

Shore Protection Manager

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CARTERET COUNTY BEACH COMMISSION MEETING

Minutes

Pine Knoll Shores Town Hall

May 24, 2010, 2 pm

Attendance.

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

- (1) **Call to Order.** –Chairman Fugate called the meeting to order.
- (2) **Approval of Minutes - Regular Beach Commission Meeting (April 26, 2010).** – Chairman Fugate asked the Commission if there were any corrections, additions, or comments regarding the April 26th regular session minutes presented in the agenda packet. With no remarks to this effect voiced by the Beach Commission, member Goldstein motioned the minutes be approved as presented. The motion was seconded by member Donnelly and unanimously approved.
- (3) **Occupancy Tax and "Beach Fund" Update.** – As the agenda materials alluded to, the secretary noted that although the January, February, and March months provide a relatively small fraction of overall revenue to the "Beach Fund", the occupancy tax receipts were up by 23% in February and 9% in March. With these data in hand, it is difficult not to be a little more optimistic about the upcoming spring and summer months – the occupancy tax collection for the current fiscal year was down by a maximum of 5% in August and is down by 3% as we enter the last quarter of the fiscal year (April, May, and June). To equal the total revenue of last fiscal year (2008-09), the last quarter of the current fiscal year will need to be up collectively by roughly 7.5%. Secretary Rudolph continued that the collections over the past two reporting months (March and February) were very consistent across all sectors; i.e., the occupancy tax as a whole was up and so were the hotel, condo, and other categories if looked at as a standalone piece. 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) **Public Comment.** – None.
- (5) **Other Business.** – The secretary mentioned there are a couple of items the Shore Protection Office is monitoring and wishes to make the Beach Commission aware of, but do not warrant the Commission's input at this time. The first topic concerns the National Marine Fisheries and U.S. Fish & Wildlife Service's (collectively "the Services") proposal regarding the loggerhead turtle. Presently, the loggerhead is threatened but consistent with the Endangered Species Act, the Services have conducted a 5-year review of the loggerhead and are proposing that 9 distinct population segments be created for the loggerhead, with 7 of these to be classified as endangered,

and 2 as threatened. The northwest Atlantic and Northeast Pacific loggerhead border the U.S. and would be endangered. More specifically, the Northwest Atlantic loggerhead is indigenous to the North Carolina coast, and there is already a dredging window for hopper dredges (in the water) that runs from January through March, and for pipeline dredges (more of a land based moratorium) that runs roughly from November 15th to April 30th. This provides a relatively small amount of time to get work completed, and one could infer that these windows may even get smaller as the loggerhead transitions from a threatened to an endangered status. As side commentary, it appears that none of the dredging companies nor local governments are planning to offer public comment about the proposal – public comment is due June 14th. It appears no one wants to be considered as “against” turtles, so the adage “discretion is the better part of valour” seems to apply in this circumstance. The secretary concluded that the Beach Commission should probably take a similar course as other local governments regarding the loggerhead proposal and the American Shore and Beach Preservation Association is still considering the preparation of a public comment. The difficulty is that the public comment should address the science behind the new proposal, not necessarily the “what if” regulatory impacts, and finding the expertise to address species counts, etc. is challenging. Member Dr. Rodriguez mentioned that nourishment can be considered as habitat enhancement. Member Lindblad agreed, and Chairman Fugate added that species counts in the ocean is always difficult and has been a source of conflict for commercial fishing quotas and regulations as well.

Secretary Rudolph also mentioned that the Commission may have seen a solicitation by the N.C. Division of Coastal Management (NCDCM) for public comment regarding oceanfront building setbacks and static vegetation lines, which likely seemed odd because these rules are already in place. However, the public comment notice applied to the State’s wishes to have the National Oceanic & Atmospheric Association approve and incorporate the rules into the State’s Coastal Management Plan. If approved, this would make the rules “federally-consistent”. This concept becomes important when projects are proposed, as State rules can be applied on federal projects, such as dredging and spoil disposal efforts, which we have encountered with our dealings with the Corps of Engineers’ dredging at the Morehead City Harbor. In this case, the State laws are not federally consistent and that has obviously caused us difficulty. Again, NCDCM’s recent proposal concerning setback and static vegetation rules is nothing the Beach Commission needs to comment upon, but provides an opportunity to educate ourselves on federal consistency issues.

And finally, the secretary noted that NCDCM is re-examining the State’s Inlet Hazard Areas (IHAs), and to illustrate this, the secretary provided a quick PowerPoint presentation to the Commission. The presentation highlighted the fact that NCDCM recognizes the processes dictating shoreline behavior along the oceanfront is different than those behaviors that are near inlets in large part because of tidal channel migration, tidal dominancy, etc. Accordingly, the State developed IHAs back in 1978 and the main development constraint is that no structure exceeding 5,000 square feet should be built within IHAs. Considering the delineation of IHAs are well over 30 years old, NCDCM is proposing new boundaries based upon the slope (best fit) and standard deviation (measurement of the total range) of shoreline change rates. The boundaries of most of the IHAs are based upon where the slope and standard deviation smooth to a consistent level, coupled with geomorphical evidence and political subdivision considerations.

Secretary Rudolph commented that the proposed IHA boundaries were obviously based upon empirical data, and there really are no disagreements there. Concurrently, NCDCM wants to

also revisit the development guidelines for IHAs and submit the boundary change recommendations and development rules as a packaged unit. While some ideas have been circulating about the development rules, such as using the true erosion rate in the IHA rather than the adjacent oceanfront rate as currently stipulated, we can probably expect rules with language that prohibits oceanfront development any more seaward than adjacent properties. Again, no action is requested by the Beach Commission at this time, but this issue will continued to be monitored.

Subsequent to the IHA presentation, member Lindblad asked for a status concerning the "Master Plan". The secretary responded that because we are proposing a 30-year programmatic Environmental Impact Statement (EIS), the Corps of Engineers is being very particular about the third party contractor. In actuality the Corps prepares the EIS, but they don't have the monetary resources, so they pick a 3rd party contractor, which 10 times out of 10 is who the applicant has retained. However, the communications between the applicant, contractor, and Corps has to be spelled out very clearly. We are negotiating this process with the Corps and hope to have everything resolved soon so we can start evaluating some of the engineering options that will be forthcoming.

- (6) **June 2010 Meeting Date (June 28, 2010 – proposed)**. – It was agreed upon that the next Beach Commission meeting would be held on June 28, 2010 at 2:00 pm, Pine Knoll Shores Town Hall.
- (7) **Adjourn.** – Chairman Fugate asked for any additional comments and with no additional comments forthcoming, the meeting was adjourned.