

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1832

Short Title: No Mining Sand From Tidal Inlet/Delta. (Public)

Sponsors: Representatives Harrison; and Faison.

Referred to: Commerce, Small Business and Entrepreneurship, if favorable,
Environment and Natural Resources.

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE MINING OF SAND FROM TIDAL INLETS OR
ASSOCIATED TIDAL DELTAS EXCEPT FOR THE PURPOSE OF
MAINTAINING NAVIGATIONAL CHANNELS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-134.12 reads as rewritten:

"§ 113A-134.12. Multiyear beach management and restoration strategy and plan.

(a) ~~The~~ Subject to subsection (a1) of this section, the Department of Environment and Natural Resources shall develop a multiyear beach management and restoration strategy and plan that does all of the following:

- (1) Utilizes the data and expertise available in the Divisions of Water Resources, Coastal Management, and Land Resources.
- (2) Identifies the erosion rate at each beach community and estimates the degree of vulnerability to storm and hurricane damage.
- (3) Uses the best available geological and geographical information to determine the need for and probable effectiveness of beach nourishment.
- (4) Provides for coordination with the U.S. Army Corps of Engineers, the North Carolina Department of Transportation, the North Carolina Division of Emergency Management, and other State and federal agencies concerned with beach management issues.
- (5) Provides a status report on all U.S. Army Corps of Engineers' beach protection projects in the planning, construction, or operational stages.
- (6) Makes maximum feasible use of suitable sand dredged from navigation channels for beach nourishment to avoid the loss of this resource and to reduce equipment mobilization costs.
- (7) ~~Promotes inlet sand bypassing where needed to replicate the natural flow of sand interrupted by inlets.~~

- 1 (8) Provides for geological and environmental assessments to locate
2 suitable materials for beach nourishment.
- 3 (9) Considers the regional context of beach communities to determine the
4 most cost-effective approach to beach nourishment.
- 5 (10) Provides for and requires adequate public beach access, including
6 handicapped access.
- 7 (11) Recommends priorities for State funding for beach nourishment
8 projects, based on the amount of erosion occurring, the potential
9 damage to property and to the economy, the benefits for recreation and
10 tourism, the adequacy of public access, the availability of local
11 government matching funds, the status of project planning, the
12 adequacy of project engineering, the cost-effectiveness of the project,
13 and the environmental impacts.
- 14 (12) Includes recommendations on obtaining the maximum available
15 federal financial assistance for beach nourishment.
- 16 (13) Is subject to a public hearing to receive citizen input.
- 17 (a1) No person shall mine, or provide for the mining of, sand from a tidal inlet or
18 an associated tidal delta, except for the purpose of maintaining existing navigational
19 channels, and sand dredged during the opening of a new navigational channel shall be
20 used to close the old navigational channel.
- 21 (b) Each plan shall be as complete as resources and available information allow.
22 The Department of Environment and Natural Resources shall revise the plan every two
23 years and shall submit the revised plan to the General Assembly no later than March 1
24 of each odd-numbered year. The Department may issue a supplement to the plan in
25 even-numbered years if significant new information becomes available."

26 **SECTION 2.** This act becomes effective July 1, 2007.