

1 15A NCAC 07K .0103 is readopted as published in 34:09 NCR 756 with changes as follows:

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3 **15A NCAC 07K .0103 MAINTENANCE AND REPAIR**

4 (a) "Maintenance and "repairs" are specifically excluded from the definition of "development" under the conditions
5 and in the circumstances set out in G.S. 113A-103(5)(b)(5). Individuals required to take such measures within an AEC
6 shall contact the local CAMA representative for consultation before beginning work.

7 (b) Beach bulldozing, defined as the process of moving natural beach material from any point seaward of the first line
8 of stable vegetation, for the purpose of preventing damage to imminently threatened structures as defined in 15A
9 NCAC 07H .0308(a), by the creation of protective sand dunes shall qualify for an exclusion under G.S.
10 113A-103(5)(b)(5) subject to the following limitations:

- 11 (1) The area ~~on which~~ **where** this activity is being performed must maintain a slope that follows the pre-
12 emergency slope as closely as possible so as not to endanger the public or hinder the public's use of
13 the beach. All mechanically disturbed areas shall be graded smooth of ruts and spoil berms that are
14 perpendicular to the shoreline. The movement of material utilizing a bulldozer, front-end loader,
15 back hoe, ~~seraper~~ **scraper**, or any type of earth moving or construction equipment shall not exceed
16 one foot in depth measured from the surface elevation;
- 17 (2) The activity shall not exceed the lateral bounds of the applicant's property without written
18 permission of adjoining landowners;
- 19 (3) Movement of material from seaward of the mean low water line shall not be permitted under this
20 exemption;
- 21 (4) The activity shall not **significantly** increase erosion on neighboring properties and shall not have a
22 significant adverse ~~effect~~ **impact** on natural or cultural resources; and
- 23 (5) The activity may be undertaken to protect threatened on-site waste disposal systems as well as the
24 threatened structure's foundations.

25 (c) Redistribution of sand that results from storm overwash or aeolian transport around buildings, pools, roads, parking
26 areas and associated structures is considered maintenance so long as the sand remains within the Ocean Hazard AEC.
27 Individuals proposing such activities shall consult with the Division of Coastal Management or the local permit officer
28 to determine whether the proposed activity qualifies for the exclusion under G.S. 113A-103(5)(b)(5).

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30 *History Note: Authority G.S. 113A-103(5)(b)(5); 113A-118(a);*
31 *Eff. November 1, 1984;*
32 *Amended Eff. March 1, 1985;*
33 *RRC Objection Eff. January 18, 1996 due to ambiguity;*
34 *Amended Eff. February 1, 2019; March 1, 1996;*
35 *Readopted Eff. November 1, 2021.*

1 15A NCAC 07K .0202 is readopted **with changes** as published in 34:09 NCR 756 as follows:

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3 **15A NCAC 07K .0202 EXEMPTION: PROJECTS REQUIRING DREDGE: FILL: STATE EASEMENT**

4 The following classes of minor maintenance and improvement are exempted from the major development permit
5 requirement:

6 (1) In-Place Maintenance of Previously-Permitted Projects. These projects are ones for which **at least**
7 **one** a dredge and fill permit **and/or or state State** easement has **already** been issued and which, though
8 **the existing project may be enlarged, enlarged somewhat is some cases,** are **still** undertaken
9 **primarily** for maintenance purposes. Projects falling into this category **will shall** be exempted from
10 the CAMA major development permit if:

- 11 (a) project dimensions remain the same as or **do not substantially deviate from are no greater**
12 **than 20 percent of** those dimensions authorized under the previously permitted **project (not**
13 **greater than 20 percent); and project:**
14 (b) the project is for similar purposes as those of the previously-permitted project; and
15 (c) a change of conditions in the area, **newly found facts or newly reached opinions, or**
16 **additional comments from State or federal review agencies** do not indicate that **such the**
17 action would cause negative impacts to the environment **and/or or** adjacent property
18 owners.

