

1 15A NCAC 07H .1101 is readopted as published in 34:09 NCR 758 as follows:

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3 **SECTION .1100 - GENERAL PERMIT FOR CONSTRUCTION OF BULKHEADS AND RIPRAP**
4 **REVTMENTS FOR SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS**
5 **AND OCEAN HAZARD AREAS**
6

7 **15A NCAC 07H .1101 PURPOSE**

8 A permit for construction of bulkheads and riprap revetments under this Section shall allow the construction of
9 bulkheads and riprap revetments for shoreline protection in the public trust waters and estuarine waters AECs
10 ~~according to authority provided~~ subject to the procedures outlined in Subchapter ~~07J~~ 07J, Section .1100 and according
11 to the Rules in this Section. This permit shall not apply to shoreline protection along the oceanfront or to waters and
12 shorelines adjacent to the Ocean Hazard AEC with the exception of those shorelines that feature characteristics of the
13 Estuarine Shoreline AEC. Such features include the presence of wetland vegetation, lower wave energy energy, and
14 lower erosion rates than the adjoining Ocean Erodible Area.

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16 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; 113-229*
17 *Eff. March 1, 1984;*
18 *Amended Eff. July 1, 2009; April 1, 2003;*
19 *Readopted February 1, 2022.*

1 15A NCAC 07H .1102 is readopted as published in 34:09 NCR 758 with changes as follows:

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3 **15A NCAC 07H .1102 APPROVAL PROCEDURES**

4 (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and
5 request approval for development. The applicant shall provide information on site location, dimensions of the project
6 area, and the applicant's name and address.

7 (b) The applicant shall provide:

8 (1) provide site location, dimensions of the project area, and the applicant's name and address,
9 confirmation that ~~a written statement has been obtained~~ the applicant has obtained a written
10 statement, signed by the adjacent riparian property owners indicating that they have no objections
11 to the proposed work; or

12 (2) confirmation that the applicant has notified adjacent riparian property owners have been notified by
13 certified mail of the proposed work. The notice shall instruct adjacent property owners to provide
14 written comments on the proposed development to the Division of Coastal Management DCM
15 within 10 days of receipt of the ~~notice, and,~~ notice and indicate that no response shall be interpreted
16 as no objection. ~~The Division of Coastal Management DCM~~ shall review all comments and
17 determine, based on their relevance to the potential impacts of the proposed project, if the proposed
18 project can be approved by a General Permit. If ~~the Division of Coastal Management DCM~~
19 determines that the project exceeds the guidelines established by the General Permit ~~Process,~~
20 process provided in 15A NCAC 07J .1100. DCM shall notify the applicant that an application for a
21 major development permit shall be required.

22 (c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management
23 DCM representative so that the proposed alignment may be marked. ~~Written authorization~~ A General Permit to
24 proceed with the proposed development shall be issued if the Division DCM representative finds that the application
25 meets all the requirements of this ~~Subchapter.~~ Rule. Construction of the bulkhead or riprap revetment shall be
26 completed within 120 days of the issuance of the general ~~authorization permit~~ or the authorization shall expire and it
27 shall be necessary to re-examine the structure alignment to determine if the general ~~authorization permit~~ may be
28 reissued.

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30 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; 113A-118; 113A-*
31 *120; 113-229;*

32 *Eff. March 1, 1984;*

33 *Amended Eff. July 1, 2009; October 1, 2007; September 1, 2006; January 1, 1990; December 1,*
34 *1987;*

35 *Readopted April 1, 2022.*

1 15A NCAC 07H .1103 is readopted as published in 34:09 NCR 758 as follows:

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3 **15A NCAC 07H .1103 PERMIT FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00) for riprap revetments sited at or above normal
5 high water or normal water level, or a permit fee of four hundred dollars (\$400.00) for riprap revetments sited below
6 normal high water or normal water level. The applicant shall pay a permit fee of four hundred dollars (\$400.00) for
7 bulkheads. Permit fees shall be paid by check or money order payable to the Department.

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9 *History Note: Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113-119.1; 113A-124, 113-229*

10 *Eff. March 1, 1984;*

11 *Amended Eff. October 5, 2009; September 1, 2006; August 1, 2000; March 1, 1991;*

12 *Readopted Eff. February 1, 2022.*

1 15A NCAC 07H .1104 is readopted as published in 34:09 NCR 758 as follows:

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3 **15A NCAC 07H .1104 GENERAL CONDITIONS**

4 (a) This permit authorizes only the construction of bulkheads and riprap revetments conforming to the standards
5 ~~herein.~~ in this Section.

