January 10, 2017

CEC Coastal Permitting Workshop

Braxton Davis and Doug Huggett
NC Division of Coastal Management
Division of Coastal Management Overview

- **Regulatory Program**
  - 4 District Offices; Local Permitting Officers

- **Policy and Planning Program**
  - Policy development w/ CRC
  - CAMA Land Use Planning
  - Waterfront Access Grants
  - Clean Marina Program

- **Coastal Reserve Program**
  - 10 Coastal Reserves
  - Focus on research and education
Since 1974, establishes policies and rules under CAMA and the NC Dredge & Fill Act

- 13 members appointed by the Governor, Senate, House

Adopts land use planning guidelines and certifies CAMA land use plans

Designates “Areas of Environmental Concern” and related rules & policies
NC CRC Science Panel on Coastal Hazards

• 10 coastal geologists & engineers
• Scientific input for CRC policy development:
  – Calculating long-term beach erosion rates
  – Establishing sediment criteria for beach nourishment
  – Delineating Inlet Hazard Areas
  – Monitoring and analysis of terminal groin effects
  – Synthesizing information on sea level rise
DCM jurisdiction includes:
- *Ocean Erodible Areas*
- *Inlet Hazard Areas*

- Erosion rate-based setbacks based on size of structures
- Ban on permanent erosion control structures
- Rules governing beach and inlet projects

*Division of Coastal Management*
Graduated Construction Setbacks

- Graduated, erosion-based setbacks based on size of structures and local long-term erosion rates
  - Min. Erosion = 2 ft./year
  - < 5000 sf… x30
  - 5-10K sf… x60
  - 10-20K sf.. x65
  - 20-40K sf.. x70
  - 40-60K sf.. x75
  - 60-80K sf.. x80
  - 80-100Ksf.. x85
  - Over 100K.. x90
Sandbags: Temporary Erosion Control

- 283 sandbag structures on N.C. beaches / 7 miles
- Prior enforcement issues led to rule amendments
  - 8-year time limit (if pursuing beach fill or other option)
  - Removal of one-time-per-property restriction

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Total Inventory</td>
<td>349</td>
</tr>
<tr>
<td>Covered</td>
<td>49</td>
</tr>
<tr>
<td>Removed</td>
<td>56</td>
</tr>
<tr>
<td>Washed Out</td>
<td>10</td>
</tr>
<tr>
<td><strong>Structures on the Beach</strong></td>
<td><strong>283</strong></td>
</tr>
</tbody>
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Division of Coastal Management
Terminal Groins

- Up to 6 terminal groins now allowed in N.C. inlets by S.L. 2011-387 and 2015-241
- VBHI received first CAMA permit for a terminal groin – construction completed Fall, 2015
- Ocean Isle Beach received 2nd permit, November 2016
- Figure 8 Island, Holden Beach, North Topsail Beach have expressed interest and are at different stages in permitting process

Division of Coastal Management
Increasing Beach Nourishment

Number of Nourishment Projects

Cubic Yards

Nov - 2012
Inlet Relocation Projects

Mason Inlet
- Separates Wrightsville Beach & Figure Eight Island
- Project began in 2002
- Maintained every 3-5 years
Legislative Recommendations & Strategies

• **Routine monitoring and analyses** to better understand sediment budgets (sediment sources, littoral transport)
• Encourage local/regional *beach management plans*
• **Streamline permitting** processes
• Continue to employ construction setbacks
• Establish **predictable funding sources** for beach & inlet projects
• **Beneficially use** beach-quality dredged material
• **Dedicated state agency staff** for technical assistance in support of beach and inlet mgmt.
NC Programmatic Biological Opinion

DCM issued Request for Proposals in 2015

- Development of Programmatic BA for beach sand placement projects in NC
- Awarded to Dial Cordy and Associates
- Draft completed October, 2016; USACE fwd’d to USFWS
- Two regions: North and South of Cape Lookout
- All potential construction and operation activities involved in beach projects, all coastal T&E sp. and critical habitat
- In-water dredging not included (SARBO or future project)
- Review panel: NCDEQ, WRC, USFWS, USACE, NMFS
Beach and Inlet Project Coordinator

