

1 15A NCAC 07H .0304 IS AMENDED **WITH CHANGES** AS PUBLISHED IN 29:19 NCR 2235-2238 AS
2 FOLLOWS:
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4 15A NCAC 07H .0304 AECS WITHIN OCEAN HAZARD AREAS

5 The ocean hazard AECs contain all of the following areas:

6 (1) Ocean Erodible Area. This is the area **in which where** there exists a substantial possibility of
7 excessive erosion and significant shoreline fluctuation. The oceanward boundary of this area is
8 the mean low water line. The landward extent of this area is determined as follows:

9 (a) a distance landward from the first line of stable and natural vegetation as defined in 15A
10 NCAC 07H .0305(a)(5) to the recession line **that would be** established by multiplying the
11 long-term annual erosion rate times **60, 60;** provided that, where there has been no
12 long-term erosion or the rate is less than two feet per year, this distance shall be set at 120
13 feet landward from the first line of stable natural vegetation. For the purposes of this
14 Rule, the erosion rates are the long-term average based on available historical data. The
15 current long-term average erosion rate data for each segment of the North Carolina coast
16 is depicted on maps entitled "2011 Long-Term Average Annual Shoreline Rate Update"
17 and approved by the Coastal Resources Commission on May 5, 2011 (except as such
18 rates may be varied in individual contested cases, **declaratory declaratory,** or interpretive
19 rulings). In all cases, the rate of shoreline change shall be no less than two feet of erosion
20 per year. The maps are available without cost from any Local Permit Officer or the
21 Division of Coastal Management on the internet at <http://www.nccoastalmanagement.net>;
22 and

23 (b) a distance landward from the recession line established in Sub-Item (1)(a) of this Rule to
24 the recession line that would be generated by a storm having a one percent chance of
25 being equaled or exceeded in any given year.

26 ~~(2) The High Hazard Flood Area. This is the area subject to high velocity waters (including hurricane~~
27 ~~wave wash) in a storm having a one percent chance of being equaled or exceeded in any given~~
28 ~~year, as identified as zone V1-30 on the flood insurance rate maps of the Federal Insurance~~
29 ~~Administration, U.S. Department of Housing and Urban Development.~~

30 ~~(3)~~(2) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to
31 erosion, flooding and other adverse effects of sand, wind, and water because of their proximity to
32 dynamic ocean inlets. This area extends landward from the mean low water line a distance
33 sufficient to encompass that area within which the inlet shall migrate, based on statistical analysis,
34 and shall consider such factors as previous inlet territory, structurally weak areas near the **inlet**
35 **inlet,** and external influences such as jetties and channelization. The areas **on the maps** identified
36 as suggested Inlet Hazard Areas included in the report entitled INLET HAZARD AREAS, The
37 Final Report and Recommendations to the Coastal Resources Commission, 1978, as amended in

1 1981, by Loie J. Priddy and Rick Carraway are incorporated by reference and are hereby
2 designated as Inlet Hazard Areas except for:

- 3 (a) the Cape Fear Inlet Hazard Area as shown on the map does not extend northeast of the
4 Bald Head Island marina entrance channel; and
5 (b) the former location of Mad Inlet, which closed in 1997.

6 In all cases, the Inlet Hazard Area shall be an extension of the adjacent ocean erodible areas and in
7 no case shall the width of the inlet hazard area be less than the width of the adjacent ocean
8 erodible area. This report is available for inspection at the Department of Environment and
9 Natural Resources, Division of Coastal Management, 400 Commerce Avenue, Morehead City,
10 North Carolina or at the website referenced in Sub-item (1)(a) of this Rule. ~~Photo-copies~~
11 ~~Photocopies~~ are available at no charge.

12 ~~(4)~~(3) Unvegetated Beach Area. Beach areas within the Ocean Hazard Area where no stable natural
13 vegetation is present may be designated as an Unvegetated Beach Area on either a permanent or
14 temporary basis as follows:

- 15 (a) An area appropriate for permanent designation as an Unvegetated Beach Area is a
16 dynamic area that is subject to rapid unpredictable landform change from wind and wave
17 action. The areas in this category shall be designated following studies by the Division of
18 Coastal Management. These areas shall be designated on maps approved by the Coastal
19 Resources Commission and available without cost from any Local Permit Officer or the
20 Division of Coastal Management on the internet at the website referenced in ~~Sub-item~~
21 ~~Sub-Item~~ (1)(a) of this Rule.
22 (b) An area that is suddenly unvegetated as a result of a hurricane or other major storm event
23 may be designated ~~by the Coastal Resources Commission~~ as an Unvegetated Beach Area
24 for a specific period of ~~time, time, or the vegetation has re-established in accordance with~~
25 ~~15A NCAC 07H .0305(a)(5)~~. At the expiration of the time ~~specified by the Coastal~~
26 ~~Resources Commission, specified, or re-establishment of the vegetation,~~ the area shall
27 return to its pre-storm designation.
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29 *History Note: Authority G.S. 113A-107; 113A-107.1; 113A-113; 113A-124;*
30 *Eff. September 9, 1977;*
31 *Amended Eff. December 1, 1993; November 1, 1988; September 1, 1986; December 1, 1985;*
32 *Temporary Amendment Eff. October 10, 1996;*
33 *Amended Eff. April 1, 1997;*
34 *Temporary Amendment Eff. October 10, 1996 Expired on July 29, 1997;*
35 *Temporary Amendment Eff. October 22, 1997;*
36 *Amended Eff. September 1, 2015; May 1, 2014; February 1, 2013; January 1, 2010, February 1,*
37 *2006; October 1, 2004; April 1, 2004; August 1, 1998.*