6 (b) Individuals shall allow authorized representatives of the Department of ~~Environment and Natural Resources~~
7 Environmental Quality to make ~~periodic~~ inspections at any time ~~deemed necessary~~ in order to ensure that the activity
8 being performed under authority of this general permit is in accordance with the terms and conditions prescribed
9 herein.

10 (c) There shall be no interference with the use of the waters by the public by the existence of the bulkhead or the
11 riprap revetment authorized herein. Bulkheads and riprap revetments authorized in this ~~Rule~~ Section shall not interfere
12 with the established or traditional rights of navigation of the waters by the public.

13 (d) This permit shall not be applicable to proposed construction where the Division of Coastal Management has
14 determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is
15 necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or
16 on water ~~quality;~~ quality; air ~~quality;~~ quality; coastal ~~wetlands;~~ wetlands; cultural or historic ~~sites;~~ sites; ~~wildlife;~~
17 wildlife; fisheries ~~resources;~~ resources; or public trust rights.

18 (e) This permit shall not eliminate the need to obtain any other required ~~state;~~ State; local, or federal authorization.

19 (f) Development carried out under ~~this~~ permit set forth in this Section shall be consistent with all ~~State, federal,~~ local
20 requirements, ~~AEC rules,~~ and local land use plans current at the time of authorization.

21 Development carried out under the permit set forth in this Section shall be consistent with all State, federal, local
22 requirements, and local land use plans current at the time of authorization.

23 *History Note:* Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; 113-229

24 *Eff. March 1, 1984;*

25 *Amended Eff. May 1, 1990; December 1, 1987;*

26 *RRC Objection due to ambiguity Eff. May 19, 1994;*

27 *Amended Eff. July 1, 2009; August 1, 1998; July 1, 1994;*

28 *Readopted Eff. February 1, 2022.*

1 15A NCAC 07H .1105 is readopted as published in 34:09 NCR 758 as follows:

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3 **15A NCAC 07H .1105 SPECIFIC CONDITIONS**

4 (a) Along shorelines void of wetland vegetation:

- 5 (1) New bulkheads shall have an average approximation of normal high water or normal water level.
6 The bulkhead position shall not exceed a distance of five feet waterward of normal high water or
7 normal water level at any point along its alignment.
- 8 (2) New bulkheads or riprap revetments on shorelines within manmade upland basins, canals, and
9 ditches, shall be positioned so as not to exceed an average distance of two feet and maximum
10 distance of five feet waterward of normal high water or normal water level.
- 11 (3) When replacing an existing bulkhead, the new alignment shall be positioned so as not to exceed a
12 maximum distance of two feet waterward of the current bulkhead alignment. To tie into a like
13 structure on the adjacent property, replacement bulkhead position shall not exceed a maximum
14 distance of five feet waterward of the current bulkhead alignment. When replacing a bulkhead
15 where lands landward of the bulkhead were lost in the last year, bulkheads shall be positioned a
16 maximum of two feet waterward of the ~~original/existing~~ **original or existing** alignment.
- 17 (4) Riprap revetments shall be positioned so as not to exceed a maximum distance of 10 feet waterward
18 of the normal high water or normal water level at any point along its alignment.

19 (b) Along shorelines with wetland vegetation, bulkheads and riprap revetments shall be positioned so that all
20 construction is to be accomplished landward of such vegetation.

21 (c) Bulkheads shall be constructed of vinyl, ~~or~~ steel sheet pile, concrete, stone, timber, or other **suitable materials**
22 approved by the Division of Coastal Management.

23 (d) Riprap revetments shall be constructed of granite, marl, concrete without exposed rebar, or other **suitable materials**
24 approved by the Division of Coastal Management.

25 (e) Revetment material shall be free from loose dirt or other **materials not approved by the Division of Coastal**
26 **Management, pollutants.**

27 (f) Revetment material shall be of **sufficient size** **approved by the Division of Coastal Management** to prevent
28 movement **of the material** from the site by wave action or currents.

