

S T U C K B E T W E E N

A R O C K

& A H A R D P L A C E



This coquina rock in front of The Riggings is the only natural rock outcropping on the entire NC coast.

By Mike Hoffer

All the homeowners from the Riggings want is to be allowed to protect their homes. They're perilously close to the water, but they've held on since 1984 with the help of some well placed sandbags. All the North Carolina Division of Coastal Management (DCM) wants is for people to obey their rules. The sandbags are supposed to be temporary and the DCM wants them removed.

Coastal Area Management Act (CAMA) regulations do not allow for hardened structures on the coastline. According to Ed Brooks of the DCM, "Sandbags are allowed as a temporary means of protection. They are only to be used while moving or demolishing a structure." For a large structure like the Riggings, temporary means "no more than five years."

Beaches erode, and the state's policy is to not interfere with nature - although the Coastal Resources Commission (CRC), which oversees the coastal policies, can grant variances for special situations.

The Riggings are literally stuck between a rock and a hard place. They're sandwiched between a manmade rock cove to the south and natural coquina rock outcroppings (the only ones in the whole state) to their north. They reside on the only stretch of beach on Pleasure Island that is not eligible for beach renourishment because the Army Corps of Engineers (ACE) won't allow the coquina rock to be covered.

The condominium owners have been granted two extensions to their sandbag permit by the CRC. The most recent one, in 2004, was grudgingly allowed because the homeowners association, through the Town of Kure Beach, had obtained a FEMA grant to help them move across the street. When the HOA rejected the grant the extension became void.



Now for the legal fight. This summer, the DCM ordered that the sandbags be removed. Soon they will seek a court order to have the sandbags removed. Instead of appealing to the CRC (for the third time) the homeowners want to take their case to a state court. They feel that they have gotten bad press from the media, who have labeled them as "coddled game-playing investors" and no compassion from state regulators.

Says one homeowner, "We haven't been coddled, we've been ignored." She goes on to say about the DCM, "We should be treated with some modicum of compassion. Let us keep the sandbags and keep our homes."

Where does the truth lie? Is the DCM being unreasonable? Are the homeowners asking for special treatment? Let's look at this case.

Slipping Into the Sea

About 18,000 years ago the world was in an ice age. Massive amounts of water were trapped on the polar ice caps and the sea level was 300-400 feet lower than it is today. The North Carolina coastline stretched fifty more miles into the Atlantic. Rivers like the Cape Fear River carried the silt, sand and minerals that made up the coastal plains of the eastern United States and eventually our barrier islands.

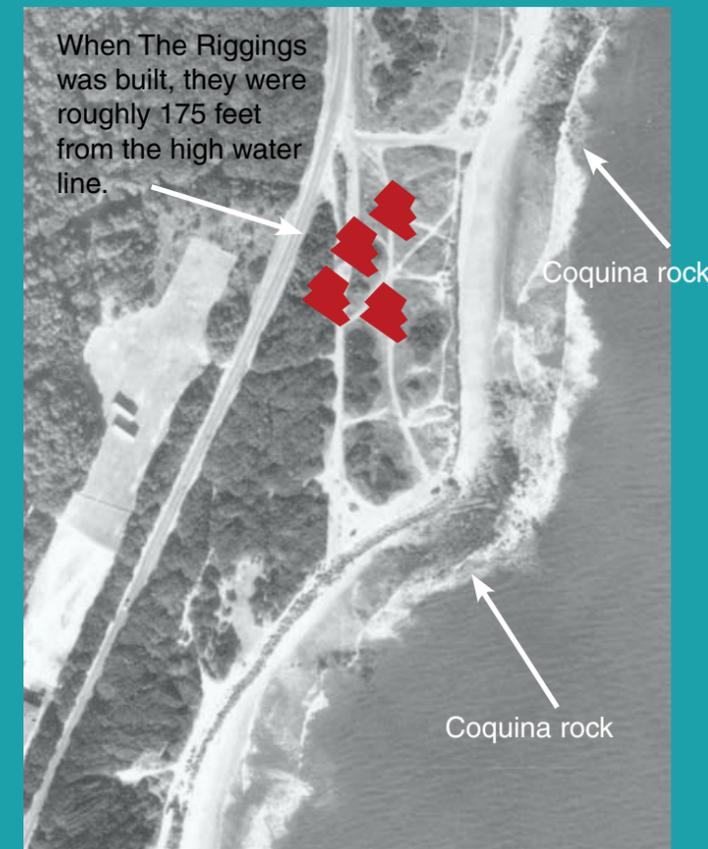
Then the earth began to warm and the ice began to melt. As the oceans rose, their waves pushed the sand upward and created barrier islands. When the earth's temperature stabilized and the sea stopped rising (about 5,000 years ago) the barrier islands began to erode. In geological time, the creation and destruction of barrier islands is like the blink of an eye. These overgrown sand dunes are as temporary as the sand castles our children build. We're now on the tail end of a barrier island cycle.