19 (2) Additions/Modifications to Previously Permitted Projects. These projects are ones already in place
20 and permitted **which that** will be added on to or modified in some fashion. Projects falling into this
21 category **will shall** be exempted from the CAMA major-development permit if:

- 22 (a) for bulkheads:
23 (i) Bulkhead must be positioned so as not to extend more than an average distance of
24 two feet waterward of the mean high water contour; in no place shall the bulkhead
25 be more than five feet waterward of the mean high water contour; **and**
26 (ii) All backfill comes from an upland source; **and**
27 (iii) No marsh area is excavated or filled; **and**
28 (iv) Work is undertaken **because of the necessity** to prevent **significant** loss of private
29 residential property due to erosion; **and**
30 (v) The bulkhead is constructed prior to any backfilling activities; **and**
31 (vi) The bulkhead is constructed so as to prevent seepage of backfill materials through
32 the bulkhead; and
33 (vii) The bulkhead is not constructed in the Ocean Hazard AEC.
34 (b) for piers, **docks docks,** and boathouses:
35 (i) The modification or addition is not within 150 feet of the edge of a
36 federally-maintained channel; **or**
37 (ii) The structure, as modified, is 200 feet or less in total length offshore; or

- 1 (iii) The structure, as modified, does not extend past the four feet mean low water
2 contour line (four feet depth at mean low water) of the waterbody; and
3 (iv) The project as ~~modified, modified~~ will not exceed six feet width; and
4 (v) The modification or addition does not include an enclosed structure; and
5 (vi) The project will continue to be used for private, residential ~~purposes; purposes.~~
6 (c) for boat ramps:
7 (i) The project, as modified, would not exceed 10 feet in width and 20 feet offshore;
8 and
9 (ii) The project will continue to be used for private, residential purposes.

10 ~~The criteria in the categories listed in this Rule are aimed primarily at exempting from the CAMA permit those~~
11 ~~projects that are simple modifications intended for private use. These are considered to be a reasonable expression~~
12 ~~of a waterfront property owner's right of access.~~

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14 *History Note: Authority G.S. 113A-103(5)(c); 113A-118(a);*
15 *Eff. March 29, 1978;*
16 *Amended Eff. July 1, 1981;*
17 *Readopted Eff. November 1, 2021.*

1 15A NCAC 07K .0204 is readopted **with changes** as published in 34:09 NCR 756 as follows:

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3 **15A NCAC 07K .0204 EXEMPTIONS FOR PROJECTS REQUIRING AIR QUALITY PERMIT**

4 Modification to Existing Sources or Control Devices. ~~Generally, projects~~ **Projects** in this category are modifications
5 to facilities or control devices ~~which that are necessary for upgrading~~ **upgrade** existing capacities or **are intended to**
6 **meet meeting minimum** air quality standards. ~~Existing abatement devices may be modified or new equipment~~
7 ~~installed; however, the purpose of such modification is not tied to expanding capabilities.~~ Projects falling into this
8 category ~~will~~ **shall** be exempted from the CAMA ~~major development~~ **major development** permit if:

- 9 (1) The modification is ~~necessary for~~ **limited to upgrading** existing capabilities or to meet ~~minimum~~ air
10 quality ~~standards, or~~ **standards; or**
11 (2) The modification involves installation of additional abatement devices necessary to meet ~~minimum~~
12 air quality ~~standards,~~ **standards;** and
13 (3) ~~Such~~ **The** modification does not involve ~~significant~~ land-disturbing activities or necessitate surface
14 or subsurface disposal of water.

