

Draft statement
SECTION .1300 SEA LEVEL RISE POLICIES

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. Sea level rise will intensify the challenges that the Commission faces in preserving and managing the natural ecological conditions of the estuarine system, barrier dune system and beaches, while perpetuating their natural productivity as well biological economic and aesthetic values.

Sea level rise is a coastal threat 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, and public property and infrastructure.

The Commission declares 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.

The goal of this policy is to establish a framework for planned adaptation 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 minimize 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. “Planned adaptation” means taking a proactive and deliberate approach to designing and implementing measures to either live with, or retreat from, rising seas.
3. “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.
5. “Sea level rise” means an increase in the average surface height of the oceans over a long period of time.
6. “Shoreline erosion” refers to the chronic or episodic landward migration of a shoreline caused by the loss or displacement of sediment.
7. “Shoreline recession” means the long-term landward migration of the average position of a shoreline.

15A NCAC 07M .1303 POLICY STATEMENTS

- (a) 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 for land use 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) Relative sea level rise is not uniform across the State's coastal zone, and the differences are amplified by topographical variations. As a result, specific adaptation measures might not be appropriate for all communities in the coastal zone, or at the same time. Pursuant to available scientific data and justification, the Commission may apply regional benchmarks and adaptation measures as appropriate for different parts of the coast.
- (c) 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, 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 need to be able to migrate landward, keeping pace with rising waters. The Commission shall consider appropriate conservation and regulatory measures that can enable resources and habitats to migrate.
- (d) The Commission has the responsibility to assist local governments with land use planning guidance and support. 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 and technical assistance with regard to adaptation planning and specific adaptation measures. 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.
- (e) It is in the State's interest to invest in long-term sea level rise research and monitoring, as such investments will contribute to in lowered future economic losses and disruption. The Commission will actively support efforts by the State to fund data collection, research, and monitoring.
- (f) Private development should be designed and constructed to avoid sea level rise impacts within the structure's 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.
- (g) In order to minimize the magnification of hazards, disruption and losses associated with water levels, public infrastructure should be designed and constructed to avoid sea level rise impacts within the infrastructure's design life to maximum extent practicable, except in instances where the infrastructure is built to serve an adaptation purpose, or if the structure is water dependent and designed to accommodate projected sea level rise within its design life. The Commission may require additional development standards for new and replacement structures built within areas subject to sea level rise impacts.
- (h) 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.

(i)The Commission will promote public education of the hazards associated with rising sea levels and measures to cope with changing shorelines.

History note: Authority G.S. 113A-101; 113A-102; 113A-107; 113A-124(c)(8).