

1 15A NCAC 07H .1301 is readopted **with changes** as published in 34:09 NCR 758 as follows:

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3 **SECTION .1300 – GENERAL PERMIT TO CONSTRUCT BOAT RAMPS ALONG ESTUARINE AND**  
4 **PUBLIC TRUST SHORELINES AND INTO ESTUARINE AND PUBLIC TRUST WATERS**

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6 **15A NCAC 07H .1301 PURPOSE**

7 A ~~permit under this Section shall allow~~ **person requesting** ~~for~~ the construction of boat ramps along estuarine and  
8 public trust shorelines and into ~~Estuarine~~ **estuarine** and ~~public trust waters~~ **Public Trust Waters** ~~AECs~~ **AECs**  
9 ~~according to the authority provided in Subchapter 07J .1100 and~~ **shall apply for a General Permit** according to the  
10 ~~Rules~~ **rules** in this Section. This permit shall not apply to oceanfront shorelines or to waters and shorelines adjacent  
11 to the Ocean Hazard AEC with the exception of those shorelines that feature characteristics of the Estuarine  
12 Shoreline AEC. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion  
13 rates than the adjacent Ocean Erodible Area.

14  
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. April 1, 2003; August 1, 2000;*  
18 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1302 is readopted with changes as published in 34:09 NCR 758 as follows:

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3 **15A NCAC 07H .1302 APPROVAL PROCEDURES**

4 (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management at the  
5 Regional Office indicated on the map located at  
6 <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and  
7 request approval for ~~development.~~ development as defined in G.S. 113A-130(5). The applicant shall provide  
8 information on site location, dimensions of the project area, and his name and address.

9 (b) The applicant shall provide:

10 (1) the site location, dimensions of the project area, and his or her name and [his or her] address; and

11 (2)(4) confirmation that a written statement has been obtained obtained, signed by the adjacent riparian  
12 property ~~owners~~ owners, indicating that they have no objections to the proposed work; or

13 (3)(2) confirmation that the adjacent riparian property owners have been notified by certified mail of the  
14 proposed work. The notice shall instruct adjacent property owners to provide any written comments  
15 on the proposed development in writing to the Division of Coastal Management within ten days of  
16 receipt of the ~~notice, and, notice and~~ indicate that no response by the adjacent property owners shall  
17 be interpreted as the adjacent property owners having no objection. DCM Division staff shall review  
18 all comments and determine, based on their relevance to the potential impacts of the proposed  
19 project, if the proposed project can be approved by a General Permit. If DCM Division staff finds  
20 that the comments are worthy of more in-depth review, determines that the project exceeds the  
21 guidelines established by the General Permit Process, DCM the Division shall notify the applicant  
22 that he or she must submit an application for a major development permit.

23 (c) No work shall begin until an on-site meeting is held with the applicant and appropriate a Division of Coastal  
24 Management representative to review the proposed development, so that the proposed boat ramp alignment may be  
25 appropriately marked. Written authorization A permit to proceed with the proposed development may shall be issued  
26 if the Division representative finds that the application meets all the requirements of this Subchapter, during this visit.  
27 Construction of the boat ramp structure permitted under this Subsection shall be completed within 120 days of this  
28 visit permit issuance or such permit the general authorization shall expire, expire. If the applicant seeks a new permit  
29 under this Subsection, the Division of Coastal Management shall re-examine the proposed development to determine  
30 if the General Permit may be reissued.

31  
32 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*  
33 *Eff. March 1, 1984;*  
34 *Amended Eff. August 1, 2007; September 1, 2006; January 1, 1990;*  
35 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1303 is readopted **with changes** as published in 34:09 NCR 758 as follows:

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3 **15A NCAC 07H .1303 PERMIT FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00) by check or money order payable to the

5 ~~Department.~~Department of Environmental Quality.

6

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

8 *Eff. March 1, 1984;*

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

10 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1304 is readopted with changes as published in 34:09 NCR 758 as follows:

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3 **15A NCAC 07H .1304 GENERAL CONDITIONS**

4 (a) Structures authorized by this permit shall be non-commercial boat ramps constructed of acceptable material and  
5 conforming to the standards herein.

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

10 (c) There shall be no unreasonable interference with navigation or public use of the waters by the public during or  
11 after construction, through the existence of boat ramps.

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

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

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

20

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;*

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

25 *Amended Eff. August 1, 1998; July 1, 1994;*

26 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1305 is readopted **with changes** as published in 34:09 NCR 758 as follows:

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3 **15A NCAC 07H .1305 SPECIFIC CONDITIONS**

4 (a) Boat ramps shall be no wider than 15 feet and shall not extend more than 20 feet waterward of the normal high  
5 water level or normal water level.

6 (b) Excavation and ground disturbing activities above and below the normal high water level or normal water level  
7 will be limited to that **absolutely** necessary to establish **adequate** ramp slope and provide a ramp no greater in size than  
8 specified by this general permit.

9 (c) Placement of fill materials below normal high water level, or normal water level, will be limited to the ramp  
10 structure and any associated riprap groins. Boat ramps may be constructed of concrete, wood, steel, clean riprap, marl,  
11 or any other suitable equivalent materials approved by the Division of Coastal Management. No coastal wetland  
12 vegetation shall be excavated or filled at any time during construction.

13 (d) The permit set forth in this Section allows for up to a six-foot wide launch access **doek dock, (fixed fixed** or  
14 **floating) floating**, immediately adjacent to a new or existing boat ramp. The length shall be limited to the length of  
15 the permitted boat ramp **(with with** a maximum length of 20 feet waterward of the normal high water level or normal  
16 water **level. level)**. No permanent slips are authorized by this permit.

17 (e) Groins shall be allowed as a structural component on one or both sides of a new or existing boat ramp to reduce  
18 scouring. The groins shall be limited to the length of the permitted boat ramp **(with-with** a maximum length of 20 feet  
19 waterward of the normal high water level or normal water **level). level.**

20 (f) The height of sheetpile groins shall not exceed one foot above normal high water level or normal water level and  
21 the height of riprap groins shall not exceed two feet above normal high water level or normal water level.

22 (g) Riprap groins shall not exceed a base width of five feet.

23 (h) Material used for groin construction shall be free from loose dirt or any other pollutant. Riprap material must be  
24 of sufficient size to prevent its movement from the approved alignment by wave action or currents.

25 (i) "L" and "T" sections shall not be allowed at the end of groins.

26 (j) Groins shall be constructed of granite, marl, concrete without exposed rebar, timber, vinyl sheet pile, steel sheet  
27 pile, or other suitable equivalent materials approved by the Division of Coastal Management.

28 (k) Boat ramps and their associated structures authorized under this permit shall not interfere with the access to any  
29 riparian property and shall have a minimum setback of 15 feet between any part of the boat ramp or associated  
30 structures and the adjacent property owners' areas of riparian access. The minimum setbacks provided in the rule may  
31 be waived by the written agreement of the adjacent riparian **owners, owner(s)**, or when two adjoining riparian owners  
32 are co-applicants. Should the adjacent property be sold before construction of the boat ramp or associated structures  
33 commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and  
34 submit it to the Division of Coastal Management prior to initiating any development of the boat ramp or associated  
35 structures authorized under this permit.

36  
37 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*

- 1 *Eff. March 1, 1984;*
- 2 *Amended Eff. August 1, 2014;*
- 3 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1401 is readopted as with changes published in 34:09 NCR 758 as follows:

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3 **SECTION .1400 - GENERAL PERMIT FOR CONSTRUCTION OF GROINS IN ESTUARINE AND**  
4 **PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS**

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6 **15A NCAC 07H .1401 PURPOSE**

7 A permit under this section shall allow person requesting the construction of groins in the estuarine Estuarine and  
8 public trust waters Public Trust Waters AECs AECs according to the authority provided in Subchapter 07J .1100 and  
9 shall apply for a General Permit according to the rules in this Section. This general permit shall not apply to the  
10 oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those  
11 shorelines that feature characteristics of the Estuarine Shoreline AEC. Such features include the presence of wetland  
12 vegetation, lower wave energy, and lower erosion rates than the adjacent Ocean Erodible Area.

13  
14 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124(c);*  
15 *Eff. March 1, 1984;*  
16 *Temporary Amendment Eff. December 1, 2002;*  
17 *Amended Eff. February 1, 2009; August 1, 2004; April 1, 2003;*  
18 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1402 is readopted with changes as published in 34:09 NCR 758 as follows:

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3 **15A NCAC 07H .1402 APPROVAL PROCEDURES**

4 (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management at the  
5 Regional Office indicated on the map located at  
6 <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and  
7 request approval for development, development as defined in G.S. 113A-130(5). The applicant shall provide  
8 information on site location, dimensions of the project area, and the applicant's name and address.

9 (b) The applicant shall provide:

10 (1) the site location, dimensions of the project area, and his or her name and [his or her] address; and

11 (2)(1) confirmation that a written statement has been obtained obtained, signed by the adjacent riparian  
12 property owners owners, indicating that they have no objections to the proposed work; or

13 (3)(2) confirmation that the adjacent riparian property owners have been notified by certified mail of the  
14 proposed work. The notice shall instruct adjacent property owners to provide any written comments  
15 on the proposed development in writing to the Division of Coastal Management within 10 ten days  
16 of receipt of the notice. The notice and shall also indicate that no response by the adjacent property  
17 owners shall be interpreted as the adjacent property owners having no objection. The Division staff  
18 of Coastal Management shall review all comments and determine, based on their relevance to the  
19 potential impacts of the proposed project, if the proposed project can be approved by a General  
20 Permit. If the Division of Coastal Management staff finds that the comments are worthy of more  
21 in-dept review, determines that the project exceeds the rules established by the General Permit  
22 process, the Division shall notify the applicant shall be notified that he or she must submit an  
23 application for a major development permit. permit shall be required.