29 (g) Construction design for riprap revetments shall take into consideration the height of the area to be protected (**i.e.**
30 **i.e.,** bulkhead height, escarpment height, water ~~depth~~ **depth**, and the alignment shall allow for a slope no flatter than
31 three feet horizontal per one foot vertical and no steeper than 1½ feet horizontal per one foot vertical.

32 (h) All backfill material shall be obtained from an upland source pursuant to 15A NCAC 07H .0208. The bulkhead
33 or riprap revetment shall be constructed prior to any backfilling activities and shall be structurally tight so as to prevent
34 seepage of backfill materials through the structure.

35 (i) No excavation, grading or fill shall be permitted except for that which may be required for the construction of the
36 bulkhead or riprap revetment. This permit shall not authorize any excavation waterward of the approved alignment.

(j) Runoff from construction shall not ~~visibly~~ increase the amount of suspended sediments in adjacent waters. Appropriate ~~sedimentation~~ Sedimentation and erosion control devices, ~~measures~~ measures, or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and ~~property (e.g. property,~~ ~~e.g.~~ silt fence, diversion swales or berms, sand fence, ~~etc.); etc.~~

(k) If one contiguous acre or more of property is to be excavated or filled, an erosion and sedimentation control plan shall be filed with and approved by the Division of Energy, Mineral, and Land Resources, or appropriate local government having ~~jurisdiction, and a delegated program~~ This plan shall be approved prior to commencing the land-disturbing activity.

(l) For the purposes of these Rules, the Atlantic Intracoastal Waterway (AIWW) is considered a natural shoreline.

(m) Construction authorized by this general permit shall be limited to a maximum shoreline length of 500 feet.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; 113-229
Eff. March 1, 1984;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); July 1, 2009; April 1, 2005; December 1, 1991; January 1, 1989; December 1, 1987;
Readopted Eff. February 1, 2022.

1 15A NCAC 07H .1801 is readopted as published in 34:09 NCR 759 as follows:

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3 **SECTION .1800 - GENERAL PERMIT TO ALLOW BEACH BULLDOZING IN THE OCEAN HAZARD**
4 **AEC**

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6 **15A NCAC 07H .1801 PURPOSE**

7 ~~This permit~~ The general permit to allow beach bulldozing in the Ocean Hazard AEC will allow beach bulldozing
8 needed to reconstruct or repair dune systems, including Primary Dunes and Frontal Dunes as defined in Rule .0305 of
9 this Subchapter. For the purpose of this ~~general permit~~, General Permit, "beach bulldozing" is defined as the process
10 of moving natural beach material from any point seaward of the first line of stable vegetation to repair damage to
11 frontal or primary dunes. This general permit is subject to the procedures outlined in Subchapter ~~07J~~ 07J, Section
12 .1100 and shall apply only to the Ocean Erodible AEC. This general permit shall not apply to the Inlet Hazard AEC.

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14 *History Note: Authority G.S. ~~113-229(eb)~~; 113-229(c1); 113A-107;113A-113(b); 113A-118.1;*
15 *Eff. December 1, 1987;*
16 *Amended Eff. September 1, 2016;*
17 *Readopted Eff. February 1, 2022.*

1 15A NCAC 07H .1802 is readopted as published in 34:09 NCR 759 with changes as follows:

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3 **15A NCAC 07H .1802 APPROVAL PROCEDURES**

4 (a) ~~The An~~ applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management
5 at the address provided in 15A NCAC 07A .0101 and complete an application requesting and request approval for
6 development. The applicant shall provide information on site location, dimensions of the project area, and their name
7 and address.

8 (b) The applicant shall provide:

9 (1) confirmation that a written statement, signed by the adjacent riparian property owners, stating that
10 they have no objections to the proposed work, has been obtained; or the site location, dimensions of
11 the project area, and their name and address;

12 ~~(1) (2)~~ confirmation that the adjacent riparian property owners have been notified by certified mail of the
13 proposed work. Such notice shall instruct adjacent property owners to provide any comments on
14 the proposed development in writing for consideration by permitting officials to the DCM within
15 10 days of receipt of the notice, and state that no response shall be interpreted as no objection. DCM
16 staff shall review all comments and determine, based upon their relevance to the potential impacts
17 of the proposed project, if the proposed project can be approved by a General Permit. If DCM staff
18 determines that the project exceeds the Rules established for the General Permit process, DCM shall
19 notify the applicant that an application for a major permit shall be required. Confirmation that a
20 written statement has been obtained signed by the adjacent riparian property owners indicating that
21 they have no objections to the proposed work or;

