and trusts to secure the access and parking spaces they have been trying to obtain since last year. The Amerisuites access has now been condemned by PKS and represents the 5th access that was required by the NCDCM for the PKS/IB Joint Restoration Project.

Mr. Jarrett presented his analysis of the USACE parking/access requirements and noted because taxpayer money is used for beach restoration programs, the USACE is looking to provide access/parking to very public that essentially pays for the projects. The 0.5 mile access standard appears to be applied uniformly at all storm reduction projects and challenging this would actually mean challenging a national standard. Therefore, Bogue Banks should accept the 0.5 mile distance between access points. The main issue is really focused on how the engineering regulations relate to parking because parking constitutes a greater commitment (time and capital investment) from the local sponsor. There does not appear that a direct connection exists in the regulations that links parking to specific access points. The regulations do specify adequate parking for peak hour use. This peak hour use is used to justify the project but does not provide for peak hour use for future demand. Member Herrmann asked if the USACE's aerial photography obtained on July 4, 2002 will be used to determine

peak hour use and are these data available. Mr. Jarrett responded that the aerial photography was probably conducted for this purpose. Secretary Rudolph added that the data has yet to be analyzed.

Member Harris asked what relationship did parking have to what the USACE termed recreational use objectives. Mr. Jarrett replied that it appears the USACE is uncertain to what that term means and stated so in a letter to the SPO. The USACE did state however, that they would accept a recreational use plan. Member Gallo questioned the term of "adequate" used in the engineering regulations. Member Herrmann asked Mr. Jarrett if the USACE determined that 2,000 parking spaces was required and it was shown that Bogue Banks had 2,000 parking spaces, would an access still have to be provided every 0.5 mile. Mr. Jarrett replied that based on his interpretation, an access would still have to be situated every 0.5 mile. However, parking would not have to be supplied at each access. Member Gallo noted that the 0.5 mile spacing appears very arbitrary and has no real justification. Ms. Sanderson asked if a town has an adopted shoreline access plan, would this be considered a recreational use plan. Mr. Jarrett responded that this could be used as such a plan.

Mr. Jarrett continued that the USACE's (Wilmington District) recent analysis that was disclosed to each Bogue Banks municipality was obviously based on the fact that parking spaces were attributable to individual accesses. If this is the USACE's interpretation, then how was this interpretation applied to the recent Shore Protection Projects authorized in Dare County and Ocean Isle. Both of the projects were authorized with 65% federal funding (100% participation). Based on the analysis presented in the evaluation presented for Dare County, it does not appear that the same standard was applied. If the standard was indeed applied, then portions of the project would have qualified for only \$40% federal participation. Mr. Jarrett also stated that based on the NCDCM webpage, the same standard that is being applied to Bogue Banks was also not applied to Ocean Isle. Therefore, the USACE should be asked why is the interpretive process different for Bogue Banks and that the Bogue Banks Section 933 and Shore Protection Projects should be treated equitably in relation to other USACE projects. Member Herrmann asked that if a project is approved, do the sponsors have to adhere to subsequent changes in policies. Mr. Jarrett noted that this would only occur if the federal/non-federal cost share agreement expired. An example of this would be Carolina Beach. Member Herrmann asked what the status of access/parking were at Carolina and Wrightsville Beach were. Mr. Jarrett replied that access is at least every half mile but parking is more sporadic for Wrightsville, Carolina, and Kure Beaches.

Mr. Jarrett further noted that what was disturbing about the USACE analysis for Bogue Banks was the disregard for overnight visitors that stay in cottages, motels, and condominium complexes. The accesses should accommodate these types of visitors. Member Harris asked to what possibility that the term recreational use objectives was included in the regulations by design to allow various communities to create distinct recreational use objective plans. Mr. Jarrett stated that this may be the case. In terms of accommodating day users, municipal parking lots do provide safety, sanitary, and crowd control measures. To have these facilities every half mile is unrealistic, but spacing this facilities further apart would be part of a recreational use plan. Member Willis asked if it would be useful if each town adopted a recreational use plan. Mr. Jarrett noted that this approach would not hurt the efforts of Bogue Banks, and actually the State also encourages large municipal parking lots.

Member Gallo asked if the entire Shore Protection Project would be jeopardized if PKS met all the access/parking guidelines while the remaining towns did not. Mr. Jarrett replied that the USACE would still have to formulate a plan, but the costs would be significantly higher. Carteret County and the Beach Commission would have to decide whether to pay for the areas that did not meet access/parking requirements. Member Willis noted that each town will likely have to provide access

every 0.5 mile and adopt a recreational use plan noting that existing parking meets the objectives of the town. Mr. Jarrett noted that parking should be acceptable unless the USACE determines the day use for Bogue Banks. Member Harris and Gallo noted that the recreational use objective plan should be a County plan that would enable a more comprehensive approach to be taken and also, the use of occupancy tax proceeds to secure additional areas would be justified.

Mr. Jarrett explained that the access/parking issue was almost non-existent for the USACE Section 933 project at western Oak Island and Holden Beach. However, the project was funded at a 65% federal cost share. The biggest point of contention for Bogue Banks is that the USACE Wilmington District does not appear to be evaluating their storm protection projects equitably in terms of access and parking. Chairman Fugate noted that the Secretary and he have a meeting with the USACE tomorrow (8/6/02) and will pursue the parking/access issue. Member Harris noted that Mr. Jarrett's recommendations to look at the other Section 933 projects should be followed immediately and it should be requested that the USACE evaluate all projects equally. Member Harris also asked to whom should this information/requests be addressed to. Mr. Jarrett recommended bringing the consistency and interpretation issues to the Wilmington District under County letterhead and copying the congressional delegation. Writing directly to the congressional delegation probably premature. Member Donnelly asked if parking on Highway 58 would be acceptable to the USACE. Mr. Jarrett noted that the State would probably not allow street parking on Highway 58 even if the USACE would accept this type of parking as valid. Member Donnelly noted that the parking/access regulations established by an administrative agency would not be able to be supported in a legal suit.

A discussion ensued regarding the least cost disposal option for Fort Macon and Atlantic Beach. Mr. Jarrett noted that the beachfill for this disposal option is probably too wide and most of the material is lost immediately to coastal processes before the shoreline stabilizes. It would be more prudent to stretch the fill into PKS that would ultimately increase the beachfill longevity. Member Willis asked if material was to be placed in the 15-foot contour, as the proposed Sand Management Plan legislation states, would this material widen the beach, what would be the effect of creating an offshore breakwater, and would this have a detrimental effect to benthic organisms. Mr. Jarrett noted that there is no guarantee that this material would weld onto the beach, and the wave refraction would likely be minimal thus the offshore breakwater effect would be almost none. Member Willis asked what are the cost differences between placing the material at the 15-foot contour versus placing the material directly on the beach. Mr. Jarrett responded that the Sand Management Plan would have to address this issue.

Chairman Fugate concluded the meeting by thanking Mr. Jarrett for his time and comments. The Chairman noted that a recreational use plan should be developed shortly and that he will be seeking guidance from the USACE in tomorrow's meeting.

(3) Adjourn.