24 (c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management  
25 representative to review the proposed development, so that the proposed groin alignment can be marked. Written  
26 authorization A permit to proceed with the proposed development shall be issued if the Division representative finds  
27 that the application meets all the requirements of this Subchapter, during this visit. Construction permitted under this  
28 Subsection shall be completed within 120 days of the issuance of the permit issuance or such permit the authorization  
29 shall expire expire, and it shall be necessary to re-examine the alignment to determine if the general authorization may  
30 be If the applicant seeks a new permit under this Subsection, the Division of Coastal Management shall re-examine  
31 the proposed development to determine if the General Permit may be reissued.

32 (d) Any modification or addition to the authorized project shall require prior approval from the Division of Coastal  
33 Management. Management in accordance with 15A NCAC 7J .0405.

34  
35 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*

36 *Eff. March 1, 1984;*

37 *Amended Eff. February 1, 2009; October 1, 2007; August 1, 2004; May 1, 1990; January 1, 1990;*





1 15A NCAC 07H .1403 is readopted **with changes** as published in 34:09 NCR 758 as follows:

2

3 **15A NCAC 07H .1403 PERMIT FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00) by check or money order payable to the

5 ~~Department.~~ Department of Environmental Quality.

6

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

8 *Eff. March 1, 1984;*

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

10 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1404 is readopted with changes as published in 34:09 NCR 758 as follows:

2  
3 **15A NCAC 07H .1404 GENERAL CONDITIONS**

4 (a) Structures authorized by a general permit General Permit in this Section shall be timber, sheetpile, or riprap groins.  
5 groins conforming to the standards in this Rule.

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

10 (c) The placement of groins authorized in this Rule shall not interfere with the established or traditional rights of  
11 navigation of the waters by the public.

12 (d) This The permit set forth in this Section shall not be applicable to proposed construction where the Department  
13 Division of Coastal Management has determined, determined based on an initial review of the application, that notice  
14 and review pursuant to G.S. 113A-119 is necessary required because there are unresolved questions concerning the  
15 proposed activity's impact on Areas of Environmental Concern, adjoining properties or on water quality; air quality;  
16 coastal wetlands; cultural or historic sites; wildlife; fisheries resources; quality, air quality, coastal wetlands, cultural  
17 or historic sites, wildlife, fisheries 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 shall be consistent with all local requirements, AEC rules, and local  
20 land use plans current at the time of authorization.

21  
22 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*  
23 *Eff. March 1, 1984;*  
24 *Amended Eff. May 1, 1990;*  
25 *RRC Objection due to ambiguity Eff. May 16, 1994;*  
26 *Amended Eff. August 1, 1998; July 1, 1994;*  
27 *Temporary Amendment Eff. December 1, 2002;*  
28 *Amended Eff. February 1, 2009; August 1, 2004;*  
29 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1405 is readopted **with changes** as published in 34:09 NCR 758 as follows:

2  
3 **15A NCAC 07H .1405 SPECIFIC CONDITIONS**

4 (a) Groins shall be perpendicular to the shoreline and shall not extend more than 25 feet waterward of the normal  
5 high water or normal water level.

6 (b) Riprap groins shall not exceed a base width of 10 feet.

7 (c) Groins shall be set back at least 15 feet from the riparian access dividing line as measured from the closest point  
8 of the structure. This setback may be waived by written agreement of the adjacent riparian **owners** **owner(s)** or when  
9 two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the groin  
10 commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and  
11 submit it to the Division of Coastal Management prior to initiating any development of the groin.

12 (d) The height of sheetpile groins shall not exceed one foot above normal high water or the normal water level and  
13 the height of riprap groins shall not exceed two feet above normal high water or the normal water level.

14 (e) Material used for groin construction shall be free from loose **dirt, dirt or any other pollutant.** Groin material must  
15 be of sufficient size to prevent its movement from the site by wave action or currents.

16 (f) Structure spacing shall be two times the groin length as measured from the centerline of the structure. Spacing  
17 may be less than two times the groin length around channels, docking facilities, boat lifts, or boat ramps and when  
18 positioned to prevent sedimentation or accretion **around [these structures] channels, docking facilities, boat lifts, or**  
19 **boat ramps, in a particular area.**

20 (g) "L" and "T" sections shall not be allowed at the end of groins.

21 (h) Groins shall be constructed of granite, marl, concrete without exposed rebar, timber, vinyl sheet pile, steel sheet  
22 **pile pile,** or other suitable equivalent materials approved by the Division of Coastal Management.

23  
24 *History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*  
25 *Eff. March 1, 1984;*  
26 *Temporary Amendment Eff. December 1, 2002;*  
27 *Amended Eff. February 1, 2009; August 1, 2004;*  
28 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1501 is readopted **with changes** as published in 34:09 NCR 758 as follows:

2  
3 **SECTION .1500 - GENERAL PERMIT FOR EXCAVATION WITHIN OR CONNECTING TO EXISTING**  
4 **CANALS, CHANNELS, BASINS, OR DITCHES IN ESTUARINE WATERS, PUBLIC TRUST WATERS,**  
5 **AND COASTAL SHORELINE AECS**

6  
7 **15A NCAC 07H .1501 PURPOSE**

8 **This permit for A person requesting excavation within or connecting to existing canals, channels, basins, or ditches in**  
9 **estuarine waters, public trust waters and coastal shoreline Estuarine Waters, Public Trust [Waters] Waters, and Coastal**  
10 **Shorelines AECS ~~shall allow excavation within existing canals, channels, basins, and ditches in estuarine and public~~**  
11 **~~trust waters~~ for the purpose of maintaining water depths and creating new boat basins from non-wetland areas that**  
12 **will be used for private, non-commercial ~~activities.~~ [activities,] activities shall apply for a General Permit according**  
13 **to the rules of this Section. ~~This general permit is also subject to the procedures outlined in Subchapter 07J .1100.~~**

14  
15 *History Note: Authority G.S. 113A-107(a),(b); 113A-113(b); 113A-118.1; 113-229~~(e)~~(c1);*  
16 *Eff. July 1, 1984;*  
17 *Amended Eff. July 1, 2015; December 1, 1987;*  
18 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1502 is readopted with changes as published in 34:09 NCR 758 as follows:

2  
3 **15A NCAC 07H .1502 APPROVAL PROCEDURES**

4 (a) ~~The An~~ applicant for a ~~general permit~~ General Permit under this Subchapter ~~for excavation within or connecting~~  
5 ~~to existing canals, channels, basins, or ditches in estuarine waters, public trust waters and coastal shoreline areas of~~  
6 ~~environmental concern~~ shall contact the Division of Coastal Management at the Regional Office indicated on the map  
7 located at <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51>  
8 and request approval for ~~development.~~ development as defined in G.S. 113A-130(5). ~~Applicants shall provide their~~  
9 ~~name and address, the site location, and the dimensions of the project area.~~

10 (b) The applicant ~~must~~ shall provide:

11 (1) the site location, dimensions of the project area, and his or her name and [his or her] address; and

12 (2)(1) A Confirmation that a written statement has been obtained, signed by the adjacent riparian property  
13 owners owners, indicating that they have no objections to the proposed work; or

14 (3)(2) Certified mail return receipts (or copies thereof) indicating confirmation that the adjacent riparian  
15 property owners have been notified by certified mail of the proposed work. ~~Such~~ The notice ~~should~~  
16 shall instruct adjacent property owners to provide any written comments on the proposed  
17 development in writing ~~for consideration by permitting officials~~ to the Division of Coastal  
18 Management within ten days of receipt of the ~~notice,~~ notice and indicate that no response by the  
19 adjacent property owners will be interpreted as the adjacent property owners having no objection.  
20 Division staff shall review all comments and determine, based on their relevance to the potential  
21 impacts of the proposed project, if the proposed project can be approved by a General Permit. If  
22 DCM Division staff finds that the comments are worthy of more in-depth review, ~~determines that~~  
23 ~~the project exceeds the guidelines established by the General Permit Process,~~ DCM the Division  
24 shall notify the applicant that he or she must submit an application for a major development permit.

25 ~~(c) DCM staff will review the permit request and comments and determine, based on the potential impacts of the~~  
26 ~~proposed project, whether the proposed project complies with the requirements of this Section and can be approved~~  
27 ~~by a General Permit. If DCM staff finds that the proposed project does not comply with the requirements of this~~  
28 ~~Section, the applicant will be notified that they must submit an application for a major development permit in~~  
29 ~~accordance with 15A NCAC 07J .0200.~~

30 ~~(c)(4)~~ No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management  
31 representative to review the proposed development, ~~inspect and mark the proposed area of excavation and spoil~~  
32 ~~disposal.~~ Written authorization A Permit to proceed with the proposed development ~~may~~ shall be issued if the Division  
33 representative finds that the application meets all the requirements of this Subchapter, ~~during this site visit.~~ All  
34 excavation Construction permitted under this Subsection shall be completed within 120 days of the date of permit  
35 ~~issuance.~~ issuance or such permit shall expire. If the applicant seeks a new permit under this Subsection, the Division  
36 of Coastal Management shall re-examine the proposed development to determine if the General Permit may be  
37 reissued.

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*History Note: Authority G.S. 113A-107(a),(b); 113A-113(b); 113A-118.1; ~~113-229(e)~~; 113-229(c1)  
Eff. July 1, 1984;  
Amended Eff. July 1, 2015; January 1, 1990; December 1, 1987;  
Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1503 is readopted **with changes** as published in 34:09 NCR 758 as follows:

2

3 **15A NCAC 07H .1503 APPLICATION FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00) for maintenance excavation of 100 cubic yards  
5 or less or four hundred dollars (\$400.00) for maintenance excavation of 100 to 1,000 cubic yards. Permit fees shall  
6 be paid by check or money order payable to the ~~Department~~**Department of Environmental Quality**.

