

CRC DENIES VARIANCE

State Files Extension In Davis Sandbag Suit

BY DOUG RUTTER

The N.C. Attorney General's Office now has until Jan. 12 to respond to a complaint filed last month by former Bald Head Island owner Walter Davis.

Special Deputy Attorney General J. Allen Jemigan last Thursday filed for an additional 30 days to respond to the complaint involving Davis' plan to protect his Bald Head residence from erosion with a wall of sandbags.

Davis filed his complaint Nov. 5 after the state refused to grant a permit that is required to build an erosion-control structure on the beach.

Brunswick County Superior Court Judge B. Craig Ellis last month denied a temporary restraining order that would have prohibited the N.C. Department of Environment, Health and Natural Resources and the N.C. Coastal

Resources Commission (CRC) from interfering with Davis' plans.

The court has not ruled on a preliminary injunction that Davis requested to keep the state agency and panel from interfering.

Davis, who owned Bald Head Island until he sold it to the Mitchell family in 1983, argued in the complaint that his \$400,000 house was being threatened by the encroaching sea.

However, state officials said the house wasn't "imminently threatened" because the foundation of the house wasn't within 30 feet of the edge of the frontal dune.

N.C. Division of Coastal Management Spokesperson Jeanette Johnson said the house was at least 30 feet from the ocean when the complaint was filed. She said the home is now protected by about 90 feet of beach as a result of a beach nourishment project.

The CRC, which makes policies to protect the state's coastal resources, voted unanimously last week to deny Davis' request for a variance from the 20-foot rule.

Members Kent Mitchell and James Harrington, who both have had business dealings with Davis in the past, abstained from the voting, said Ms. Johnson.

Since 1985, the CRC has maintained a strict policy against seawalls, bulkheads and other devices that "harden" the shoreline.

It is widely believed that those types of structures slow erosion where they are located but shift the problem to nearby property.

Davis noted in his complaint that state regulations allow erosion-control structures if they don't harm the beach environment or limit public access. He said his proposed sandbag bulkhead should qualify under the rules.

County Gains Third Voice On Coastal Advisory Panel

BY DORI COSGROVE GURGANUS

The Coastal Resources Commission (CRC) reappointed two Brunswick County residents to its advisory council last week and added a third.

The CRC met Dec. 12 and 13 in Nags Head, holding what spokesperson Jeanette Johnson referred to as "a not very eventful meeting."

The commission made appointments to the Coastal Resources Advisory Council (CRAC), a group of residents, government officials and business leaders from coastal communities that advises the CRC.

Robert Maultsby of Bolivia was reappointed as the county's representative. Each of the 20 coastal counties in North Carolina sends a representative to the CRAC.

All eight municipal seats were available. Four were filled by reappointment and four with appointment of new members. Long-time member Rosetta Short of Long

Beach was reappointed, said Ms. Johnson, along with incumbents John Doughty, Webb Fuller and Robert Trost.

Joining the advisory council for the first time will be Joe Johnson, an architect from Ocean Isle Beach. He was nominated by the Town of Ocean Isle. Other newcomers to municipal seats include Carl Beacham, Ken Hanan and Don Kirkman.

All appointees will serve two-year terms.

Also, the CRC authorized Calabash as its agent for issuing CAMA minor permits for the building of small structures such as single-family houses and piers. Calabash will receive assistance and training from the Division of Coastal Management in Raleigh to implement the program.

In other business, the CRC decided last week not to name a piece of land in Pender County for environ-

mental protection.

The panel acted on the recommendation of a sub-committee after ThermalKEM withdrew its attempts to place a waste incinerator in Pender County, saying that action made it unnecessary for the group to label the land as an AEC, or "area of environmental concern."

No action was taken, Ms. Johnson reported, on the proposed setback criteria for large beach structures. Under the proposal, any structure larger than 5,000 square feet would be required to meet the large structure setback.

The next CRC meeting will be held Jan. 23-24, Ms. Johnson said.

Ocean Isle Story Corrected

Several items concerning actions by the Ocean Isle Beach Board of Commissioners were incorrectly reported in an article that appeared in the Dec. 12 issue of *The Brunswick Beacon*.

Jim Hesser, who was reappointed to the town ABC Board, is not the chairman of that board.

Building Inspector Druid Robertson said he would meet with the

Ocean Isle Property Management Association about possible fire inspection schedules, not with the Property Owner's Association.

The Ocean Isle POA donated \$6,000 to the first responders unit, and another \$4,000 to the town's police department, for total contributions of \$10,000.

The Beacon apologizes for the errors.

Shellfish Waters Open Near Sunset

The N.C. Division of Marine Fisheries temporarily opened shell-fishing waters near Sunset Beach Wednesday.

Fishermen are permitted to harvest oysters and clams from Jinks Creek, Cotter Creek and in the Big Narrows east of the Sunset Beach causeway, according to a Marine Fisheries proclamation.

The Atlantic Intracoastal Waterway in the Sunset Beach area remains closed to shellfishing.

The waters were temporarily

opened to harvesting due to satisfactory water and shellfish samples in the area, the proclamation stated.

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