

## Draft – February 25, 2011

### 15A NCAC 07M .1301 DECLARATION OF GENERAL POLICY

The Coastal Resources Commission (hereafter referred to as the “Commission”) is charged under the Coastal Area Management Act (CAMA) with the protection, preservation, orderly development, and management of the coastal area of North Carolina. To that end, the Commission is specifically charged with the protection of certain rights and values, which include ensuring the protection of public trust resources and access to those resources, preserving the quality and optimum use of water resources, managing land use and development to minimize environmental damage, and preserving private property rights.

The Commission recognizes that global sea-level rise is occurring as a natural hazard, and is predicted to continue ~~and possibly accelerate~~ during the next century and beyond. Sea-level rise will intensify the challenges that the Commission faces in promoting the resilience of the estuarine system, sounds, barrier dune system and beaches, perpetuating their natural productivity as well as their biological, economic and aesthetic values.

Sea-level rise is a ubiquitous coastal threat that can be difficult to perceive, but that magnifies other coastal hazards such as flooding, storm surge, shoreline erosion, and shoreline recession. Sea-level rise is also a threat to the use of and access to public trust resources, water resources and quality, private property and development, economic stability, historic and cultural resources, agriculture, forestry, and public property and infrastructure.

The Commission recognizes that sea-level rise is a pervasive and persistent hazard that must be incorporated into ~~all aspects of~~ the coastal program. ~~Incorporation is necessary~~ in order to address the implications of the expected continuing rise in water levels, along with the resulting magnification of hazards, disruption and losses that such increases will bring to coastal communities, economies and ecosystems.

The goal of this policy is to establish a framework for planned adaptation and improved resilience to rising sea levels. Planned adaptation will help to minimize economic, property and natural resource losses, minimize social disruption and losses to public trust areas and access, and lessen the need for disaster recovery spending.

### 15A NCAC 07M .1302 DEFINITIONS

As used in this Section:

1. “Accommodate” means designing development and property uses such that their function is not eliminated as sea level rises.
2. “Conservation measures” are non-regulatory tools that can include easements, land acquisition, ~~low impact development,~~ and similar measures.
3. “Planned adaptation” means taking a proactive and deliberate approach to promoting resiliency of communities, economies and ecosystems, by identifying hazards and vulnerabilities and designing and implementing measures to adjust to, or relocate from, rising seas before a foreseeable hazard forces a response.
- ~~4. “Planning benchmark” means a scientifically-based amount of sea-level rise that is expected to occur by a specified time.~~
4. “Relative sea-level rise” means an increase in the average surface height of the oceans over a long period of time that may be caused by an absolute increase in the water level, by sinking of the land at the water’s edge, or by a combination of the two.

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5. “Resilience” is the ability of communities, economies and ecosystems to withstand, recover from, or adjust to disruptive influences without collapse.
6. “Sea-level rise” means a long-term increase in the average surface height of the oceans.
7. “Shoreline erosion” refers to the chronic or episodic landward migration of a shoreline caused by the loss or displacement of sediment.
8. “Shoreline recession” means the long-term landward migration of the average position of a shoreline.
9. “Subsidence” is the sinking or decrease in land elevation over time.

### 15A NCAC 07M .1303 POLICY STATEMENTS

(a) The Commission will promote public education of the impacts associated with rising sea levels and measures to adapt to changing shorelines.

~~(b) The Commission shall adopt planning benchmarks pursuant to the best available scientific information, recognizing that there is a measure of uncertainty involved in any projection of future conditions. The Commission’s Science Panel on Coastal Hazards prepared a North Carolina Sea Level Rise Assessment Report (March 2010) which projects a relative sea level rise range of 0.38 meters (15 inches) to 1.4 meters (55 inches) above present levels by the year 2100. This report, and any future updates, will be available from the Division of Coastal Management and posted on its website. Consistent with this report, the Commission adopts a planning benchmark of one meter (39 inches) of relative sea level rise above present by 2100, for the twenty coastal counties. The benchmark will be used as a basis for land use and risk reduction planning, and to assist in designing development and conservation projects. The planning benchmark shall be reviewed at least every five years, and adjusted if necessary.~~

(b) The Commission’s Science Panel on Coastal Hazards prepared a North Carolina Sea-Level Rise Assessment Report (March 2010) that examines potential sea-level rise scenarios for the State by the year 2100. This report and future updates will be available from the Division of Coastal Management and posted on its website. The Commission shall provide this report to the twenty coastal counties for their consideration in local land-use and risk-reduction planning. The Commission will update the Sea-Level Rise Assessment Report at least every five years.