7

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

9 *Eff. July 1, 1984;*

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

11 *Readopted Eff. October 1, 2022.*



1 15A NCAC 07H .1504 is readopted with changes as published in 34:09 NCR 758 as follows:

2  
3 **15A NCAC 07H .1504 GENERAL CONDITIONS**

4 (a) Individuals Permittees shall allow representatives of the Division of Coastal Management Department of  
5 Environmental Quality to make periodic inspections at any time necessary to ensure that the activity being performed  
6 under authority of this the general permit General Permit set forth in this Section for excavation within or connecting  
7 to existing canals, channels, basins, or ditches in estuarine waters, public trust waters and coastal shoreline areas of  
8 environmental concern, is in accordance with the terms and conditions set forth in this Section, prescribed herein.

9 ~~(b) This general permit shall not be applicable to proposed maintenance excavation when the Division determines~~  
10 ~~that the proposed activity will adversely affect adjacent property.~~

11 ~~(b)(e) This The~~ permit set forth in this Section shall not be applicable to proposed construction where the Division  
12 Department has ~~determined,~~ determined based on an initial review of the application, application that notice and  
13 review pursuant to G.S. 113A-119 is necessary required because there are unresolved questions concerning the  
14 proposed activity's impact on Areas of Environmental Concern, adjoining properties or on water quality; air quality;  
15 coastal wetlands; cultural or historic sites; wildlife; fisheries resources or public trust rights.

16 (d) No new basins shall be allowed that result in closure of shellfish waters according to the closure policy of the  
17 Division of Marine Fisheries, 15A NCAC 18A .0911.

18 ~~(e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization, nor to~~  
19 ~~abide by regulations adopted by any federal or other state agency.~~

20 ~~(f) Development carried out under this permit shall be consistent with all local requirements, AEC rules, and local~~  
21 ~~Land Use Plans current at the time of authorization.~~

22  
23 *History Note: Authority G.S. 113A-107(a),(b); G.S. 113A-108; 113A-113(b); 113A-118.1; ~~113-229(e)~~113-*  
24 *229(c1)*

25 *Eff. July 1, 1984;*

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

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

28 *Amended Eff. July 1, 2015; August 1, 1998; July 1, 1994;*

29 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1505 is readopted **with changes** as published in 34:09 NCR 758 as follows:

2  
3 **15A NCAC 07H .1505 SPECIFIC CONDITIONS**

4 Proposed maintenance excavation shall meet each of the following specific conditions to be eligible for authorization  
5 by this general permit.

- 6 (1) New basins shall be allowed only when they are located entirely in highground and join existing  
7 man-made canals or basins.
- 8 (2) New basins shall be no larger than **50' 50 feet** in either length or width and no deeper than the waters  
9 they join.
- 10 (3) New basins shall be for the private non-commercial use of the land owner.
- 11 (4) Maintenance excavation shall involve the removal of no more than 1,000 cubic yards of material as  
12 part of a single and complete project.
- 13 (5) All excavated material shall be placed entirely on high ground above the mean high tide or ordinary  
14 high water line, and above any **marsh marsh,** or other wetland.
- 15 (6) All spoil material shall be stabilized or retained so as to prevent any excavated material from  
16 re-entering the surrounding waters, **marsh marsh,** or other wetlands.
- 17 (7) The proposed project shall not involve the excavation of any marsh, submerged aquatic vegetation  
18 **(as as** defined at 15A NCAC 03I .0101 by the Marine Fisheries **Commission); Commission,** or other  
19 wetlands.
- 20 (8) Maintenance excavation shall not exceed the original dimensions of the canal, channel, **basin basin,**  
21 or ditch and in no case be deeper than 6 feet below mean low water or ordinary low water, nor  
22 deeper than connecting channels.
- 23 (9) Proposed excavation **in existing channels and basins** shall not **promote or provide the opportunity**  
24 **for a change to allow for** a public or commercial **use. use at the time of project review.**
- 25 (10) Maintenance excavation as well as excavation of new basins shall not be allowed within or with  
26 connections to primary nursery areas without prior approval from the Division of Marine Fisheries  
27 or Wildlife Resources **Commission. Commission (whichever is applicable).**
- 28 (11) Bulkheads shall be allowed as a structural component on one or more sides of the permitted basin  
29 to stabilize the shoreline from erosion.
- 30 (12) The bulkhead shall not exceed a distance of two feet waterward of the normal high water or normal  
31 water level at any point along its alignment.
- 32 (13) Bulkheads shall be constructed of vinyl or steel sheet pile, concrete, stone, timber, or other **suitable**  
33 **materials approved by the Division of Coastal Management. Approval of other suitable materials**  
34 **shall be based upon the potential environmental impacts of the proposed material.**
- 35 (14) All backfill material shall be obtained from an upland source pursuant to 15A NCAC 07H .0208.  
36 The bulkhead shall be constructed prior to any backfilling activities and shall be **constructed**  
37 **structurally tight** so as to prevent seepage of backfill materials through the structure.

1 (15) Construction of bulkhead authorized by this general permit in conjunction with bulkhead authorized  
2 under 15A NCAC 07H .1100 shall be limited to a combined maximum shoreline length of 500 feet.

3

4 *History Note:* Authority G.S. 113A-107(a),(b); 113A-108; 113A-113(b); 113A-118.1; ~~113-229(e);113-229(c1);~~

5 *Eff. July 1, 1984;*

6 *Amended Eff. July 1, 2015; September 1, 1988; December 1, 1987;*

7 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1601 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2  
3 **SECTION .1600 - GENERAL PERMIT FOR THE INSTALLATION OF AERIAL AND SUBAQUEOUS**  
4 **UTILITY LINES WITH ATTENDANT STRUCTURES IN COASTAL WETLANDS: ESTUARINE**  
5 **WATERS: PUBLIC TRUST WATERS AND ESTUARINE SHORELINES**

6  
7 **15A NCAC 07H .1601 PURPOSE**

8 A ~~permit under this Section shall allow for~~ **person requesting** the installation of utility lines both aerially and  
9 subaqueously in the ~~coastal wetland,~~ **Coastal Wetland,** ~~estuarine water,~~ **Estuarine Waters,** ~~public trust areas~~ **Public**  
10 **Trust Areas** ~~Areas,~~ and ~~estuarine~~ **[Estuarine,] Estuarine** and ~~public trust shoreline~~ **Public Trust Shoreline** AECs ~~shall~~  
11 ~~apply for a General Permit according to the authority provided in Subchapter 7J .1100 and~~ according **to** rules in this  
12 Section.- This general permit shall not apply to the ocean hazard AECs.

13  
14 *History Note: Authority G.S. ~~113-229(e1);~~ 113A-107(a)(b); 113A-113(b); 113A-118.1; **113-229(c1);***  
15 *Eff. March 1, 1985;*  
16 *Amended Eff. August 1, 2000; August 1, 1998;*  
17 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1602 is readopted as with changes published in 34:09 NCR 759 as follows:

2  
3 **15A NCAC 07H .1602 APPROVAL PROCEDURES**

4 (a) ~~The An~~ applicant for a General Permit under this Subchapter ~~must shall~~ contact the Division of Coastal  
5 Management at the Regional Office indicated on the map located at  
6 <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and  
7 ~~complete an application form requesting request~~ approval for ~~development, development~~ as defined in G.S. 113A-  
8 130(5). ~~The applicant shall provide information on site location, dimensions of the project area, and his name and~~  
9 ~~address.~~

10 (b) The applicant ~~must shall~~ provide:

11 (1) the site location, dimensions of the project area, and his or her name and [his or her] address; and

12 (2)(1) confirmation that a written statement has been ~~obtained~~ obtained, signed by the adjacent riparian  
13 property ~~owners~~ owners, indicating that they have no objections to the proposed work; or

14 (3)(2) confirmation that the adjacent riparian property owners have been notified by certified mail of the  
15 proposed work. ~~Such~~ The notice ~~should shall~~ instruct adjacent property owners to provide any  
16 comments on the proposed development in writing ~~for consideration by permitting officials~~ to the  
17 Division of Coastal Management within ten days of receipt of the ~~notice, and, notice and~~ indicate  
18 that no response ~~by the adjacent property owners~~ will be interpreted as ~~the adjacent property owners~~  
19 ~~having~~ no objection. ~~DCM Division~~ staff ~~will shall~~ review all comments and determine, based on  
20 their relevance to the potential impacts of the proposed project, if the proposed project can be  
21 approved by a General Permit. If ~~DCM Division~~ staff finds that the comments are worthy of more  
22 in-depth review, the ~~Division shall notify the~~ applicant ~~will be notified~~ that he ~~or she~~ must submit  
23 an application for a major development permit.

24 (c) No work shall begin until an on-site meeting is held with the applicant and ~~appropriate a~~ Division of Coastal  
25 Management representative to review the proposed development, so that the utility line alignment can be appropriately  
26 marked. ~~Written authorization A Permit~~ to proceed with the proposed development ~~will shall~~ be issued ~~if the Division~~  
27 ~~representative finds that the application meets all the requirements of this Subchapter, during this visit.~~ Construction  
28 ~~on the utility line must~~ permitted under this Subsection shall begin within twelve months of ~~the date of permit issuance~~  
29 ~~or such permit shall expire. If the applicant seeks a new permit under this Subsection, the Division of Coastal~~  
30 ~~Management shall re-examine the proposed development to determine if the General Permit may be reissued, this visit~~  
31 ~~or the general authorization expires.~~

32  
33 *History Note:* Authority G.S. 113A-107(a)(b); 113A-113(b); 113A-118.1; ~~113A-229(e1); 113-229(c1);~~  
34 *Eff. March 1, 1985;*  
35 *Amended Eff. January 1, 1990;*  
36 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1603 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2

3 **15A NCAC 07H .1603 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.~~ **Department of Environmental Quality.**

6

7 *History Note: Authority G.S. ~~113-229(e1);~~ 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; 113-*

8 ***229(c1);***

9 *Eff. March 1, 1985;*

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

11 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1604 is readopted with changes as published in 34:09 NCR 759 as follows:

2  
3 **15A NCAC 07H .1604 GENERAL CONDITIONS**

4 (a) Utility lines for the purpose of this General Permit ~~general permit or are~~ any pipes or pipelines for the transportation  
5 of potable water, domestic sanitary sewage, natural gas, and any cable, line, or wire for the transmission, ~~for any~~  
6 ~~purpose,~~ of electrical energy, telephone and telegraph messages, and radio and television communication.

