

Shore Protection Manager

Greg L. Rudolph  
Tel: (252) 393.2663  
Fax: (252) 393.6639  
rudi@co.carteret.nc.us



County Manager

Pete Allen  
Tel: (252) 728.8450  
Fax: (252) 728.2092  
petea@co.carteret.nc.us

www.co.carteret.nc.us

## CARTERET COUNTY BEACH COMMISSION MEETING

**Minutes**  
**Pine Knoll Shores Town Hall**  
**December 28, 2001, 2 pm**

### **Attendance.**

Commission chair Buck Fugate, secretary Greg Rudolph, County Manager Pete Allen, Commission Members William Donnelly, Jack Goldstein, Doug Harris, George Herrmann, Pat McElraft, Reese Musgrave, Dr. John Wells, Capt. Jim Willis III, and the general public. Absent were members Doug Brady and Frank Rush.

- (1) **Call to Order.** – Chairman Fugate called the meeting to order.
- (2) **Approval of Minutes.** – Member Harris motioned that the minutes for the November 2001 commission meeting be approved as presented. Motion approved.
- (3) **Beach Lobbying Services.** – County Manager Allen disclosed that the present contract term between Carteret County and professional beach lobbyist, Howard Marlowe of Marlowe & Company, is from June 1, 2001 through June 30, 2002. An outline was distributed detailing Mr. Marlowe's efforts that he has undertaken in the County's behalf. Chairman Fugate introduced Mr. Marlowe to the Board subsequent to commending his representation of Carteret County in legislative dealings.

Mr. Marlowe noted that with his assistance, the 2002 Energy and Appropriations Bill supplied the United States Army Corps of Engineers (USACE) \$400,000 for the Bogue Banks Shore Protection despite an initial request of \$700,000. The \$400,000 was deemed acceptable because the USACE was suppose to request a \$300,000 appropriation for the Section 933 project. However, the USACE was delinquent in filing this request. Subsequent consultation with North Carolina House and Senate members yielded a \$300,000 appropriation for the Section 933 project that was incorporated in to the Operations and Maintenance FY 02 budget for the Morehead City Harbor.

Although Mr. Marlowe was not retained for Section 111 report rebuttal activities, he mentioned that the Section 111 results were not a serious setback in the County's Shore Protection efforts. Mr. Marlowe noted that if there was a finding of fault, an appropriations process would have to be pursued to

implement mitigative measures. Member Harris agreed with Mr. Marlowe's comments but offered that by not rebutting the Section 111 findings, the County may be accused of covertly accepting these findings thereby precluding future funding possibilities because the County did not formally challenge an erosion causation issue. Mr. Marlowe agreed with member Harris and also noted initial language contained in the Water Resources Development Act may be favorable for trying to change the USACE's least-costly dredge disposal policy at the Morehead City Harbor and can be used to develop a sand management plan. Mr. Harris responded that still trying to change the Section 111 conclusions would be advantageous for the County. Mr. Marlowe recommended that the County should prepare a correspondence summarizing its objections to the study findings, but formal rebuttals should be avoided. Legal actions should also be avoided because at the very least it would cause the USACE to suspend contact with the County on all projects via a US Justice Department order. That would immediately suspend the Shore Protection and Section 933 projects that are in progress.

Mr. Marlowe distributed information regarding Federal appropriations and noted that beach nourishment funding on this level could be very tight in the next couple of years and to continue lobbying for annual funding of the Shore Protection and Section 933 Projects.

Member McElraft inquired about a USACE Section 206 project that reimburses non-Federal sponsors for beach nourishment activities. Mr. Marlowe informed the Board that if a 50-year Shore Protection Project has been Federally authorized, the non-Federal sponsor could manage the entire beach nourishment project and subsequently request Congress to reimburse the sponsor at the conclusion of the project. At this point, Congress may not reimburse the sponsor in a timely manner, or to the maximum reimbursable level. Member McElraft also requested Mr. Marlowe to investigate Emerald Isle's chances for a USACE Section 1135 in regards to augmenting piping plover habitat. Because the Section 1135 is a continuing authorities program, the timeline is much shorter.

- (4) **Shore Protection Office Budget Approval (FY 01-02).** – The budget disclosed by Mr. Rudolph was a synthesis of the formal budget created by Dee Harris of Carteret County and a forecasted revenues budget prepared by vice-chair Frank Rush. It was determined that the Beach Commission did not have to formally approved the FY 01-02 budget.

(5) **Beach Replacement Strategies.**

- a. ***Section 111 Study Reviews.*** – Chairman Fugate distributed a Section 111 review by Erik Olsen that was prepared on behalf of the Bogue Banks Beach Preservation Association (BBBPA). The review by Olsen and Bob Dean, who also prepared a Section 111 review for the BBBPA, demonstrated that data omitted by the USACE could have produced a more favorable conclusion for Bogue Banks. Chairman Fugate noted that Mr. Olsen illustrated that the interpretation of the mean high water line used by the USACE was subject to a

high degree of error. Mr. Olsen recommendations concurred with Mr. Marlowe's opinion presented earlier in the meeting that a correspondence should be prepared rejecting the results of the Section 111 report but no formal rebuttal or lawsuit should be pursued. The consensus of Mr. Olsen's review was that the best avenue to be pursued is the compliance issue disclosed by Donna Moffit of the NC Division of Coastal Management.

Member Willis questioned the USACE Section 111 finding that accretion occurred in the post 1994 data set.

It was agreed that a Section 111 response letter should be prepared under the Town of Pine Knoll Shores (PKS) cover and signed by Mayor Musgrave. The overall tone of the letter should be that PKS respectfully disagrees with the results, the USACE has caused a more negative impact to Bogue Banks than was asserted in the Section 111 report, and to remediate the sand deficit issue caused by harbor maintenance. Member Wells and Mr. Rudolph will prepare a draft of this letter by the January 2002 Beach Commission meeting. At this meeting, a carbon copy list will be created.

A motion was made by member Musgrave that Chairman Fugate visit the Governor of North Carolina, if possible, to discuss the current dredge disposal policies of Morehead City. The motion was approved. This motion will be implemented if the dredging operations this winter are scheduled to deposit dredge spoils in the nearshore berm area.

- b. *Update on Emergency Replacement Efforts of Pine Knoll Shores and Indian Beach.*** – Member Musgrave disclosed that the dredge *Sugar Island* is inoperable with mechanical difficulties and will return to the project site once repaired. The *Manhattan Island* is the only dredge on the project at this time. A trawler is presently in operation to intercept any turtles ahead of the dredge until the water temperature stabilizes below 56 degrees Fahrenheit.

**(6) January Meeting Date.** – It was agreed that the January 2002 meeting date will be the 25<sup>th</sup>.

**(7) Adjourn.**