

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 636

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/28/09

Short Title: Reimburse Beach Nuisance Abatement Cost.

(Public)

Sponsors:

Referred to:

March 18, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT FUNDS IN THE WATER RESOURCES DEVELOPMENT
3 PROGRAM MAY BE AWARDED TO A LOCAL GOVERNMENT FOR NUISANCE
4 ABATEMENT COSTS THAT THE LOCAL GOVERNMENT CANNOT RECOVER
5 FROM THE OWNER OF THE NUISANCE STRUCTURE AND TO PROVIDE FOR A
6 STUDY OF MEASURES TO MITIGATE THE IMPACT OF EROSION-THREATENED
7 STRUCTURES ON THE PUBLIC BEACH.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 143-215.71 reads as rewritten:

10 "§ 143-215.71. Purposes for which grants may be requested.

11 Applications for grants may be made for the nonfederal share of water resources
12 development projects for the following purposes in amounts not to exceed the percentage of the
13 nonfederal costs indicated:

- 14 (1) General navigation projects that are sponsored by local governments –
15 eighty percent (80%);
- 16 (2) Recreational navigation projects – twenty-five percent (25%);
- 17 (3) Construction costs for water management (flood control and drainage)
18 purposes, including utility and road relocations not funded by the State
19 Department of Transportation – sixty-six and two-thirds percent (66 2/3%),
20 but only of that portion of the project specifically allocated for such flood
21 control or drainage purposes;
- 22 (4) Stream restoration – sixty-six and two-thirds percent (66 2/3%);
- 23 (5) Protection of privately owned beaches where public access is allowed and
24 provided for – seventy-five percent (75%);
- 25 (6) Land acquisition and facility development for water-based recreation sites
26 operated by local governments – fifty percent (50%);
- 27 (7) Aquatic weed control projects sponsored by local governments – fifty
28 percent ~~(50%)~~; or
- 29 (8) Reimbursement of costs incurred by a local government to abate a nuisance
30 caused by a structure that has been damaged or destroyed in the ocean
31 hazard area of environmental concern as designated by the Coastal
32 Resources Commission pursuant to G.S. 113A-113. – one hundred percent
33 (100%) of the nuisance abatement costs that the local government cannot
34 recover from the owner of the structure."

35 SECTION 2.(a) The Department of Environment and Natural Resources, in
36 consultation with the North Carolina Department of Insurance, the Federal Emergency
37 Management Agency, and local government representatives from municipalities and counties



1 with jurisdiction over ocean and inlet shorelines, shall study measures to mitigate the impact of
2 erosion-threatened structures on the public beach and reduce potential public costs by
3 relocating imminently threatened structures. In conducting the study, the Department of
4 Environment and Natural Resources shall do all of the following:

- 5 (1) Identify potential sources of funding for relocation of structures, including
6 federal hazard mitigation funds and insurance policies.
- 7 (2) Review programs in other states that address erosion hazards through
8 relocation of imminently threatened structures.
- 9 (3) Describe existing State and local government authority to address
10 erosion-threatened structures on ocean and inlet shorelines.
- 11 (4) Identify potential obstacles to creation of a hazard mitigation program to
12 relocate imminently threatened structures.

13 **SECTION 2.(b)** The Department of Environment and Natural Resources shall
14 report the results of the study and any recommendations to the Environmental Review
15 Commission no later than September 1, 2010.

16 **SECTION 3.** This act becomes effective July 1, 2009.