7 (b) There ~~must shall~~ be no ~~resultant change in alteration of~~ preconstruction bottom contours. ~~Authorized fill Fill~~  
8 ~~authorized by a permit set forth in this Section shall include includes~~ only that necessary to backfill or bed the utility  
9 line. Any excess material ~~must shall~~ be removed to an upland disposal area.

10 (c) The utility line crossing ~~will shall~~ not adversely affect a public water supply intake.

11 (d) The utility line route or construction method ~~will shall~~ not disrupt the movement of those species of aquatic life  
12 indigenous to the waterbody.

13 (e) ~~Individuals Permittees~~ shall allow authorized representatives of the Department of ~~Environment, Health, and~~  
14 ~~Natural Resources Environmental Quality~~ to make ~~periodic~~ inspections at any time ~~necessary~~ to ensure that the activity  
15 being performed under authority of ~~this general permit~~ the General Permit set forth in this Section is in accordance  
16 with the terms and conditions prescribed herein.

17 (f) ~~This general~~ The permit ~~set forth in this Section will shall~~ not be applicable to proposed construction where the  
18 Department has ~~determined,~~ determined based on an initial review of the application, that notice and review pursuant  
19 to G.S. 113A-119 is ~~necessary required~~ because there are unresolved questions concerning the proposed ~~activity-s~~  
20 ~~activity~~ impact on Areas of Environmental Concern, adjoining properties or on water quality; air quality; coastal  
21 wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights.

22 (g) ~~This permit does not eliminate the need to obtain any other required state, local, or federal authorization, nor, to~~  
23 ~~abide by regulations adopted by any federal or other state agency.~~

24 (h) ~~Development carried out under this permit must be consistent with all local requirements, AEC guidelines, and~~  
25 ~~local Land Use Plans current at the time of authorization.~~

26  
27 *History Note:* Authority G.S. ~~113-229(e1);~~ 113A-107(a)(b); 113A-113(b); 113A-118.1; 113-229(c1)

28 *Eff. March 1, 1985;*

29 *Amended Eff. May 1, 1990;*

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

31 *Amended Eff. August 1, 1998; July 1, 1994;*

32 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .1605 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2  
3 **15A NCAC 07H .1605 SPECIFIC CONDITIONS**

4 Proposed utility line installations **must shall** meet each of the following specific conditions to be eligible for  
5 authorization by this ~~general permit~~**General Permit**:

- 6 (1) All domestic sanitary sewer line requests must be accompanied by a statement of prior approval  
7 from the NC Division Water Quality.
- 8 (2) All spoils which are permanently removed must be placed on a high ground disposal site and  
9 stabilized so as not to return to waters, ~~marsh~~ **marsh**, or other wetlands.
- 10 (3) Any additional backfill material required ~~must shall be~~ consist of **clean** sand or rock **and not contain**  
11 **free of** organic matter.
- 12 ~~(4) Cuts through wetlands must be minimized.~~
- 13 (5) Finished grades or subaqueous or wetland crossing must be returned to preproject contours.
- 14 (6) There can be no work within any productive shellfish beds.
- 15 (7) No excavation or filling activities will be permitted between April 1 and September 30 of any year  
16 within any designated primary nursery area.
- 17 (8) Subaqueous lines must be placed at a depth of six feet below the project depth of federal projects.  
18 ~~In other areas~~ **For non-federal projects, subaqueous lines shall** ~~they will~~ be installed at a minimum  
19 depth of two feet below the bottom contour.
- 20 (9) The minimum clearance for aerial communication lines or any lines not transmitting electricity ~~will~~  
21 **shall** be ~~10'~~ **10 feet** above the clearance required for bridges in the vicinity.
- 22 (10) The minimum clearance for aerial electrical transmission lines shall be consistent with those  
23 established by the US Army Corps of Engineers and US Coast ~~Guard~~, **per 33 CFR § 322.5 (i)**.
- 24
- 25 (11) The installation of a utility line on pipe bents or otherwise above the elevation of mean high or mean  
26 ordinary water must be of sufficient height to allow for traditional navigation in the water body.  
27 ~~Additionally the~~ **The** utility line ~~must shall~~ not interfere with the waterflow of normal or flood  
28 waters.
- 29 (12) Natural gas lines ~~must shall~~ not exceed 11 inches in diameter.

30  
31 *History Note:* ~~Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1; 113-229(c1)~~  
32 *Eff. March 1, 1985;*  
33 *Amended Eff. August 1, 1998;*  
34 *Readopted Eff. October 1, 2022.*



1 15A NCAC 07H .2001 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2  
3 **SECTION .2000 - GENERAL PERMIT FOR AUTHORIZING MINOR MODIFICATIONS AND REPAIR**  
4 **TO EXISTING PIER/MOORING FACILITIES IN ESTUARINE AND PUBLIC TRUST WATERS AND**  
5 **OCEAN HAZARD AREAS**

6  
7 **15A NCAC 07H .2001 PURPOSE**

8 ~~A permit under this Section shall allow for A person requesting~~ reconfiguration, minor modifications, ~~repair and~~  
9 ~~repair, or~~ improvements to existing pier and mooring facilities in estuarine waters and public trust areas ~~according to~~  
10 ~~the authority provided in Subchapter 07J .1100 of this Chapter and shall apply for a General Permit~~ according to the  
11 rules in this Section. This permit shall not apply to oceanfront shorelines or to waters and shorelines adjacent to the  
12 Ocean Hazard AEC with the exception of those shorelines that feature characteristics of the Estuarine Shoreline AEC.  
13 Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than the adjacent  
14 Ocean Erodeable Area. **A Division of Coastal Management representative will make the determination whether the site**  
15 **features characteristics of the Estuarine Shoreline at the time of permit application.**

16  
17 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
18 *Eff. October 1, 1993;*  
19 *Amended Eff. April 1, 2003;*  
20 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2002 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2  
3 **15A NCAC 07H .2002 APPROVAL PROCEDURES**

4 (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management **at the**  
5 **Regional Office indicated on the map located at**  
6 **<https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51>** and  
7 request approval for **development, development as defined in G.S. 113A-130(5). The applicant shall provide**  
8 **information on site location, dimensions of the project area, and his/her name and address.**

9 (b) The applicant shall provide:

10 ~~(1) a dated plat(s) showing existing development and the proposed development; and~~

11 **(1) information on site location, dimensions of the project area, [applicant] and his or her name and [his**  
12 **or her] address; and**

13 ~~(2) confirmation that: that a written statement has been obtained, signed by the adjacent riparian~~  
14 ~~property owners, indicating that they have no objections to the proposed work; or~~

15 **(3) confirmation that the adjacent riparian property owners have been notified by certified mail of the**  
16 **proposed work. The notice shall instruct adjacent property owners to provide any comments on the**  
17 **proposed development in writing for consideration by permitting officials to the Division of Coastal**  
18 **Management within 10 days of receipt of the notice and indicate that no response by the adjacent**  
19 **property owners will be interpreted as the adjacent property owners having no objection. Division**  
20 **staff shall review all comments and determine, based on their relevance to the potential impacts of**  
21 **the proposed project, if the proposed project can be approved by a General Permit. If Division staff**  
22 **finds that the comments are worthy of more in-depth review, the Division shall notify the applicant**  
23 **that he or she must submit an application for a major development permit.**

24 ~~(A) a written statement has been obtained and signed by the adjacent riparian property owners~~  
25 ~~indicating that they have no objections to the proposed work; or~~

26 ~~(B) the adjacent property owners have been notified by certified mail of the proposed work.~~  
27 ~~The notice shall instruct adjacent property owners to provide any comments on the~~  
28 ~~proposed development in writing for consideration by permitting officials to the Division~~  
29 ~~of Coastal Management within ten days of receipt of the notice, and, indicate that no~~  
30 ~~response will be interpreted as no objection.~~

31 ~~(e) DCM staff shall review all comments. If DCM determines that the comments are relevant to the potential impacts~~  
32 ~~of the proposed project and the permitting issues raised by the comments are worthy of more detailed review, DCM~~  
33 ~~shall notify the applicant that he/she must submit an application for a major development permit.~~

34 ~~(d)(c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and~~  
35 ~~the applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed~~  
36 ~~within 120 days of permit issuance or the general authorization expires and a new permit shall be required to begin or~~  
37 ~~continue construction. No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal~~

1 Management representative to review the proposed development. A permit to proceed with the proposed development  
2 shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter.  
3 Construction permitted under this Subsection shall be completed within 120 days of permit issuance or such permit  
4 shall expire. If the applicant seeks a new permit under this Subsection, the Division of Coastal Management shall re-  
5 examine the proposed development to determine if the General Permit may be reissued.  
6 (d) Any modification or addition to the permitted project shall require approval from the Division of Coastal  
7 Management.

