

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE DRH70432-LD-188A (04/11)**

Short Title: No Mining Sand From Tidal Inlet/Delta. (Public)

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Sponsors: Representative Harrison.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE MINING OF SAND FROM TIDAL INLETS OR ASSOCIATED TIDAL DELTAS EXCEPT FOR THE PURPOSE OF MAINTAINING NAVIGATIONAL CHANNELS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 113A-134.12 reads as rewritten:

**"§ 113A-134.12. Multiyear beach management and restoration strategy and plan.**

(a) ~~The Subject to subsection (a1) of this section, the~~ Department of Environment and Natural Resources shall develop a multiyear beach management and restoration strategy and plan that does all of the following:

- (1) Utilizes the data and expertise available in the Divisions of Water Resources, Coastal Management, and Land Resources.
- (2) Identifies the erosion rate at each beach community and estimates the degree of vulnerability to storm and hurricane damage.
- (3) Uses the best available geological and geographical information to determine the need for and probable effectiveness of beach nourishment.
- (4) Provides for coordination with the U.S. Army Corps of Engineers, the North Carolina Department of Transportation, the North Carolina Division of Emergency Management, and other State and federal agencies concerned with beach management issues.
- (5) Provides a status report on all U.S. Army Corps of Engineers' beach protection projects in the planning, construction, or operational stages.
- (6) Makes maximum feasible use of suitable sand dredged from navigation channels for beach nourishment to avoid the loss of this resource and to reduce equipment mobilization costs.

- 1           (7) ~~Promotes inlet sand bypassing where needed to replicate the natural~~  
2           ~~flow of sand interrupted by inlets.~~
- 3           (8) Provides for geological and environmental assessments to locate  
4           suitable materials for beach nourishment.
- 5           (9) Considers the regional context of beach communities to determine the  
6           most cost-effective approach to beach nourishment.
- 7           (10) Provides for and requires adequate public beach access, including  
8           handicapped access.
- 9           (11) Recommends priorities for State funding for beach nourishment  
10          projects, based on the amount of erosion occurring, the potential  
11          damage to property and to the economy, the benefits for recreation and  
12          tourism, the adequacy of public access, the availability of local  
13          government matching funds, the status of project planning, the  
14          adequacy of project engineering, the cost-effectiveness of the project,  
15          and the environmental impacts.
- 16          (12) Includes recommendations on obtaining the maximum available  
17          federal financial assistance for beach nourishment.
- 18          (13) Is subject to a public hearing to receive citizen input.
- 19          (a1) No person shall mine, or provide for the mining of, sand from a tidal inlet or  
20          an associated tidal delta, except for the purpose of maintaining existing navigational  
21          channels, and sand dredged during the opening of a new navigational channel shall be  
22          used to close the old navigational channel.
- 23          (b) Each plan shall be as complete as resources and available information allow.  
24          The Department of Environment and Natural Resources shall revise the plan every two  
25          years and shall submit the revised plan to the General Assembly no later than March 1  
26          of each odd-numbered year. The Department may issue a supplement to the plan in  
27          even-numbered years if significant new information becomes available."
- 28                **SECTION 2.** This act becomes effective July 1, 2007.