



2023-2024 General Assembly

SENATE BILL 607: Regulatory Reform Act of 2024, Sec. 16.1A: Authorize Replacement of Certain Erosion Control Structures

Committee:
Introduced by:
Analysis of: Sec. 16.1A of S.L. 2024-45

Date: August 27, 2024
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Staff Attorney

OVERVIEW: *Section 16.1A of S.L. 2024-45 does all of the following:*

- *Makes several changes to the statutory definition of "terminal groin" to include a structure constructed: (i) where the ocean shoreline converges with Frying Pan Shoals; (ii) to protect the terminus of the island from shoreline erosion "or" inlet migration (prior law stated "and"); (iii) that allows sand moving in the littoral zone to flow "around, over, or through" the structure (prior law stated that sand "flow past").*
- *Requires the Coastal Resources Commission (CRC) to permit replacement of a permanent erosion control structure originally permitted pursuant to a variance granted by the CRC prior to July 1, 1995, consisting of a field of geotextile sand tubes, the field of geotextile sand tubes can be replaced with rock erosion control structures subject to the following criteria:*
 - *The number of rock erosion control structures must be equal to or less than the number of geotextile sand tubes originally permitted.*
 - *The structure(s) or field of structures can consist of groins, including T-head or lollipop groins, or breakwaters to be approved by the Division of Coastal Management of the Department of Environmental Quality (DEQ), in its discretion, or by variance from the CRC.*
 - *The structure field cannot be enlarged beyond the alongshore dimensions authorized under the original permit, and the aggregate overall length of the rock structures cannot exceed the aggregate overall length of the geotextile sand tubes authorized under the original permit.*
 - *The plans for the work must be sealed by a professional engineer licensed to practice pursuant to Chapter 89C of the General Statutes with experience in engineering in the coastal area.*

The language provides that such a permanent erosion control structure is not a terminal groin, and is not subject to requirements for terminal groins elsewhere in the statute.

- *Increases the number of permits for the construction of terminal groins the CRC can issue from six to seven.*

No later than August 1, 2024, DEQ must submit this change to the United States National Oceanic and Atmospheric Administration (NOAA) for approval. In addition, DEQ must report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning September 1, 2024, until such time as the General Assembly repeals this reporting requirement.

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Director



Legislative Analysis
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The changes to the terminal groin statute become effective on the later of:

- *October 1, 2024.*
- *The first day of a month that is 60 days after the Secretary of DEQ certifies to the Revisor of Statutes that NOAA has approved the changes.*

BACKGROUND: The statutes generally prohibit construction of permanent erosion control structures in an ocean shoreline, except in limited circumstances.