

1 15A NCAC 07H .1805 is amended with changes as published in 36:13 NCR 1126 as follows:

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3 **15A NCAC 07H .1805 SPECIFIC CONDITIONS**

4 (a) The area where beach bulldozing is being performed shall maintain a slope that follows the ~~pre-project pre-~~
5 emergency slopes as closely as possible so as not to endanger the public or the public's use of the beach. The movement
6 of material by a bulldozer, front-end loader, backhoe, scraper, or any type of earth moving or construction equipment
7 shall not exceed one foot in depth measured from the pre-activity surface elevation.

8 (b) The activity shall not exceed the lateral bounds of the applicant's property without the written permission of the
9 adjoining landowner(s).

10 (c) The permit shall not authorize movement of material from seaward of the mean low water line.

11 ~~(d) The activity shall not increase erosion on neighboring properties.~~

12 ~~(e)(d)~~ Adding sand to dunes shall be accomplished in such a manner that, based on site specific conditions, the tools
13 used, what vegetation is existing, and how much vegetation is buried, the damage to existing vegetation by burial is
14 minimized. that the damage to existing vegetation is minimized. Upon completion of the project, the fill areas shall
15 be replanted with native vegetation, such as Sea Oats (*Uniola paniculata*), or if outside the planting season, shall be
16 stabilized with sand fencing until planting can occur.

17 ~~(f)(c)~~ In order to minimize adverse impacts to ~~nesting sea turtles, threatened and endangered species,~~ no bulldozing
18 shall occur inside the Ocean Hazard AEC within the period of April 1 through November 15 of any ~~year~~ year, or
19 anytime inside an Inlet Hazard AEC without the prior approval of the Division of Coastal Management, in
20 coordination with the North Carolina Wildlife Resources Commission, the United States Fish and Wildlife Service,
21 and the United States Army Corps of ~~Engineers, that the work can be accomplished without significant adverse impact~~
22 to sea turtle nests or suitable nesting habitat. Engineers.

23 ~~(g)(f)~~ If one contiguous acre or more of oceanfront property is to be excavated or filled, an erosion and sedimentation
24 control plan shall be filed with and approved by the Division of Energy, Mineral, and Land Resources, or local
25 government having jurisdiction. This plan must be approved prior to commencing the land disturbing activity.

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27 *History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1;*

28 *Eff. December 1, 1987;*

29 *Temporary Amendment Eff. September 2, 1998;*

30 *Amended Eff. September 1, 2016; August 1, 2012 (see S.L. 2012-143, s.1.(f)); August 1, 2000;*

31 *Readopted Eff. April 1, 2022;*

32 *Amended Eff. September 1, 2022.*