8  
9 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
10 *Eff. January 1, 1994;*  
11 *Amended Eff. August 1, 2007;*  
12 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2003 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2

3 **15A NCAC 07H .2003 PERMIT FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00) by check or money order payable to the

5 ~~Department.~~ **Department of Environmental Quality.**

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*

8 *Eff. October 1, 1993;*

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

10 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2004 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2  
3 **15A NCAC 07H .2004 GENERAL CONDITIONS**

4 ~~(a) Structures authorized by this permit shall conform to the standards herein.~~

5 ~~(b)(a) Individuals Permittees~~ shall allow authorized representatives of the Department of ~~Environment and Natural~~  
6 ~~Resources-Environmental Quality~~ to make **periodic** inspections at any time **deemed necessary** in order to **be sure**  
7 **ensure** that the activity being performed under the authority of ~~this the general permit~~ **General Permit** **set forth in this**  
8 **Section** is in accordance with the terms and conditions prescribed herein.

9 ~~(c)(b)~~ There shall be no **unreasonable** interference with navigation or use of the waters by the public by the existence  
10 of piers or mooring pilings.

11 ~~(d)(c)~~ ~~This The~~ permit **set forth in this Section** ~~will shall~~ not be applicable to proposed construction where the  
12 Department has ~~determined, determined~~ based on an initial review of the **application, application** that notice and  
13 review pursuant to G.S. 113A-119 is **necessary required** because there are unresolved questions concerning the  
14 proposed activity's impact on **Areas of Environmental Concern, adjoining properties or on water quality; air quality;**  
15 **coastal wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights.**

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

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

19 ~~(g)(d)~~ This **general** permit ~~will shall~~ not be applicable where the Department determines that the proposed  
20 modification will result in closure of waters to shellfishing under rules adopted by the Commission for Public Health.

21 *History Note: Authority G.S. 113A-107; 113A-118.1;*

22 *Eff. January 1, 1994;*

23 *Amended Eff. August 1, 1998;*

24 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2005 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2

3 **15A NCAC 07H .2005 SPECIFIC CONDITIONS**

4 (a) All proposed work must be carried out within the existing footprint of the development with no increase in the  
5 number of ~~slips nor any [slips,] slips and no~~ change in the existing use. "Existing footprint" is defined as the area  
6 delineated by the outer most line of tie pilings, ends of piers, and upland basin or area within an enclosing breakwater,  
7 whichever is greater.

8 (b) Modifications to piers and mooring facilities shall not interfere with the access to any riparian ~~property, property~~  
9 and shall have a minimum setback of 15 feet between any part of the ~~pier(s) pier or piling(s) pilings~~ and the adjacent  
10 property lines extended into the water at the points that they intersect the shoreline. The minimum setbacks provided  
11 in the rule may be waived by the written agreement of the adjacent riparian ~~owner(s), owners,~~ or when two adjoining  
12 riparian owners are co-applicants. Should the adjacent property be sold before construction of the ~~pier(s) pier or~~  
13 ~~piling(s) pilings~~ commences, the applicant shall obtain a written agreement with the new owner waiving the minimum  
14 setback and submit it to the Division of Coastal Management prior to initiating any development. The line of division  
15 of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the  
16 property, then drawing a line perpendicular to a line of the channel so that it intersects with the shore at the point the  
17 upland property line meets the water's edge. When shoreline configuration is such that a perpendicular alignment  
18 cannot be achieved, the pier shall be aligned to meet the intent of this rule to the maximum extent practicable.

19

20 *History Note: Authority G.S. 113A-107; 113A-118.1;*

21 *Eff. October 1, 1993;*

22 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2101 is readopted with changes as published in 34:09 NCR 759 as follows:

2  
3 **SECTION .2100 - GENERAL PERMIT FOR CONSTRUCTION OF SHEETPILE SILL FOR SHORELINE**  
4 **PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS**

5  
6 **15A NCAC 07H .2101 PURPOSE**

7 A general permit pursuant to this Section shall allow the construction of Persons seeking to construct offshore parallel  
8 sheetpile sills, sills constructed from timber, vinyl, or steel sheetpiles for shoreline protection in conjunction with  
9 existing or created coastal wetlands. wetlands shall apply for a general permit under this Section. This permit shall  
10 only be applicable in public trust areas Estuarine Waters and Public Trust estuarine Areas. waters according to  
11 authority provided in 15A NCAC 07J .1100 and according to the procedures and conditions outlined in this subchapter.  
12 This permit shall not apply to oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC  
13 with the exception of those shorelines that feature characteristics of Estuarine Shorelines. Such features include the  
14 presence of wetland vegetation, lower wave energy, and lower erosion rates than in adjoining Ocean Erodible Area.  
15 A Division of Coastal Management representative will make the determination whether the site features characteristics  
16 of the Estuarine Shoreline at the time of permit application.

17  
18 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
19 *Eff. June 1, 1994;*  
20 *Amended Eff. February 1, 2009; April 1, 2003; August 1, 2000;*  
21 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2102 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2  
3 **15A NCAC 07H .2102 APPROVAL PROCEDURES**

4 (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management **at the**  
5 **Regional Office indicated on the map located at**  
6 **<https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51>** and  
7 request approval for **development, development as defined in G.S. 113A-130(5).** **The applicant shall provide**  
8 **information on site location, dimensions of the project area, and the applicant's name and address.**

9 (b) The applicant shall provide:

10 **(1) information on site location, dimensions of the project area, and his or her name and [his or her]**  
11 **address; and**

12 **(1)(2) confirmation that a written statement has been obtained, obtained, signed by the adjacent riparian**  
13 **property owners owners, indicating that they have no objections to the proposed work; or**

14 **(2)(3) confirmation that the adjacent riparian property owners have been notified by certified mail of the**  
15 **proposed work. The notice shall instruct adjacent property owners to provide written any comments**  
16 **on the proposed development in writing to the Division of Coastal Management within 10 ten days**  
17 **of receipt of the notice, and, notice and indicate that no response by the adjacent property owners**  
18 **shall be interpreted as the adjacent property owners having no objection. The Division staff of**  
19 **Coastal Management shall review all comments and determine, based on their relevance to the**  
20 **potential impacts of the proposed project, if the proposed project can be approved by a General**  
21 **Permit. If the Division of Coastal Management determines that the project exceeds the rules**  
22 **established by the General Permit Process, DCM shall notify the applicant that an application for a**  
23 **major development permit shall be required. If Division staff finds that the comments are worthy of**  
24 **more in-depth review, the Division shall notify the applicant that he or she must submit an**  
25 **application for a major development permit.**

26 (c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management  
27 representative **so that the proposed sill alignment may be marked. to review the proposed development. Written**  
28 **authorization A permit** to proceed with the proposed development shall be issued if the Division representative finds  
29 that the application meets all the requirements of this Subchapter. Construction **of the sill permitted under this**  
30 **Subsection shall be completed within 120 days of the permit issuance of the permit or such permit the general**  
31 **authorization shall expire-expire. If the applicant seeks a new permit under this Subsection, the Division of Coastal**  
32 **Management shall and it shall be necessary to re-examine the alignment proposed development to determine if the**  
33 **general authorization General Permit may be reissued.**

34 **(d) Any modification or addition to the permitted project shall require approval from the Division of Coastal**  
35 **Management.**

36  
37 *History Note: Authority G.S. 113A-107; 113A-118.1; **113A-118.1(a)(4)***



1                   *Eff. June 1, 1994;*  
2                   *Amended Eff. February 1, 2009; October 1, 2007; September 1, 2006; August 1, 2000;*  
3                   *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2103 is readopted **with changes** as published in 34:09 NCR 759 as follows:

2

3 **15A NCAC 07H .2103 PERMIT FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00). This fee shall be paid by check or money order  
5 made payable to the ~~Department.~~ **Department of Environmental Quality.**

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*

8 *Eff. June 1, 1994;*

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

10 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2104 is readopted with changes as published in 34:09 NCR 759 as follows:

2

3 **15A NCAC 07H .2104 GENERAL CONDITIONS**

4 ~~(a) This permit authorizes only the construction of sills conforming to the standards herein.~~

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

9 ~~(b)(c)~~ The placement of sills authorized in this Rule shall not interfere with the established or traditional rights of  
10 navigation of the water by the public.

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

20

21 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
22 *RRC Objection due to ambiguity Eff. May 19, 1994;*  
23 *Eff. July 1, 1994;*  
24 *Amended Eff. February 1, 2009; August 1, 1998;*  
25 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2105 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2105 SPECIFIC CONDITIONS**

4 (a) The sill shall be positioned no more than 20 feet waterward of the normal high water or normal water level or 20  
5 feet waterward of the waterward edge of existing wetlands at any point along its alignment. For narrow waterbodies  
6 (canals, creeks, ~~etc.~~ etc.), the **sheet pile sill alignment** shall not be positioned offshore more than one sixth (1/6) the  
7 width of the ~~waterbody.~~ **waterbody at any point along its alignment.**

8 (b) Sills authorized under this General Permit shall be allowed only in waters that average less than three feet in depth  
9 along the proposed alignment as measured from the normal high water or normal water level.

10 ~~(c) Where the Division of Coastal Management staff determine that insufficient wetland habitat exists along the~~  
11 ~~permittee's shoreline to provide adequate shoreline stabilization, the permittee shall be required to plant appropriate~~  
12 ~~wetland species landward of the sill structure as directed by the Division of Coastal Management staff.~~

13 ~~(d)(c)~~ Construction authorized by this ~~general permit~~ **General Permit** shall be limited to a maximum length of 500  
14 feet.

15 ~~(e)(d)~~ The sill shall be constructed with an equal gap between each sheathing board totaling at least one inch of open  
16 area every linear foot of sill. The sill shall have at least one five-foot opening at every 100 feet. The sill sections shall  
17 be staggered and overlap as long as the five-foot separation between sections is maintained. Overlapping sections  
18 shall not overlap more than 10 feet.

