

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 under this Section shall allow the construction of bulkheads and riprap revetments for shoreline protection
9 in the public trust waters and estuarine waters AECs according to authority provided in Subchapter 07J .1100 and
10 according to the Rules in this Section. This permit shall not apply to shoreline protection along the oceanfront or to
11 waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those shorelines that feature
12 characteristics of the Estuarine Shoreline AEC. Such features include the presence of wetland vegetation, lower wave
13 energy and lower erosion rates than the adjoining Ocean Erodible Area.
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15 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*
16 *Eff. March 1, 1984;*
17 *Amended Eff. July 1, 2009; April 1, 2003;*
18 *Readopted February 1, 2022.*

1 15A NCAC 07H .1102 is readopted as published in 34:09 NCR 758 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) confirmation that a written statement has been obtained signed by the adjacent riparian property
9 owners indicating that they have no objections to the proposed work; or

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

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

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

27 *Eff. March 1, 1984;*

28 *Amended Eff. July 1, 2009; October 1, 2007; September 1, 2006; January 1, 1990; December 1,*
29 *1987;*

30 *Readopted February 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;*
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.

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

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

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

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

18 (f) Development carried out under this permit shall be consistent with all local requirements, AEC rules, and local
19 land use plans current at the time of authorization.

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21 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*
22 *Eff. March 1, 1984;*
23 *Amended Eff. May 1, 1990; December 1, 1987;*
24 *RRC Objection due to ambiguity Eff. May 19, 1994;*
25 *Amended Eff. July 1, 2009; August 1, 1998; July 1, 1994;*
26 *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 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 pollutants.

26 (f) Revetment material shall be of sufficient size to prevent movement from the site by wave action or currents.

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

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

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

35 (j) Runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
36 Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that

1 eroded materials do no enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms,
2 sand fence, etc.).

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

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

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

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

10 *Eff. March 1, 1984;*

11 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); July 1, 2009; April 1, 2005; December 1,*
12 *1991; January 1, 1989; December 1, 1987;*

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

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

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

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

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

7 (b) The applicant shall provide:

8 (1) confirmation that a written statement, signed by the adjacent riparian property owners, stating that
9 they have no objections to the proposed work, has been obtained; or

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

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

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21 *History Note: Authority G.S. 113-229(c); 113A-107; 113A-113(b); 113A-118.1;*
22 *Eff. December 1, 1987;*
23 *Amended Eff. September 1, 2016; January 1, 1990;*
24 *Readopted Eff. February 1, 2022.*

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 as follows:

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

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

9 (b) This permit shall not eliminate the need to obtain any other required state, local or federal authorization.

10 (c) Development carried out under this permit shall be consistent with all local requirements, Commission rules, and
11 local Land Use Plans in effect at the time of authorization.

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

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

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

4 (a) The area where this activity is being performed shall maintain a slope that follows the pre-emergency slopes as
5 closely as possible so as not to endanger the public or the public's use of the beach. The movement of material by a
6 bulldozer, front-end loader, backhoe, scraper, or any type of earth moving or construction equipment shall not exceed
7 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) Adding sand to dunes shall be accomplished in such a manner that the damage to existing vegetation is minimized.
13 Upon completion of the project, the fill areas shall be replanted with native vegetation, such as Sea Oats (*Uniola*
14 *paniculata*), or if outside the planting season, shall be stabilized with sand fencing until planting can occur.

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

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

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

25 *Eff. December 1, 1987;*

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

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

28 *Readopted Eff. February 1, 2022.*