- **Lead regulatory staff on beach and inlet projects**
  - Will act as both field representative & compliance coordinator (working with local DCM field representatives), as well as major permits coordinator
  - Responsible for both new projects and modifications
- **Staff lead for review of environmental documents**
- **Staff lead for review and compilation of monitoring data**
- **Assistance on policy, rule, and legislative efforts**
CAMA Major Permit Process

General Permit No. 198000291

ACTIVITIES IN THE 20 COASTAL COUNTIES RECEIVING PRIOR APPROVAL FROM THE STATE OF NORTH CAROLINA IN THE FORM OF A COASTAL AREA MANAGEMENT ACT (CAMA) PERMIT, AND/OR A STATE DREDGE AND FILL PERMIT, AND IF REQUIRED, A WATER QUALITY CERTIFICATION, THAT ARE OTHERWISE NOT ELIGIBLE FOR FEDERAL AUTHORIZATION IN THE FORM OF A NATIONWIDE PERMIT OR ANOTHER REGIONAL
CAMA Major Permit Process

Pre-application meeting w/ DCM Field Rep.

MAJOR DEVELOPMENT PERMIT PROCESS

Pre-application conference with DCM Field Consultant to determine what type of permit is required or if project is exempt from CAMA standards

- General Permit
  - Work may begin

- Exemption
  - Work may begin

Consultation with Local Permit Officer

Applicant files for Minor Development Permit

Major Development Permit application and fee submitted to DCM Field Office

Field Consultant visits site and reviews CEC standards, land use plan and local development regulations

Field Consultant sends application and Field Investigation Report to Permit Coordinator in DCM Headquarters

Permit Coordinator sends copies of application and Field Investigation Report to state and federal agencies

Agencies review application and submit comments to the Permit Coordinator

Permit Coordinator assembles and reviews complete application file and makes a recommendation to DCM Director

Director decides on permit

- Permit denied
  - Applicant notified
  - Appeal to CRC possible

- Permit approved with or without conditions
  - Permit sent to applicant for signature
  - Applicant returns signed permit to DCM Headquarters Office
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CAMA Major Permit Process

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CAMA Major Permit Process

Site Visit by Field Rep. & Review App. For Completeness
CAMA Major Permit Process

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Public Notice

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App. Package Sent to State & Federal Agencies, as well as Major Permits Unit
CAMA Major Permit Process

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Field Office prints public notice in the local newspaper

Public submits comments to DCM Headquarters Office

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Agencies
Review
Application and
Provide
Comments to
Major Permits Coordinator
CAMA Major Permit Process

**Permit Coordinator Reviews Project for Consistency w/ CRC Rules. Also Considers Comments & Recommendations of other Agencies and Public.**
CAMA Major Permit Process

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Permit Denied. Variance/Appeal Possible.

Permit Issued. Appeals Possible.
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<tr>
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<th>Div. of Community Assistance</th>
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<tr>
<td>Division of Water Resources</td>
<td>State Property Office</td>
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<tr>
<td>Division of Marine Fisheries</td>
<td>U.S. Army Corps of Engineers</td>
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<td>Division of Energy, Mineral and Land Resources</td>
<td>U.S. Fish and Wildlife Service</td>
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<tr>
<td>Wildlife Resources Commission</td>
<td>National Marine Fisheries Service</td>
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<tr>
<td>Department of Natural and Cultural Resources</td>
<td>Environmental Protection Agency</td>
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<tr>
<td>Department of Transportation</td>
<td>Local Government’s</td>
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Benefits of CAMA Major Permit Process

• DCM collects fees for both the CAMA Permit and the DWR Wetlands Permit

• The application for a CAMA Permit also suffices as an application for the following permits:
  
  Water Quality Certification (DWR)
  
  Federal Wetlands Permit (USACE)
  
  Section 10 (Navigation) Permit (USACE)

• State and Federal agency coordination reduces chances of conflicting regulatory requirements

• Process runs concurrently with Federal permit process
Miscellaneous Issues

- Sediment Compatibility Standards
- Borrow Site Selection
- Project Timing
- State Environmental Policy Act Review
- Limited Staff Resources/Expertise
- Project Modifications
- ?
North Carolina Division of Coastal Management

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