19 ~~(f)(e)~~ The height of the sill shall not exceed six inches above normal high water or the normal water level.

20 ~~(g)(f)~~ Offshore sill sections shall be set back 15 feet from the riparian access dividing line. The line of division of  
21 riparian access shall be established by drawing a line along the channel or deep water in front of the property, then  
22 drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland  
23 property line meets the water's edge. The set back may be waived by written agreement of the adjacent riparian  
24 owner(s) or when the two adjoining riparian owners are co-applicants. Should the adjacent property be sold before  
25 construction of the sill begins, the applicant shall obtain a written agreement with the new owner waiving the minimum  
26 setback and submit it to the Division of Coastal Management prior to initiating any construction of the sill.

27 ~~(h)(g)~~ Sills shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above mean high  
28 water.

29 ~~(i)(h)~~ No backfill of the sill or any other fill of wetlands, estuarine waters, public trust areas, or highground is  
30 authorized by this general permit.

31 ~~(j)(i)~~ No excavation of the shallow water bottom, any wetlands, or high ground is authorized by this general permit.

32 ~~(k)(j)~~ The sill shall be constructed of vinyl or steel sheet pile, formed concrete, timber, or other suitable equivalent  
33 materials approved by the Division of Coastal Management.

34 ~~(l)(k)~~ Perpendicular sections, return walls, or sections that would enclose estuarine waters or public trust areas shall  
35 not be allowed under this permit.

1 ~~(m)~~(l) The permittee will maintain the sill ~~in good condition and~~ in conformance with the terms and conditions of this  
2 permit or the remaining sill structure shall be removed within 90 days of notification from the Division of Coastal  
3 Management.

4

5 *History Note: Authority G.S. 113A-107; G.S. 113A-108; 113A-118.1;*  
6 *Eff. June 1, 1994;*  
7 *Amended Eff. February 1, 2009; August 1, 2000;*  
8 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2201 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **SECTION .2200 – GENERAL PERMIT FOR CONSTRUCTION OF FREESTANDING MOORINGS AND**  
4 **BIRD NESTING POLES IN ESTUARINE WATERS AND PUBLIC TRUST AREAS AND OCEAN**  
5 **HAZARD AREAS**

6  
7 **15A NCAC 07H .2201 PURPOSE**

8 ~~A general permit pursuant to this Section shall allow the construction of Persons wishing to place~~ freestanding  
9 moorings ~~and or~~ bird nesting poles in the ~~estuarine waters~~ **Estuarine Waters** and ~~public trust areas~~ **Public Trust Areas**  
10 AECs ~~according to the procedures provided in 15A NCAC 07J .1100 and shall apply for a General Permit~~ according  
11 to the rules in this Section. This permit shall not apply to waters adjacent to oceanfront shorelines 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, and lower  
14 erosion rates than the adjacent Ocean Erodible Area. **A Division of Coastal Management representative will make the**  
15 **determination whether the site features characteristics of the Estuarine Shoreline at the time of permit application.**

16  
17  
18 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
19 *Eff. February 1, 1996;*  
20 *Amended Eff. January 1, 2018; April 1, 2003;*  
21 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2202 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2202 APPROVAL PROCEDURES**

4 (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management **at the**  
5 **Regional Office indicated on the map located at**  
6 **<https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51>** and  
7 request approval for development **as defined in G.S. 113A-130(5), pursuant to Paragraph (b) of this Rule.**

8 (b) The applicant shall provide:

9 (1) information on site location, dimensions of the project area, **and applicant name and his or her name**  
10 and **[his or her]** address; **and**

11 (2) **a dated plat(s) showing existing and proposed development; and confirmation that a written**  
12 **statement has been obtained, signed by the adjacent riparian property owners indicating that they**  
13 **have no objections to the proposed work; or**

14 ~~(3) — evidence that:~~

15 ~~(A) — a written statement has been obtained and signed by the adjacent riparian property owners~~  
16 ~~indicating that they have no objections to the proposed work; or~~

17 ~~(B) — the adjacent riparian property owners have been notified by certified mail of the proposed~~  
18 ~~work. The notice shall instruct adjacent property owners to provide any comments on the~~  
19 ~~proposed development in writing for consideration by permitting officials to the Division~~  
20 ~~of Coastal Management within 10 calendar days of receipt of the notice, and, indicate that~~  
21 ~~no response shall be interpreted as no objection. Division of Coastal Management staff~~  
22 ~~shall review all comments. If the Division of Coastal Management determines that:~~

23 ~~(i) — the comments are relevant to the potential impacts of the proposed project; and~~

24 ~~(ii) — the Division of Coastal Management shall review all comments and determine,~~  
25 ~~based on their relevance to the potential impacts of the proposed project, if the~~  
26 ~~proposed project may be approved by a General Permit. If the Division of Coastal~~  
27 ~~Management determines that the project exceeds the guidelines established by the~~  
28 ~~General Permit process provided in 15A NCAC 07J .1100, the Division shall~~  
29 ~~notify the applicant that an application for a major development permit shall be~~  
30 ~~required.~~

31 **(3) confirmation that the adjacent riparian property owners have been notified by certified mail of the**  
32 **proposed work. The notice shall instruct adjacent property owners to provide any comments on the**  
33 **proposed development in writing to the Division of Coastal Management within 10 days of receipt**  
34 **of the notice and indicate that no response by the adjacent property owners shall be interpreted as**  
35 **the adjacent property owners having no objection. Division staff shall review all comments and**  
36 **determine, based on their relevance to the potential impacts of the proposed project, if the proposed**  
37 **project can be approved by a General Permit. If Division staff finds that the comments are worthy**

1 of more in-depth review, the Division shall notify the applicant that he or she must submit an  
2 application for a major development permit.

3 (c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the  
4 applicant shall be provided a copy the rules of this Section. Construction authorized by this permit shall be completed  
5 within 120 days of permit issuance or the general authorization expires and a new permit shall be required to begin or  
6 continue construction. No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal  
7 Management representative to review the proposed development. A permit to proceed with the proposed development  
8 shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter.  
9 Construction permitted under this Subsection shall be completed within 120 days of the permit issuance or such permit  
10 shall expire. If the applicant seeks a new permit under this Subsection, the Division of Coastal Management shall re-  
11 examine the proposed development to determine if the General Permit may be reissued.

12 (d) Any modification or addition to the permitted project shall require prior approval from the Division of Coastal  
13 Management.

14  
15 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
16 *Eff. February 1, 1996;*  
17 *Amended Eff. January 1, 2018; August 1, 2007;*  
18 *Readopted Eff. October 1, 2022.*



1 15A NCAC 07H .2203 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2

3 **15A NCAC 07H .2203 PERMIT FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00). This fee shall be paid by check or money order  
5 made payable to the ~~Department.~~ **Department of Environmental Quality.**

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1;*

8 *Eff. February 1, 1996;*

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

10 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2204 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2204 GENERAL CONDITIONS**

4 (a) A "freestanding mooring" is any means to attach a ship, boat, vessel, floating structure, or other water craft to a  
5 stationary underwater device, mooring buoy, buoyed anchor, or piling (as long as the piling is not associated with an  
6 existing or proposed pier, dock, or boathouse).

7 (b) A "bird nesting pole" is any pole or piling erected, with a platform on top, for the purpose of attracting birds for  
8 nesting.

9 (c) Freestanding moorings and bird nesting poles authorized by this permit shall be for the exclusive use of the riparian  
10 landowner(s) in whose name the permit is ~~issued,~~ **issued** and shall not provide either leased or rented moorings or any  
11 other commercial services.

12 ~~(d)(g)~~ **Individuals Permitees** shall allow authorized representatives of the Department of Environmental Quality to  
13 make inspections **at any time** in order to **be sure ensure** that the activity being performed under the authority of this  
14 ~~general permit~~ **General Permit set forth in this Section** is in accordance with the terms and conditions prescribed  
15 herein.

16 ~~(c)(d)~~ **There shall be no unreasonable interference with navigation or use of the waters by the public by the existence**  
17 **of freestanding Freestanding** moorings or bird nesting **pole poles** authorized by this ~~permit.~~ **permit shall not interfere**  
18 **with navigation or use of the waters by the public.**

19 ~~(f)(e)~~ **This The general** permit **set forth in this Section** may not be applicable to proposed construction when the  
20 Department **has determined determines** that **based on an initial review of** the **application that notice and review**  
21 **pursuant to G.S. 113A-119 is required because there are unresolved questions concerning the proposed activity's**  
22 **impact on Areas of Environmental Concern.**

23 ~~proposal might affect the quality of the human environment or endanger adjoining properties. In those cases,~~  
24 ~~individual permit applications and review of the proposed project shall be required according to 15A NCAC 07J.~~

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

27 ~~(g)~~ **Individuals shall allow authorized representatives of the Department of Environmental Quality to make inspections**  
28 **in order to be sure that the activity being performed under the authority of this general permit is in accordance with**  
29 **the terms and conditions prescribed herein.**

30  
31 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
32 *Eff. February 1, 1996;*  
33 *Amended Eff: January 1, 2018;*  
34 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2205 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2205 SPECIFIC CONDITIONS**

4 (a) Freestanding moorings and bird nesting poles may be located up to a maximum of 400 feet from the mean high  
5 water **line, line** or the normal water **line, whichever is applicable. line.**

6 ~~(b) Freestanding moorings and bird nesting poles along federally maintained channels must meet US Army Corps of  
7 Engineers guidelines.~~

8 ~~(c)~~(b) Freestanding moorings in no case shall extend more than 1/4 the width of a natural water body or man-made  
9 canal or basin.