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16 *History Note: Authority G.S. 113A-103(5)(c); 113A-118(a);*
17 *Eff. March 29, 1978;*
18 *Readopted Eff. November 1, 2021.*
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1 15A NCAC 07K .0205 is readopted **with changes** as published in 34:09 NCR 756 as follows:

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3 **15A NCAC 07K .0205 EXEMPTIONS FOR PROJECTS REQUIRING THE NPDES**

4 (a) Projects requiring the National Pollution Discharge Elimination System permit are those **which that** will discharge
5 wastewater from an outlet, point source, or disposal system into the surface waters of the **state. State.**

6 (b) Modification of Existing Facilities. Projects in this category **generally** are those facilities **which that** undergo
7 **some sort of** modification **either** to meet **current** effluent limitations **set forth in 15A NCAC 02B .0404, which is**
8 **hereby incorporated by reference, including subsequent amendments, or to improve existing capacities.** Projects
9 falling into this category will be exempted from the CAMA **major development major development** permit if:

- 10 (1) Modifications are for the purpose of upgrading facilities to meet current effluent limitation
11 standards;
- 12 (2) Modifications are for the purpose of improving existing capacities or providing back up units for
13 existing capacities;
- 14 (3) The modification is for treating waste load types similar to those in the previously permitted activity;
15 **or**
- 16 (4) The final discharge flow **which that** may be associated with **such the** modification remains the same
17 as the discharge flow permitted before modification; **and**
- 18 (5) No additional acreage is necessary for land disposal of dewatered wastes or does not require
19 subsurface pollutant injection; **and**
- 20 (6) No significant land-disturbing activity is involved.

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22 *History Note: Authority G.S. 113A-103(5)(c); 113A-118(a);*

23 *Eff. March 29, 1978;*

24 *Readopted Eff. November 1, 2021.*

1 15A NCAC 07K .0206 is readopted as published in 34:09 NCR 756 with changes as follows:

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3 **15A NCAC 07K .0206 ~~SMALL~~ AGRICULTURAL AND FORESTRY DITCHES EXEMPTED**

4 (a) ~~Small ditches~~ **Ditches** used for agricultural or forestry purposes with maximum dimensions equal to or less than
5 six feet (top width) by four feet deep are exempted from the CAMA permit requirement.

6 (b) All ditches with maximum dimensions greater than six feet by four feet will require **a permit.** ~~application for a~~
7 ~~letter of authorization from the Commission. If the Commission determines that the ditch will affect estuarine or~~
8 ~~navigable waters, a major development permit will be required.~~

9 (c) Width and depth dimensions of all ditches will be measured at the ground level.

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11 *History Note: Authority G.S. 113A-103(5)(a); 113A-118(a);*

12 *Eff. November 1, 1984;*

13 *Readopted Eff. November 1, 2021.*

1 15A NCAC 07K .0209 is readopted **with changes** as published in 34:09 NCR 756 as follows:

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3 **15A NCAC 07K .0209 EXEMPTION / ACCESSORY USES / MAINTENANCE REPAIR /**
4 **REPLACEMENT**

5 (a) Accessory buildings customarily incident to an existing structure are **specifically** excluded from the definition of
6 development if the work does not involve filling, excavation, or the alteration of any sand dune or beach as set out in
7 G.S. ~~113A-103(5)b.6.~~ **113A-103(5)(b)(6)**. Accessory buildings are subordinate in **area size** and purpose to the
8 principal structure and do not require, or consist of the expansion of the existing structure as defined by an increase in
9 footprint or total floor area of the existing structure. A building with a footprint of 100 square feet or less is considered
10 an accessory building as long as it is customarily incident to and subordinate in **area size** and purpose to the principal
11 structure. Buildings of a larger size may be considered accessory buildings if necessary for customary use.

12 (b) Accessory uses as **defined described** in Paragraph (a) of this Rule and that are **directly related required** to **support**
13 the existing dominant use, but not within the exclusion set out in G.S. ~~113A-103(5)b.6.~~ **113A-103(5)(b)(6)** and that
14 require no plumbing, **electrical electrical**, or other service connections and do not exceed 200 square feet are exempt
15 from the CAMA minor development permit requirement if they meet the criteria set out in Paragraph (d) of this Rule.