22 ~~(2) (3)~~ confirmation that the adjacent riparian property owners have been notified by certified mail of the
23 proposed work. The notice shall instruct adjacent property owners to provide any comments on the
24 proposed development in writing for consideration by permitting official to the Division of Coastal
25 Management within 10 days of receipt of the notice and indicate that no response will be interpreted
26 as no objection. Division staff shall review all comments and determine, based on their relevance to
27 the potential impacts of the proposed project, if the proposed project can be approved by a General
28 Permit. If Division staff determines that the project exceeds the guidelines established by the
29 General Permit process provided in 15A NCAC 07J .1100, Division staff shall notify the applicant
30 that they must submit an application for a major development permit.

31 (c) No work shall begin until an on-site meeting is held with the applicant and DCM representative. All bulldozing
32 shall be completed within 30 days of the date of permit issuance.

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34 *History Note:* Authority G.S. ~~113-229(c1);~~ 113-229(c1); 113-229(c2); 113A-107; 113A-113(b);
35 113A-118.1; 113A-120;
36 *Eff. December 1, 1987;*
37 *Amended Eff. September 1, 2016; January 1, 1990;*

1 15A NCAC 07H .1803 is readopted as published in 34:09 NCR 759 as follows:

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3 **15A NCAC 07H .1803 PERMIT FEE**

4 The applicant shall pay a permit fee of four hundred dollars (\$400.00) by check or money order payable to the
5 Department.

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7 *History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1;*

8 *Eff. December 1, 1987;*

9 *Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;*

10 *Readopted Eff. February 1, 2022.*

1 15A NCAC 07H .1804 is readopted as published in 34:09 NCR 759 with changes as follows:

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3 **15A NCAC 07H .1804 GENERAL CONDITIONS**

4 (a) This ~~permit~~ General Permit shall not be applicable to proposed construction where the ~~Department~~ Division of
5 Coastal Management has determined, based on an initial review of the application, that notice and review pursuant to
6 G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on
7 adjoining properties or on water quality, air quality, coastal wetlands, cultural or historic sites, wildlife, fisheries
8 resources, or public trust rights. If a shipwreck is unearthed, all work shall stop immediately and the Division of
9 Coastal Management shall be ~~contacted immediately.~~ contacted.

10 (b) This ~~permit~~ General Permit shall not eliminate the need to obtain any other required ~~state, local~~ State, local, or
11 federal authorization.

12 (c) Development carried out under ~~this a~~ permit as set forth in this Section shall be consistent with all State, federal
13 and local requirements, ~~Commission rules,~~ and local Land Use Plans in effect at the time of authorization.

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15 *History Note:* Authority G.S. ~~113-229(c1);~~ 113-229(c1); 113A-102(b)(4)(e); 113A-107; 113A-113(b); 113A-118.1;
16 *Eff. December 1, 1987;*
17 *Amended Eff. May 1, 1990;*
18 *RRC Objection due to ambiguity Eff. May 19, 1994;*
19 *Amended Eff. September 1, 2016; August 1, 1998; July 1, 1994;*
20 *Readopted Eff. April 1, 2022.*

1 15A NCAC 07H .1805 is readopted as published in 34:09 NCR 759 with changes as follows:

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

4 (a) The area where this activity beach bulldozing is being performed shall maintain a slope that follows the
5 pre-emergency pre-project slopes as closely as possible so as not to endanger the public or the public's use of the
6 beach. The movement of material by a bulldozer, front-end loader, backhoe, scraper, or any type of earth moving or
7 construction equipment 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~~ that, based on site specific conditions, the
13 tools used, what vegetation is existing, and how much vegetation is buried. the damage to existing vegetation by burial
14 is minimized. Upon completion of the project, the fill areas shall be replanted with native vegetation, such as Sea
15 Oats (*Uniola paniculata*), or if outside the planting season, shall be stabilized with sand fencing until planting can
16 occur.

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

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

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

27 *Eff. December 1, 1987;*

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

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

30 *Readopted Eff. April 1, 2022.*