10 ~~(d)~~(c) Freestanding mooring buoys and piles shall be evaluated based upon the arc of the swing including the vessel  
11 to be moored. Moorings and the attached vessel shall not interfere with the access to any riparian property, and shall  
12 ~~thhave have~~ have a minimum setback of 15 feet from the adjacent property lines extended into the water at the points that  
13 they intersect the shoreline. The minimum setbacks provided in this Rule may be waived by the written agreement of  
14 the adjacent riparian owner(s), or when two adjoining riparian owners are co-applicants. Should the adjacent property  
15 be sold before construction commences, the applicant shall obtain a written agreement with the new owner waiving  
16 the minimum setback and submit it to the Division of Coastal Management prior to initiating any development of  
17 freestanding moorings. The line of division of areas of riparian access shall be established by drawing a line along the  
18 channel or deep water in front of the property, then drawing a line perpendicular to the line of the channel so that it  
19 intersects with the shore at the point the upland property line meets the water's edge.

20 ~~(e)~~(d) The total number of docking or mooring facilities to be authorized by this General Permit shall not exceed two  
21 per property.

22 ~~(f)~~(e) Bird nesting poles shall be limited to one per property. Any proposal to change the location of a permitted bird  
23 nesting pole shall require additional authorization from the Division of Coastal Management.

24 ~~(g)~~(f) Freestanding moorings and bird nesting poles shall not interfere with shellfish franchises or leases. Applicants  
25 for authorization to construct freestanding moorings and bird nesting poles shall provide notice of the permit  
26 application to the owner of any part of a shellfish franchise or lease over which the proposed installation would extend.

27 ~~(h)~~(g) Freestanding moorings shall not be constructed in a designated Primary Nursery Area as defined in 15A NCAC  
28 07H .0208(a)(4) with less than two feet of water at normal low water level or normal water level under the General  
29 Permit set forth in this Section without prior approval from the Division of Marine Fisheries or the Wildlife Resources  
30 Commission.

31 ~~(i)~~(h) Freestanding moorings located over shellfish beds or submerged aquatic vegetation ~~(as as~~ defined by the Marine  
32 Fisheries ~~Commission) Commission~~ may be constructed without prior consultation from the Division of Marine  
33 Fisheries or the Wildlife Resources Commission if the following two conditions are met:

- 34 (1) water depth at the freestanding mooring location is equal to or greater than two feet of water at  
35 normal low water level or normal water level; and  
36 (2) the freestanding mooring is located to minimize the area of submerged aquatic vegetation or  
37 shellfish beds impacted under the structure as determined by the Division of Coastal Management.

1 ~~(j)~~(i) Freestanding moorings and bird nesting poles shall not be established in submerged utility crossing areas or in  
2 a manner that interferes with the operation of an access through any bridge.

3 ~~(k)~~(j) Freestanding moorings and bird nesting poles shall be marked or colored for the life of the ~~mooring(s)~~ ~~moorings~~  
4 ~~and poles~~ in compliance with G.S. 75A-15 and the applicant shall contact the U.S. Coast Guard and N.C. Wildlife  
5 ~~Resource Resources~~ Commission to ensure compliance. Permanent reflectors shall be attached to the structure in order  
6 to make it more visible during hours of darkness or inclement weather.

7 ~~(l)~~(k) Freestanding moorings shall bear owner's name, vessel State registration ~~numbers~~ ~~numbers~~, or U.S. Customs  
8 Documentation numbers. Required identification shall be legible for the life of the ~~mooring(s)-moorings~~.

9 ~~(m)~~(l) The type of material used to anchor a proposed mooring ~~buoy(s)~~ ~~buoy~~ shall be non-polluting and of sufficient  
10 weight and design to anchor the buoy and vessel.

11 ~~(n)~~(m) Mooring buoys authorized by this General Permit shall be a minimum 12" in diameter or otherwise be designed  
12 to be recognized and not present a hazard to navigation.

13 ~~(o)~~(n) The platform located at the apex of the bird nesting pole shall not exceed ~~3'x 3'~~ ~~three feet by three feet~~ and shall  
14 not have sides.

15 ~~(p)~~(o) This permit does not relieve the permit holder of the responsibility to ensure that all other State and Federal  
16 permit requirements are met prior to implementation of the project, including G.S. 113A-107(a), G.S. 113A-118(d)(1)  
17 or G.S. 113A-120(b1)(4).

18  
19 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
20 *Eff. February 1, 1996;*  
21 *Amended Eff. January 1, 2018;*  
22 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2301 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **SECTION .2300 - GENERAL PERMIT FOR REPLACEMENT OF EXISTING BRIDGES AND**  
4 **CULVERTS IN ESTUARINE WATERS, ESTUARINE AND PUBLIC TRUST SHORELINES, PUBLIC**  
5 **TRUST AREAS, AND COASTAL WETLANDS**

6  
7 **15A NCAC 07H .2301 PURPOSE**

8 A ~~general permit for replacement of person wishing to replace~~ existing bridges and culverts in estuarine waters,  
9 estuarine and public trust shorelines, public trust areas, and coastal wetlands **AECs**, shall ~~be obtained~~ **apply for a**  
10 **General Permit** pursuant to the rules in ~~15A NCAC 7J .1100 and this Section~~ **Section** ~~to replace existing bridges and~~  
11 ~~culverts in estuarine water, estuarine and public trust shorelines, public trust areas and coastal wetland AECs.~~

12  
13 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;*  
14 *Eff. June 1, 1996;*  
15 *Amended Eff. August 1, 2000;*  
16 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2302 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2302 APPROVAL PROCEDURES**

4 **(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management at the**  
5 **Regional Office indicated on the map located at**  
6 **<https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and**  
7 **request approval for development as defined in G.S. 113A-130(5).**

8 **(a)(b) The applicant shall contact the Division of Coastal Management (Division) and provide:**

9 (1) **information on the site location, dimensions of the project description, area, and his or her name and**  
10 **his or her name, address and telephone number; address; and**

11 **(2) a dated plat(s) showing existing and proposed development; and**

12 **(3)(2) confirmation that that a written statement has been obtained, signed by the adjacent riparian**  
13 **property owners, indicating that they have no objections to the proposed work; or**

14 **(A) a written statement has been obtained and signed by the adjacent riparian property owners**  
15 **indicating that they have no objections to the proposed work; or**

16 **(B) the adjacent riparian property owners have been notified by certified mail of the proposed**  
17 **work. Such notice shall instruct adjacent property owners to provide any comments on the**  
18 **proposed development in writing for consideration by permitting officials to the Division**  
19 **of Coastal Management within 10 days of receipt of the notice and indicate that no response**  
20 **shall be interpreted as no objection. Division staff shall review all comments. If the**  
21 **Division determines that:**

22 **(i) the comments are relevant to the potential impacts of the proposed project; and**

23 **(ii) the permitting issues raised by the comments require a more detailed review, then**  
24 **the Division shall notify the applicant that he or she shall be required to submit an**  
25 **application for a major development permit.**

26 **(3) confirmation that the adjacent riparian property owners have been notified by certified mail of the**  
27 **proposed work. The notice shall instruct adjacent property owners to provide any comments on the**  
28 **proposed development in writing to the Division of Coastal Management within ten days of receipt**  
29 **of the notice and indicate that no response by the adjacent property owners will be interpreted as the**  
30 **adjacent property owners having no objection. Division staff shall review all comments and**  
31 **determine, based on their relevance to the potential impacts of the proposed project, if the proposed**  
32 **project can be approved by a General Permit. If Division staff finds that the comments are worthy**  
33 **of more in-depth review, the Division shall notify the applicant that he or she must submit an**  
34 **application for a major development permit.**

35 **(b) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the**  
36 **applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed within**  
37 **two years of permit issuance or the general authorization shall expire and a new permit shall be required to begin or**

1 ~~continue construction. For North Carolina Department of Transportation projects identified in the Transportation~~  
2 ~~Improvement Program this permit shall not expire pursuant to G.S. 136-44.7B.~~

3 (c) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management  
4 ~~representative. Written authorization representative to review the proposed development. A permit~~ to proceed with  
5 the proposed development shall be issued ~~during this visit~~ if the Division representative finds that the application  
6 meets all the requirements of this Subchapter. ~~Construction permitted under this Subsection shall be completed within~~  
7 ~~120 days of permit issuance or such permit shall expire. If the applicant seeks a new permit under this Subsection, the~~  
8 ~~Division of Coastal Management shall re-examine the proposed development to determine if the General Permit may~~  
9 ~~be reissued. Pursuant to G.S. 136-44.7B, permits issued to the North Carolina Department of Transportation for~~  
10 ~~projects identified in the Transportation Improvement Program shall not expire.~~

11 ~~(d) Any modification or addition to the permitted project shall require approval from the Division of Coastal~~  
12 ~~Management.~~

13  
14  
15 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;*  
16 *Eff. June 1, 1996;*  
17 *Amended Eff. May 1, 2010;*  
18 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2303 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2

3 **15A NCAC 07H .2303 PERMIT FEE**

4 The applicant shall pay a permit fee of four hundred dollars (\$400.00). This fee shall be paid by inter-departmental  
5 fund transfer, **check check**, or money order made payable to the Department of **Environment and Natural Resources**.  
6 **Environmental Quality**.

7

8 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1; 113A-124;*

9 *Eff. June 1, 1996;*

10 *Amended Eff. May 1, 2010; September 1, 2006; August 1, 2000;*

11 *Readopted Eff. October 1, 2022.*



1 15A NCAC 07H .2304 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2304 GENERAL CONDITIONS**

4 (a) Projects authorized by this permit shall be demolition, removal, and replacement of existing bridges and culverts  
5 along the existing alignment and conforming to the standards in this Rule. This permit shall be applicable only to  
6 single bridge and culvert projects and shall not authorize temporary fill causeways or temporary bridges that may be  
7 associated with bridge replacement projects.