16 (c) Any structure, or part thereof, consistent with **current CRC rules this Chapter** may be maintained, **repaired repaired**,
17 or **replaced replaced**, in a similar **manner**, size and location as the existing structure without requiring a permit, unless
18 the repair or replacement would be in violation of the criteria set out in Paragraph (d) of this Rule. This exemption
19 applies to those projects that are not within the exclusion for maintenance and repairs as set out in G.S. ~~113A-~~
20 ~~103(5)b.5.~~ **113A-103(5)(b)(6)**, Rule .0103 of this Subchapter and Rule 07J .0210.

21 (d) In order to be eligible for the exemptions described in Paragraphs (b) and (c), of this Rule, the proposed
22 development activity must meet the following criteria:

- 23 (1) the development must not disturb a land area of greater than 200 square feet on a slope of greater
24 than 10 percent;
- 25 (2) the development must not involve removal, damage, or destruction of threatened or endangered
26 animal or plant species;
- 27 (3) the development must not alter naturally or artificially created surface drainage channels;
- 28 (4) the development must not alter the land form or vegetation of a frontal dune;
- 29 (5) the development must not be within 30 feet of normal water level or normal high water level; and
- 30 (6) the development must be consistent with all applicable use standards and local land use plans in
31 effect at the time the exemption is granted.

32
33 *History Note:* Authority G.S. ~~113A-103(5)b;~~ ~~113A-103(5)c;~~ ~~113A-103(5);~~ 113A-111; 113A-118(a); ~~113A-120(8);~~
34 ~~113A-120(a)(8);~~

35 *Eff. November 1, 1984;*

36 *Amended Eff. August 1, 2007; March 1, 2006; July 1, 2004; August 1, 2002; August 1, 2000;*

37 *Readopted Eff. November 1, 2021.*

1 15A NCAC 07K .0210 is readopted **with changes** as published in 34:09 NCR 756 as follows:

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3 **15A NCAC 07K .0210 NOMINATION CATEGORIES EXCLUDED: MINOR PERMIT EXEMPTION**

4 The minor development permit exemptions in this Section are not applicable to the "Areas That Sustain Remnant
5 **Species"; Species," as defined in 15A NCAC 07H .0505, "Complex Natural Areas" Areas," as defined in 15A NCAC**
6 **07H .0506, and "Unique Geologic Formations" Formations," as defined in 15A NCAC 07H .0507** categories of areas
7 of environmental ~~concern unless specifically incorporated in the Coastal Resources Commission's statement of~~
8 ~~designation.~~ **concern.**

9
10 *History Note: Authority G.S. 113A-103(5)(c); 113A-118(a);*

11 *Eff. November 1, 1984;*

12 *Readopted Eff. November 1, 2021.*

1 15A NCAC 07K .0212 is readopted with changes as published in 34:09 NCR 756 as follows:

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3 **15A NCAC 07K .0212 INSTALLATION AND MAINTENANCE OF SAND FENCING**

4 Sand fences that are installed and maintained subject to the following criteria are exempt from the permit requirements
5 of the Coastal Area Management Act:

