

1 15A NCAC 07H .0304 IS AMENDED **WITH CHANGES** AS PUBLISHED IN 30:14 NCR 1505-1507 AS
2 FOLLOWS:

3
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 where there exists a substantial possibility of excessive
7 erosion and significant shoreline fluctuation. The oceanward boundary of this area is the mean low
8 water line. The landward extent of this area is ~~determined as follows:~~ the distance landward from
9 the first line of stable and natural vegetation as defined in 15A NCAC 07H .0305(a)(5) to the
10 recession line established by multiplying the long-term annual erosion rate times 90; provided that,
11 where there has been no long-term erosion or the rate is less than two feet per year, this distance
12 shall be set at 120 feet landward from the first line of stable natural vegetation. For the purposes of
13 this Rule, the erosion rates are the long-term average based on available historical data. The current
14 long-term average erosion rate data for each segment of the North Carolina coast is depicted on
15 maps entitled “2011 Long-Term Average Annual Shoreline Rate Update” and approved by the
16 Coastal Resources Commission on May 5, 2011 (except as such rates may be varied in individual
17 contested cases or in declaratory or interpretive rulings). In all cases, the rate of shoreline change
18 shall be no less than two feet of erosion per year. The maps are available without cost from any
19 Local Permit Officer or the Division of Coastal Management on the internet at
20 <http://www.nccoastalmanagement.net>.
- 21 (a) ~~— a distance landward from the first line of stable and natural vegetation as defined in 15A~~
22 ~~NCAC 07H .0305(a)(5) to the recession line established by multiplying the long term~~
23 ~~annual erosion rate times 60; [90;] provided that, where there has been no long term erosion~~
24 ~~or the rate is less than two feet per year, this distance shall be set at 120 feet landward from~~
25 ~~the first line of stable natural vegetation. For the purposes of this Rule, the erosion rates~~
26 ~~are the long term average based on available historical data. The current long term average~~
27 ~~erosion rate data for each segment of the North Carolina coast is depicted on maps entitled~~
28 ~~“2011 Long Term Average Annual Shoreline Rate Update” and approved by the Coastal~~
29 ~~Resources Commission on May 5, 2011 (except as such rates may be varied in individual~~
30 ~~contested cases, declaratory, or interpretive rulings). In all cases, the rate of shoreline~~
31 ~~change shall be no less than two feet of erosion per year. The maps are available without~~
32 ~~cost from any Local Permit Officer or the Division of Coastal Management on the internet~~
33 ~~at <http://www.nccoastalmanagement.net>; and [<http://www.nccoastalmanagement.net>].~~
- 34 (b) ~~— a distance landward from the recession line established in Sub Item (1)(a) of this Rule to~~
35 ~~the recession line that would be generated by a storm having a one percent chance of being~~
36 ~~equaled or exceeded in any given year.~~

1 (2) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to
2 erosion, ~~flooding~~ ~~flooding~~, and other adverse effects of sand, wind, and water because of their
3 proximity to dynamic ocean inlets. This area extends landward from the mean low water line a
4 distance sufficient to encompass that area within which the inlet ~~shall migrate,~~ ~~migrates,~~ based on
5 statistical analysis, and shall consider such factors as previous inlet territory, structurally weak areas
6 near the inlet, and external influences such as jetties and channelization. The areas on the maps
7 identified as suggested Inlet Hazard Areas included in the report entitled INLET HAZARD AREAS,
8 The Final Report and Recommendations to the Coastal Resources Commission, 1978, as amended
9 in 1981, by Loie J. Priddy and Rick Carraway are incorporated by reference and are hereby
10 designated as Inlet Hazard ~~Areas~~ ~~Areas~~, except for:

11 (a) the Cape Fear Inlet Hazard Area as shown on the map does not extend northeast of the Bald
12 Head Island marina entrance channel; and

13 (b) the former location of Mad Inlet, which closed in 1997.

14 In all cases, the Inlet Hazard Area shall be an extension of the adjacent ocean erodible areas and in
15 no case shall the width of the inlet hazard area be less than the width of the adjacent ocean erodible
16 area. This report is available for inspection at the Department of ~~Environment and Natural~~
17 ~~Resources,~~ Environmental Quality, Division of Coastal Management, 400 Commerce Avenue,
18 Morehead City, North Carolina or at the website referenced in ~~Sub item (1)(a)~~ Item (1) of this Rule.
19 Photocopies are available at no charge.

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

23 (a) An area appropriate for permanent designation as an Unvegetated Beach Area is a dynamic
24 area that is subject to rapid unpredictable landform change ~~from~~ due to wind and wave
25 action. The areas in this category shall be designated following studies by the Division of
26 Coastal Management. These areas shall be designated on maps approved by the Coastal
27 Resources Commission and available without cost from any Local Permit Officer or the
28 Division of Coastal Management on the internet at the website referenced in ~~Sub Item~~
29 ~~(1)(a)~~ Item (1) of this Rule.

30 (b) An area that is suddenly unvegetated as a result of a hurricane or other major storm event
31 may be designated by the Coastal Resources Commission as an Unvegetated Beach Area
32 for a specific period of time, or until the vegetation has re-established in accordance with
33 15A NCAC 07H .0305(a)(5). At the expiration of the time ~~specified,~~ ~~specified~~ or the re-
34 establishment of the vegetation, the area shall return to its pre-storm designation.

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36 *History Note:* Authority G.S. 113A-107; 113A-107.1; 113A-113; 113A-124;
37 *Eff. September 9, 1977;*

1 *Amended Eff. December 1, 1993; November 1, 1988; September 1, 1986; December 1, 1985;*
2 *Temporary Amendment Eff. October 10, 1996;*
3 *Amended Eff. April 1, 1997;*
4 *Temporary Amendment Eff. October 10, 1996 Expired on July 29, 1997;*
5 *Temporary Amendment Eff. October 22, 1997;*
6 *Amended Eff. July 1, 2016; September 1, 2015; May 1, 2014; February 1, 2013; January 1, 2010,*
7 *February 1, 2006; October 1, 2004; April 1, 2004; August 1, 1998.*