(c) Relative sea-level rise is not uniform across the State’s coastal zone, and the differences are amplified by topographical variations and regional subsidence. As a result, specific adaptation measures might not be appropriate for all communities in the coastal zone, or at the same time. The Commission encourages coastal communities to consider regional and projected rates of sea-level rise in local land use and development planning. The Commission supports the acquisition of scientific data and ~~justification for adopting regional benchmarks and~~ adaptation measures as appropriate for different parts of the coast.

(d) CAMA directs the Coastal Resources Commission to protect coastal resources and their productivity. Sea-level rise is altering the physical and chemical aspects of the coastal area, and increasing the susceptibility of upland areas to inundation, storm surge, saltwater intrusion, and accelerated erosion. Intertidal areas are being flooded at greater frequency and to greater depths, spurring landward migration of coastal habitats. In order to maintain their ecological function, fisheries habitats such as nursery areas may need to migrate landward, keeping pace with rising waters. The Commission shall consider conservation and regulatory measures that can enhance the resilience of natural systems and habitats.



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(e) The Commission has the responsibility to assist local governments with land-use planning guidance and support ~~that shall include standards, policies and tools that address appropriate strategies for planned adaptation in specific situations.~~ Due to the technical nature of sea-level rise science and the need for a coordinated adaptation strategy, the Commission shall, to the best of its ability, provide local governments with scientific data to support local education and planning efforts. ~~Specific guidance and planning requirements will be incorporated into the Commission's Subchapter 7B Land Use Planning Guidelines.~~ The Commission may provide financial assistance for local adaptation planning and implementation as available.

(f) It is in the State's interest to invest in long-term sea-level rise research and monitoring, as such investments will contribute to enhanced natural and societal resilience, and lowered future losses and disruption. The Commission will actively support State, Federal, and private efforts to fund data collection, research, monitoring, and utilization of results.

(g) In order to minimize the impacts of hazards, disruption and losses associated with rising water levels, ~~new private development should~~ the Commission encourages new private development be designed and constructed to accommodate sea-level rise impacts within the structure's design life, except in instances where the structure is intended to serve an adaptation purpose. The Commission encourages water-dependent structures ~~should~~ be designed to accommodate projected sea-level rise within their design life. ~~The Commission may require additional development standards for new and replacement structures built within areas subject to sea-level rise impacts.~~

(h) In order to minimize the impacts of hazards, disruption and losses associated with rising water levels, the Commission encourages new public infrastructure ~~should~~ be designed and constructed to accommodate sea-level rise impacts within the infrastructure's design life, except in instances where the infrastructure is intended to serve an adaptation purpose. The Commission encourages water-dependent structures be designed to accommodate projected sea-level rise within their design life, and development enabled by new public infrastructure be designed to accommodate sea-level rise within its design life. ~~New public infrastructure should not enable development that would be impacted by sea-level rise within its design life. Water-dependent structures should be designed to accommodate projected sea-level rise within their design life. The Commission may require additional development standards for new and replacement structures built within areas subject to sea-level rise impacts.~~

~~(i) The Commission shall, on an ongoing basis, review and revise its Subchapter 7H State Guidelines for Areas of Environmental Concern to ensure that these rules account for the additive effects of sea-level rise. The Commission shall also ensure that Procedures for Handling Major Development Permits; Variance Requests; Appeals from Minor Development Permit Decisions; and Declaratory Rulings account for the exacerbating effects of sea-level rise.~~

~~(j) In order to minimize the impacts of hazards, disruption and losses associated with rising water levels, and to ensure comprehensive integration of sea-level rise hazards in local planning and development activities, local land use plan updates undertaken pursuant to the Coastal Area Management Act should include consideration of sea-level rise impacts on natural systems, public and private property, local economic development, public and private infrastructure, hazard management and mitigation plans, development practices, water resources, historic and cultural resources, public health, and projected population changes. Adaptive strategies for addressing sea-level rise impacts and promoting resilience should be identified for each of these areas.~~