- 6 (1) Sand fencing may only be installed for the purpose of: building sand dunes by trapping wind blown
7 ~~sand;~~ sand or the protection of the dune(s) and vegetation (planted or existing).
- 8 (2) Sand fencing shall not impede existing public access to the beach, recreational use of the ~~beach~~
9 ~~beach~~, or emergency vehicle access. Sand fencing shall not be installed in a manner that impedes
10 or restricts established common law and statutory rights of public access and use of public trust
11 lands and waters.
- 12 (3) Sand fencing shall not be installed in a manner that impedes, ~~traps traps~~, or otherwise endangers sea
13 turtles, sea turtle nests or sea turtle hatchlings.
- 14 (4) Non-functioning, damaged, or ~~unsecured;~~ unsecured sand fencing shall be ~~immediately~~ removed by
15 the property ~~owner;~~ owner upon discovery.
- 16 (5) Sand fencing shall be constructed from evenly spaced thin (approximately 1 to 1 ½ inches wide)
17 wooden vertical slats connected with twisted wire, no more than 5 feet in height. Wooden posts or
18 stakes no larger than 2" X 4" or 3" diameter shall support sand fencing.
- 19 (6) Location. Sand fencing shall be placed as far landward as possible to avoid interference with sea
20 turtle nesting, existing public access, recreational use of the beach, and emergency vehicle access.
- 21 (a) Sand fencing shall not be placed on the wet sand beach ~~area;~~ area.
- 22 (b) Sand fencing installed parallel to the shoreline shall be located no farther waterward than
23 the crest of the frontal or primary dune; or
- 24 (c) Sand fencing installed waterward of the crest of the frontal or primary dune shall be
25 installed at an angle no less than 45 degrees to the shoreline. Individual sections of sand
26 fence shall not exceed more than 10 feet in length (except for public accessways) and shall
27 be spaced no less than seven feet apart, and shall not extend more than 10 feet waterward
28 of the following locations, whichever is most waterward, as defined in 15A NCAC 7H
29 .0305: the first line of stable natural vegetation, the toe of the frontal or primary dune, or
30 erosion escarpment of frontal or primary dune; and
- 31 (d) Sand fencing along public accessways may equal the length of the accessway, and may
32 include a 45 degree funnel on the waterward end. The waterward location of the funnel
33 shall not exceed 10 feet waterward of the locations identified in ~~Item~~ Sub-Item (6)(c) of
34 this ~~Rule;~~ Item.

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36 *History Note:* Authority G.S. ~~113A-103(5)e.;~~ 113A-103(5)(c);
37 *Eff. August 1, 2002;*

1 15A NCAC 07K .0401 is readopted with changes as published in 34:09 NCR 756 as follows:

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3 **SECTION .0400 - CLASSES OF FEDERAL AGENCY ACTIVITIES EXEMPTED FROM THE PERMIT**
4 **REQUIREMENT**

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6 **15A NCAC 07K .0401 MAINTENANCE OF FEDERAL NAVIGATION CHANNELS**

7 (a) Operation and maintenance of all federal navigation channels subject to the authority of the Chief US Army
8 Corps of Engineers ~~acting through the Secretary of the Army~~ are hereby granted an exemption from the CAMA
9 permit requirement. Activities exempted by this requirement must be consistent with the Coastal Area Management
10 Act (CAMA) and the rules of this Chapter to the maximum extent practicable as set forth in 15 CFR 930.32. ~~with~~
11 ~~the North Carolina Management Plan.~~

12 (b) For the purposes of this Section, operation and maintenance activities shall mean only those activities ~~which~~ that
13 ~~are necessary to~~ allow for safe navigation over existing water courses and ~~which~~ that take place within authorized
14 project dimensions as defined in pertinent project documents. Such activities may ~~include, but are not limited to,~~
15 include hydraulic pipeline dredging, ~~sidecase~~ sidecast dredging, mechanical dredging, disposition of dredged
16 ~~materials~~ materials, and activities necessary to accomplish ~~dredging~~ dredging, such as laying pipes to move material
17 from the dredging site to the disposal area.

18
19 *History Note: Authority G.S. 113A-103(5)(c);*
20 *Eff. June 18, 1979;*
21 *Amended Eff. September 6, 1979;*
22 *Readopted Eff. November 1, 2021.*

1 15A NCAC 07K .0402 is readopted as published in 34:09 NCR 756 as follows:

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3 **15A NCAC 07K .0402 FEDERAL AGENCY ACTIVITIES EXEMPTED**

4 All federal agency development activities in areas of environmental concern are hereby granted an exemption from
5 the CAMA permit requirement.

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7 *History Note:* Authority G.S. ~~113A-124(e)(5);~~ 113A-103(5)(c)
8 *Eff. June 18, 1979;*
9 *Amended Eff. April 22, 1980; September 6, 1979;*
10 *Readopted Eff. November 1, 2021.*