

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1039
Committee Substitute Favorable 4/22/99

Short Title: Beach Management Strategy.

(Public)

Sponsors:

Referred to:

April 14, 1999

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL
2 RESOURCES TO DEVELOP A STRATEGY AND A PLAN FOR BEACH
3 MANAGEMENT AND RESTORATION AND TO IDENTIFY FINANCING
4 ALTERNATIVES FOR THIS PURPOSE.
5

6 The General Assembly of North Carolina enacts:

7 Whereas, North Carolina has 320 miles of ocean beach, including some of the
8 most pristine and attractive beaches in the country; and

9 Whereas, the balance between economic development and quality of life in
10 North Carolina has made our coast one of the most desirable along the Atlantic Seaboard;
11 and

12 Whereas, North Carolina's beaches are vital to the State's tourism industry; and

13 Whereas, North Carolina's beaches belong to all the State's citizens and
14 provide recreational and economic benefits to our residents statewide; and

15 Whereas, beach erosion can threaten the economic viability of coastal
16 communities and can significantly affect State tax revenues; and

17 Whereas, the Atlantic Seaboard is vulnerable to hurricanes and other storms,
18 and it is prudent to take precautions such as beach nourishment that protect and conserve
19 the State's beaches and reduce property damage and flooding; and

1 Whereas, beach renourishment as an erosion control method provides
2 hurricane flood protection, enhances the attractiveness of beaches to tourists, restores
3 habitat for turtles, shorebirds, and plants, and provides additional public access to
4 beaches; and

5 Whereas, federal policy previously favored and assisted voluntary movement
6 of structures threatened by erosion, but this assistance is no longer available; and

7 Whereas, relocation of structures threatened by erosion is sometimes the best
8 available remedy for the property owner and is in the public interest; and

9 Whereas, public parking and public access areas are needed for use by the
10 general public to enable their enjoyment of North Carolina's beaches; and

11 Whereas, acquisition of high erosion hazard property by local or State agencies
12 can reduce risk to citizens and property, reduce costs to insurance policy holders,
13 improve public access to beaches and waterways, and protect the environment; and

14 Whereas, beach nourishment projects such as those at Wrightsville Beach and
15 Carolina Beach have been very successful and greatly reduced property damage during
16 Hurricane Fran; and

17 Whereas, because local beach communities derive the primary benefits from
18 the presence of adequate beaches, a program of beach management and restoration
19 should not be accomplished without a commitment of local funds to combat the problem
20 of beach erosion; and

21 Whereas, the State of North Carolina prohibits seawalls and hardening the
22 shoreline to prevent destroying the public's beaches; and

23 Whereas, beach nourishment is encouraged by both the Coastal Resources
24 Commission and the U.S. Army Corps of Engineers as a method to control beach erosion;
25 and

26 Whereas, the Department of Environment and Natural Resources has statutory
27 authority to assist local governments in financing beach nourishment projects and is the
28 sponsor of several federal navigation projects that result in dredging beach-quality sand;
29 and

30 Whereas, it is declared to be a necessary governmental responsibility to
31 properly manage and protect North Carolina's beaches from erosion and that good
32 planning is needed to assure a cost-effective and equitable approach to beach
33 management and restoration, and that as part of a comprehensive response to beach
34 erosion, sound policies are needed to facilitate the ability of landowners to move
35 threatened structures and to allow public acquisition of appropriate parcels of land for
36 public beach access; Now, therefore,

37 The General Assembly of North Carolina enacts:

38 Section 1. Chapter 113A of the General Statutes is amended by adding a new
39 Article to read:

40 **“ARTICLE 7C.**

41 **“BEACH MANAGEMENT AND RESTORATION.**

42 **“§ 113A-134.20. Beach Management and Restoration Strategy and Plan.**

1 (a) The Department of Environment and Natural Resources shall compile and
2 evaluate information on the current conditions and erosion rates of beaches, on coastal
3 geology, and on storm and erosion hazards for use in developing a State plan and strategy
4 for beach management and restoration. The Department of Environment and Natural
5 Resources shall make this information available to local governments for use in land-use
6 planning.

7 (b) The Department of Environment and Natural Resources shall develop a
8 multiyear beach management and restoration strategy and plan that does all of the
9 following:

- 10 (1) Utilizes the data and expertise available in the Divisions of Water
11 Resources, Coastal Management, and Land Resources.
- 12 (2) Identifies the erosion rate at each beach community, and estimates the
13 degree of vulnerability to storm and hurricane damage.
- 14 (3) Uses the best available geological and geographical information to
15 determine the need for and probable effectiveness of beach
16 nourishment.
- 17 (4) Provides for coordination with the U.S. Army Corps of Engineers, the
18 North Carolina Department of Transportation, the North Carolina
19 Division of Emergency Management, and other State and federal
20 agencies concerned with beach management issues.
- 21 (5) Provides a status report on all U.S. Army Corps of Engineers' beach
22 protection projects in the planning, construction, or operational stages.
- 23 (6) Makes maximum feasible use of suitable sand dredged from navigation
24 channels for beach nourishment to avoid the loss of this resource and to
25 reduce equipment mobilization costs.
- 26 (7) Promotes inlet sand bypassing where needed to replicate the natural
27 flow of sand interrupted by inlets.
- 28 (8) Provides for geological and environmental assessments to locate
29 suitable materials for beach nourishment.
- 30 (9) Considers the regional context of beach communities to determine the
31 most cost-effective approach to beach nourishment.
- 32 (10) Provides for and requires adequate public beach access, including
33 handicapped access.
- 34 (11) Recommends priorities for State funding for beach nourishment
35 projects, based on the amount of erosion occurring, the potential
36 damage to property and to the economy, the benefits for recreation and
37 tourism, the adequacy of public access, the availability of local
38 government matching funds, the status of project planning, the adequacy
39 of project engineering, the cost-effectiveness of the project, and the
40 environmental impacts.
- 41 (12) Includes recommendations on obtaining the maximum available federal
42 financial assistance for beach nourishment.
- 43 (13) Is subject to a public hearing to receive citizen input.

1 (c) Each plan shall be as complete as resources and available information allow.
2 The Department of Environment and Natural Resources shall revise the plan every two
3 years and shall submit the revised plan to the General Assembly no later than 1 March of
4 each odd-numbered year. The Department may issue a supplement to the plan in even-
5 numbered years if significant new information becomes available."

6 Section 2. Notwithstanding G.S. 113A-134.20(c), as enacted by Section 1 of
7 this act, the Department of Environment and Natural Resources shall submit the first plan
8 required by G.S. 113A-134.20, as enacted by Section 1 of this act, no later than 1 May
9 2000. With the first plan, the Department shall:

- 10 (1) Provide to the General Assembly a report on alternative State and local
11 government sources of funding for beach nourishment.
- 12 (2) Review State, federal, and local policies on enabling and assisting
13 property owners to move structures that are threatened by imminent
14 erosion damage and shall recommend policies, legislative changes, and
15 actions to make moving structures more feasible for landowners.
- 16 (3) Review existing programs for the acquisition and management of public
17 land for beach access areas and open space, including identifying high-
18 hazard, erosion-prone, or unbuildable parcels of land that may be used
19 for this purpose, and shall recommend any policy and legislative
20 changes needed to improve public beach access. The Department shall
21 recommend priorities for land acquisition for public beach access, open
22 space, and hazard-reduction purposes.

23 Section 3. This act is effective when it becomes law.