This is why we talk about erosion all the time, but rarely speak of islands that are growing. The coast is experiencing a net loss. Sand shifts north and south depending on the winds and tides, but overall it is slowly going away. Most areas along the Cape Fear peninsula experience a net loss of 2-4 feet per year. The beach renourishment that we fight so hard for is what prevents our little peninsula from just disappearing into the sea.

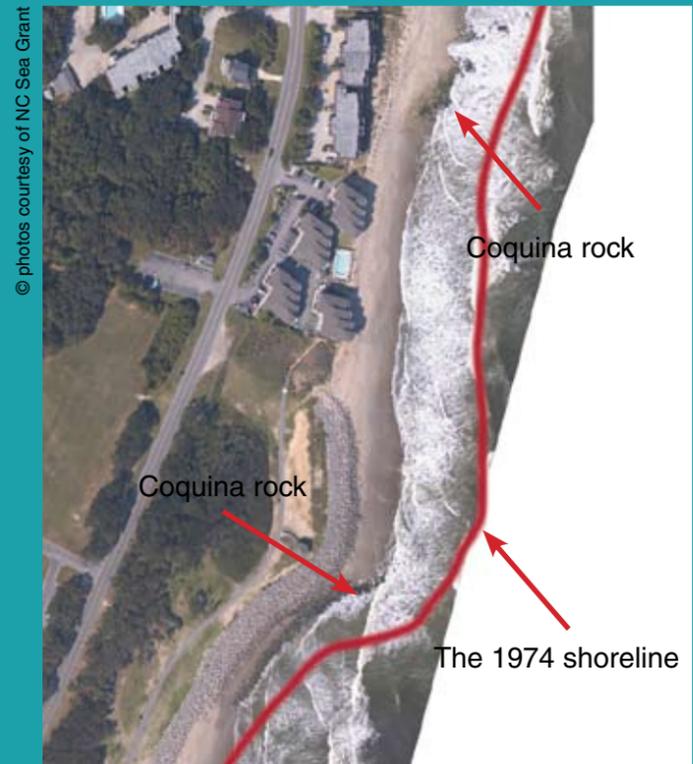
US 421 was a dirt path when the civil war came to an end in 1865. At the time, you would have to walk over a quarter of a mile through thick bushes and trees to reach the Atlantic Ocean. By the mid 1960's the ocean was threatening the highway and it had to be relocated. You'll notice as you drive south that the road curves westward as you approach historic Fort Fisher (see aerials). Once upon a time it continued directly south. For those who wonder what the big deal is about Fort Fisher, remember that 90% of it has washed away. It was once a huge military installation with a full mile of oceanfront mounds, which were up to 60' high. All the oceanfront portion of the fort is gone. It wasn't called the Gibraltar of the south for nothing.

The fear of losing such a historic place prompted the state to build a rock revetment and underwater jetty (the area is now nicknamed "The Cove") to protect it from further erosion. (Note: a

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This 1974 photo shows the approximate shoreline when the Riggings were built in 1982.



This photo was taken in 2004. Keep in mind that we're not sure during what time of year either photo was taken. The beaches are often wider in the summer and narrower in the winter. The 2004 photo was taken during a high tide which explains why the coquina rock is less visible.

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revetment runs parallel to the beach and a jetty is perpendicular to the shoreline.) This stabilized the area quite nicely for nearly thirty years.

On this relatively stable piece of land the Riggings condominiums were built in 1982. The work was done in full compliance with the new Coastal Area Management Act (CAMA) regulations which were adopted in 1980 to control growth along the shoreline. The oceanfront condos stood nearly 200' from the high water line.

Life was pleasant for the new residents for about a year. In 1983 the revetment and jetty began to give way. In 1984 Hurricane Diane finished the job. By the end of the storm, the beach had lost about 140 feet of sand. Within two years of moving in, the residents of the Riggings were installing sandbags to prevent disaster. After a particularly bad nor'easter on New Year's Day 1987, water was touching the doors of some units.

Coquina rocks and revetments
After the failure of the jetty and revetment, erosion was once again threatening the historic area. In 1992 the state installed a new rock revetment south of the Riggings and west of the original. Some residents have argued that the revetment is making their erosion problem worse. This is inaccurate according to the Army Corps of Engineers. Sand tends to gather around rocks and monitoring studies show that the revetment has actually brought stability to the area. Had they built it east of the old revetment, or rebuilt the old jetty, the Riggings would be in better shape, but the important point is that the revetment does help their cause.

Then there's the matter of the coquina rocks that prevent them from benefitting from beach renourishment. A common misconception is that the Corps won't allow them to be disturbed because of biological and wildlife concerns. According to Spencer

For those who wonder what the big deal is about Fort Fisher, remember that 90% of it has washed away.

Rodgers, an erosion specialist with North Carolina Sea Grant, "It is not a biological issue, but an engineering issue. It is not practical to put sand on coquina rocks because it just won't stay there."

Another misconception is that they receive no benefits from beach renourishment. According to Spencer Rodgers, sand has

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"There are a lot of folks up and down the coast that I feel sorry for every time a north east wind blows."

