

Shore Protection Manager

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## CARTERET COUNTY BEACH COMMISSION MEETING

Minutes

Pine Knoll Shores Town Hall

April 26, 2010, 2 pm

### Attendance.

Commission chair Buck Fugate, vice-chair William Donnelly, Commission Members Doug Fleming, Jack Goldstein, Tom Hoover, Ken Jones, Dr. Antonio Rodriguez, secretary Greg Rudolph, and the general public. Members A.B. "Trace" Cooper, Richard Hunt, Ted Lindblad, and Art Schools were absent.

- (1) **Call to Order.** –Chairman Fugate called the meeting to order.
- (2) **Approval of Minutes - Regular Beach Commission Meeting (March 22, 2010).** – Chairman Fugate asked the Commission if there were any corrections, additions, or comments regarding the March 22<sup>nd</sup> regular session minutes presented in the agenda packet. With no remarks to this effect voiced by the Beach Commission, member Donnelly motioned the minutes be approved as presented. The motion was seconded by member Hoover and unanimously approved.
- (3) **Occupancy Tax and "Beach Fund" Update.** – The chairman introduced the topic by echoing the agenda materials in respect that the February 2010 occupancy tax collection was up 23% compared to the year prior. Acknowledging the wittiness of the chairman's comment, Secretary Rudolph continued that February is probably the least favorable month to have such a huge percentage gain as it is one of the lowest cash volume months of the entire year. However, the secretary added the March occupancy tax report was received this morning and was up by 9%, so maybe this is a signal that the occupancy tax collection has hit bottom and might be on the upswing. For the fiscal year, the occupancy tax revenue is down by roughly 3%, which could be recovered and possibly end up in positive territory if we have a strong May and June (higher dollar volume months). And in conclusion, the beach nourishment reserve is hovering just below the \$9 million mark, which will almost certainly be eclipsed once the spring months are behind us.
- (4) **Resolution Supporting Legislative Authority for the Use of Terminal Groins.** – Secretary Rudolph summarized that regulatory law enacted in 1985 and statutory law passed by the General Assembly in 2003 has equated to a ban on all "hard" shoreline protection devices along the State's oceanfront. Actually the 1985 regulatory rules allowed hard structures under the narrowest of circumstances, while the law passed by the General Assembly in 2003 has effectively closed this loophole. However in the mid-2000s, some local governments became interested in terminal groins, which are shore perpendicular structures aimed to straighten the shoreline at the end of barrier islands, immediately adjacent to inlets. Once the accretion fillet develops, any additional sand is designed to move through, around, or over the structure to promote sand bypassing. In the mid-2000s, local governments began formulating legislation, which was introduced and passed in the State Senate in 2007, but was never considered by the House in the biennial session.

Legislation was again introduced and passed in the Senate in 2009, but the House has yet to consider the bill. However, the General Assembly passed an important substitute law that required the Coastal Resources Commission (CRC) to develop a terminal groin feasibility and advisability report. The technical elements were performed by the engineering firm of Moffatt & Nichol, while the policy components were under the purview of the CRC. Ultimately, the CRC did not take a very hard stance on terminal groins and stated that if the General Assembly wants to, they could allow terminal groins – which is exactly what they (the General Assembly) could do before the feasibility and advisability report. However, if the General Assembly does approve terminal groins, then 8 factors should be woven into the approval. These factors include items such as public notices, monitoring stipulations, and financial assurances that the terminal groin would be removed if not performing as designed. The secretary concluded that the N.C. Beach Inlet & Waterway Association (NCBIWA) has subsequently distributed a resolution for local government's consideration that essentially supports the terminal groin legislation that is still active in the current biennial session. This resolution should be considered by the Beach Commission and if approved will be provided to the County Board of Commissioners with a favorable recommendation to sign the document.

Member Donnelly asked if NCBIWA was for terminal groins. The secretary replied yes, and that to be fair, the opponents noted that the environmental impacts were inconclusive and were concerned about this, and are also concerned that this is the proverbial camel's nose under the tent and would open the floodgates for other hard structures. Member Hoover added that answering "what ifs" can be an open-ended endeavor, and that at the end of the day we're just discussing terminal groins and this would be a good thing to evaluate, especially for Bogue Inlet. The secretary replied that at Beaufort Inlet, we already have a terminal groin and maybe passage of the law would make any rehabilitation efforts less circuitous. For Bogue Inlet, although we don't have all the information necessary, it could be evaluated for Master Plan. Member Donnelly asked where would the terminal groin be located at Bogue Inlet? Secretary Rudolph replied that it would probably be located just west of the "round house" and be of a certain length and porosity. Chairman Fugate added that it would probably look and hopefully perform like the one at Amelia Island, Fla. Secretary Rudolph also added that the Beach Commission in the past has opted not to weigh in on this issue as we pick our battles, and at the time we were engaging the U.S. Army Corps of Engineers in legal action, and that was a front and center issue. Now the time has probably come to consider the terminal groin issue. Member Donnelly subsequently made a motion to approve the resolution, which was seconded by member Jones.

Member Dr. Rodriguez articulated that he couldn't support the motion on the floor, as he was critical of the terminal groin report and the Science Panel has been working diligently in reconciling Inlet Hazard Areas because the processes that dictate oceanfront erosion rates are different than erosion mechanisms along inlets. So on one hand, the State is trying to be safer with inlets by being more realistic with setbacks, and then on the other hand we have terminal groins, whose impacts are inconclusive as the Moffatt & Nichol report concluded. Dr. Rodriguez continued that although there were some positives in the report, there was not enough evidence in the report that terminal groins actually work and that the impacts were fully realized. Thus, the report and other evidence doesn't provide the comfort level necessary to warrant a policy change regarding hard structures; i.e., the evidence is not overwhelming enough to change policy. Member Hoover noted that he respects that decision, and was wondering if there was a site specific example where a terminal groin has been a complete failure. Dr. Rodriguez responded that in most of the study

areas, the terminal groin was coupled with other hard structures so it is difficult to tease out which part of the overall shore protection system failed, but the shore protection system itself had unintended consequences, and that is what is giving him some pause. The eight factors the CRC articulated however did seem to be prudent *if* terminal groins are allowed. Hearing no other comments Chairman Fugate asked for a vote for the motion on the floor, which passed 5 to 1 (Donnelly, Fleming, Goldstein, Hoover, and Jones - yay; Rodriguez - nay).

- (5) **Public Comment.** – None.
- (6) **Other Business.** – Chairman Fugate mentioned that he and the secretary had a meeting with Dr. Linwood Pendleton from the Duke Nicholas Institute last week, which was prompted after a presentation Dr. Pendleton provided at the NCBIWA meeting in late March. The Nicholas Institute is different from the School of Environment and is more of a policy-based organization, and look to do objective, consensus-building efforts. The chairman mentioned that it was good to start a dialogue with Dr. Pendleton and maybe there will be projects in the future that would be a good candidate for a mutual effort.
- (7) **May 2010 Meeting Date (May 24, 2010 – proposed).** – It was agreed upon that the next Beach Commission meeting would be held on May 24, 2010 at 2:00 pm, Pine Knoll Shores Town Hall.
- (8) **Adjourn.** – Chairman Fugate asked for any additional comments and with no additional comments forthcoming, the meeting was adjourned.