– Courtney Hackney, Chairman of the Coastal Resources Committee

a tendency to migrate southward. The wind and waves that come from the north in winter

push the sand south. In the summer the process is reversed. Since the wind, waves and currents tend to be stronger in the winter, the overall effect is a southern migration. So any sand placed north of the Riggings finds its way there eventually.

Land across the street
Fortunately for the homeowners, their HOA board was forward thinking. In 1989 they purchased land right across the street in case they were forced to move. Unfortunately, the property isn't quite large enough to accommodate 48 units given the Town's density requirements. So in 1992, they asked for a variance from the Kure Beach Town Council. They were allowed to increase the density from 45 units (as allowed by ordinance) to 48 with one catch; they have to forfeit any rights of development on the ocean side of the road. This means no pool, no clubhouse, no showers...it would be treated as public land.

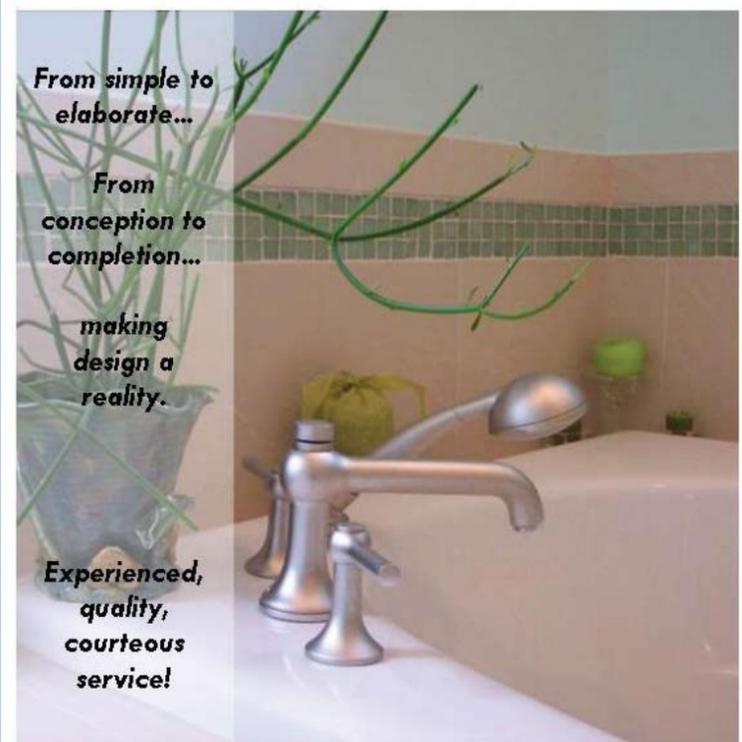
The FEMA grant
This is far and away the most misunderstood and poorly reported issue. The Town of Kure Beach did secure a 3.6 million dollar grant from FEMA to move or rebuild the structures across the street, but when you examine the numbers you realize that it wasn't such a great deal. First of all, when FEMA says 3.6 million, they only pay 75% of that total. It's assumed that a local government will pick up the other 25% (but not required).

No one but the Riggings homeowners have ever mentioned that the grant was really for 2.7 million. That sounds like a lot. Now subtract another \$500,000 for demolishing the buildings and cleaning up the site. Divide what's left between

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The Riggings sits precariously close to the edge of the sea. The residents continue to fight to keep the sandbags, which were placed there in 1984.



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The Riggings reside on the only stretch of beach on Pleasure Island that is not eligible for beach renourishment.

48 homeowners and each is left with about \$46,000. Considering the cost of construction (or moving the units), each homeowner would have to fork out at least an additional \$50,000 to make the move.

Finally, there is a stipulation in every FEMA grant that is never mentioned by the media. EVERY homeowner must agree to accept the grant. It's impossible to imagine all 48 homeowners agreeing to this deal. Especially considering that the buildings closer to the road are fairly safe.

Stacey Fuller, a mitigation specialist with the Division of Emergency Management, says that this rule is to ensure that everything done is completely voluntary. She goes on to say, "It's a sad situation. They'd be a lot safer across the street. Unfortunately the money per unit is inadequate and the Federal government puts a 3 million dollar cap on pre-hazard mitigation grants."

The Coastal Resources Commission

Before we start demonizing the mean old Coastal Resources Commission or the state employees of the Division of Coastal Management, let's remember that for every rule there's a hard luck story. The CRC creates rules to protect life, property and the coastline and at some point they have to be enforced. They have been working with the Riggings for twenty years and they feel that they've done enough.

When asked if he had compassion for the Riggings homeowners Courtney Hackney, chairman of the CRC, replied, "There're a lot of folks up and down the coast that I feel sorry for every time a north east wind blows."

It's not even a guarantee that removing the sandbags will doom the structures. The homeowners insist that they're built on pilings that sit on bedrock. A large storm could certainly devastate them, but sandbags may not help in such a scenario anyway.

Meanwhile, the legal fight will continue. The DCM staff is unlikely to start imposing fines as long as the case is in litigation, so the status quo will continue. In the meantime, don't believe everything you read about the folks at the Riggings. They have a beautiful spot on the ocean and they just want to protect it. Wouldn't you?

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Many thanks to Spencer Rogers of the NC Sea Grant for his technical assistance on the research of this piece.

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