8 (b) The permittee shall allow authorized representatives of the Department of **Environment and Natural Resources**  
9 **Environmental Quality (Department)** to make **periodic** inspections at any time **deemed necessary** in order to ensure  
10 that the activity being performed under authority of this **general permit** **General Permit** is in accordance with the terms  
11 and conditions prescribed **herein, in this Rule.**

12 (c) ~~This~~ **The general** permit **set forth in this Section** shall not be applicable to proposed construction where the  
13 Department **determines** **determined** **based on an initial review of the application** **that notice and review pursuant to**  
14 **G.S. 113A-119 is required because there are unresolved questions concerning the proposed activity's impact on Areas**  
15 **of Environmental Concern.** **authorization may be warranted, but that the proposed activity might significantly affect**  
16 **the quality of human environment or unnecessarily endanger adjoining properties.**

17 ~~(d) This general permit shall not be applicable to proposed construction where the Department determines that the~~  
18 ~~proposed activity would have significant adverse impacts on water quality or historic, cultural, scenic, fisheries, or~~  
19 ~~recreational resources.~~

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

21 ~~(f) Development carried out under this permit shall be consistent with all local requirements, AEC rules, and local~~  
22 ~~land use plans.~~

23 ~~(g) This permit shall not apply to projects that require work channels.~~

24 ~~(h)~~**(d)** Review of individual project requests shall be coordinated with the Division of Marine Fisheries (DMF) and  
25 the Wildlife Resources Commission (WRC). This may result in a construction moratorium during periods of  
26 significant biological productivity or critical life stages as determined by the WRC and DMF.

27 ~~(i)~~**(e)** Development under this permit shall be carried out within Department of Transportation (DOT) right-of-ways  
28 or on lands under the ownership of the applicant in the case of a non-DOT project.

29 ~~(j)~~**(f)** Bridge and culvert replacements shall be designed to minimize any adverse impacts to potential navigation or  
30 use of the waters by the public.

31 ~~(k)~~**(g)** **This permit shall apply only to projects involving replacement of bridges and culverts currently serving their**  
32 **intended function.**

33  
34 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;*

35 *Eff. June 1, 1996;*

36 *Amended Eff. May 1, 2010;*

37 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2305 is readopted with changes as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2305 SPECIFIC CONDITIONS**

4 (a) This ~~general permit~~ **General Permit** is applicable to bridge replacement projects spanning no more than 400 feet  
5 of estuarine water, public trust area, and coastal wetland AECs.

6 (b) Existing roadway deck width shall not be expanded to create additional lanes, with the exception that an existing  
7 one lane bridge may be expanded to two lanes ~~where the Department of Environment and Natural Resources~~  
8 ~~Environmental Quality determines that authorization is warranted and provided~~ the proposed project does not  
9 ~~significantly affect the quality of the human and natural environment or unnecessarily endangers adjoining properties.~~  
10 ~~create significant adverse impacts.~~

11 (c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.

12 (d) All demolition debris shall be disposed of landward of all wetlands and the ~~normal water level (NWL)~~ **Normal**  
13 **Water Level** or **Normal High Water** ~~normal high water (NHW) level~~ (as as defined in ~~15A NCAC 07H .0106~~), **15A**  
14 **NCAC 07H .0106**, and shall employ soil stabilization measures to prevent entry of sediments in the adjacent water  
15 bodies or wetlands.

16 (e) Bridges and culverts shall be designed to allow passage of anticipated high water flows.

17 (f) Measures sufficient to restrain sedimentation and erosion shall be implemented at each site.

18 (g) Bridge or culvert replacement activities involving excavation or fill in wetlands, public trust areas, and estuarine  
19 waters shall meet the following conditions:

20 (1) Replacing bridges with culverts shall not be allowed in primary nursery areas as defined by the  
21 Marine Fisheries or Wildlife Resources Commissions.

22 (2) The total area of public trust area, estuarine waters, and wetlands to be excavated or filled shall not  
23 exceed 2,500 square feet except that the coastal wetland component shall not exceed 750 square  
24 feet.

25 (3) Culverts shall not be used to replace bridges with open water spans greater than 50 feet.

26 (4) There shall be no temporary placement or double handling of excavated or fill materials within  
27 waters or vegetated wetlands.

28 (5) No excavated or fill material shall be placed in any wetlands or surrounding waters outside of the  
29 alignment of the fill area indicated on the work ~~plat(s), plat,~~

30 (6) All excavated materials shall be confined above **Normal Water Level** ~~NWL~~ or **Normal High Water**  
31 **NHW** and landward of any wetlands behind dikes or other retaining structures to prevent spill-over  
32 of solids into any wetlands or surrounding waters.

33 (7) No bridges with a clearance of four feet or greater above the NWL or NHW shall be allowed to be  
34 replaced with ~~culvert(s)~~ **culverts** unless the culvert design maintains the existing water depth,  
35 vertical clearance and horizontal clearance.

36 (8) If a bridge is being replaced by a ~~culvert(s)~~ **culvert** then the width of the waterbody shall not be  
37 decreased by more than 40 percent.

1           (9)     All pipe and culvert inverts placed within the Public Trust or the Estuarine Waters AECs shall be  
2                   buried at least one foot below normal bed elevation to allow for passage of water and aquatic life.  
3                   Culverts placed in wetlands are not subject to this requirement.  
4

5     *History Note:     Authority G.S. 113A-107; 113A-118.1; 113A-124;*  
6                   *Eff. June 1, 1996;*  
7                   *Amended Eff. May 1, 2010;*  
8                   *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2401 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2

3 **SECTION .2400 - GENERAL PERMIT FOR PLACEMENT OF RIPRAP REVETMENTS FOR WETLAND**  
4 **PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS**

5

6 **15A NCAC 07H .2401 PURPOSE**

7 ~~The general permit for placement of riprap revetments for wetland protection in estuarine and public trust waters shall~~  
8 ~~allow the placement of~~ **Persons wishing to construct** riprap revetments **for wetland protection in estuarine and public**  
9 **trust waters,** immediately adjacent to and waterward of the wetland ~~toe-toe,~~ **shall apply for a General Permit under this**  
10 **Section.** ~~This permit shall only be applicable in public trust areas and estuarine waters according to authority provided~~  
11 ~~in 15A NCAC 07J .1100 and according to the rules in this Section.~~ This permit shall not apply to oceanfront shorelines  
12 or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those portions of shoreline that  
13 feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave  
14 energy, and lower erosion rates than in the adjoining Ocean Erodible Area.

15

16 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
17 *Eff. August 1, 2000;*  
18 *Amended Eff. February 1, 2009; April 1, 2003;*  
19 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2402 is readopted with changes as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2402 APPROVAL PROCEDURES**

4 (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management at the  
5 Regional Office indicated on the map located at  
6 <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and  
7 request approval for development, development as defined in G.S. 113A-130(5). The applicant shall provide  
8 information on site location, dimensions of the project area, and the applicant's name and address.

9 (b) The applicant shall provide:

10 (1) the site location, dimensions of the project area, and his or her name and [his or her] address; and

11 (1)(2) confirmation that a written statement has been ~~obtained~~ obtained, signed by the adjacent riparian  
12 property ~~owners~~ owners, indicating that they have no objections to the proposed work; or

13 (2)(3) confirmation that the adjacent riparian property owners have been notified by certified mail of the  
14 proposed work. The notice shall instruct adjacent property owners to provide any comments on the  
15 proposed development in writing ~~for consideration by permitting officials~~ to the Division of Coastal  
16 Management within ~~10~~ ten days of receipt of the ~~notice, and, notice and~~ indicate that no response  
17 by the adjacent property owners shall be interpreted as the adjacent property owners having no  
18 objection. ~~The~~ Division ~~staff of Coastal Management~~ shall review all comments and determine,  
19 based on their relevance to the potential impacts of the proposed project, if the proposed project can  
20 be approved by ~~the General Permit process. a General Permit. If not, the applicant shall be notified~~  
21 ~~that an application for a major development permit shall be required. If Division staff finds that the~~  
22 ~~comments are worthy of more in-depth review, the Division shall notify the applicant that he or she~~  
23 ~~must submit an application for a major development permit.~~

24 (c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management  
25 representative so that the structure location can be marked. Written authorization to proceed with the proposed  
26 development shall be issued during this visit. Construction of the structure shall be completed within 120 days of the  
27 issuance of the permit or the general authorization expires and it shall be necessary to re-examine the alignment to  
28 determine if the general authorization may be reissued. No work shall begin until an on-site meeting is held with the  
29 applicant and a Division of Coastal Management representative to review the proposed development. A permit to  
30 proceed with the proposed development shall be issued if the Division representative finds that the application meets  
31 all the requirements of this Subchapter. Construction shall be completed within 120 days of permit issuance or such  
32 permit shall expire. If the applicant seeks a new permit under this Subsection, the Division of Coastal Management  
33 shall re-examine the proposed development to determine if the General Permit may be reissued.

34 (d) Any modification or addition to the permitted project shall require approval from the Division of Coastal  
35 Management.

1 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
2 *Eff. August 1, 2000;*  
3 *Amended Eff. February 1, 2009; October 1, 2007;*  
4 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2403 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2

3 **15A NCAC 07H .2403 PERMIT FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00). This fee shall be paid by check or money order  
5 made payable to the ~~Department.~~ **Department of Environmental Quality.**

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*

8 *Eff. August 1, 2000;*

9 *Amended Eff. September 1, 2006;*

10 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2404 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2

3 **15A NCAC 07H .2404 GENERAL CONDITIONS**

4 (a) This permit authorizes only the construction of wetland protection structures conforming to the standards herein.

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

9 (c) The placement of riprap revetments authorized in this Rule shall not interfere with the established or traditional  
10 rights of navigation of the waters by the public.

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

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

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

19

20 *History Note: Authority G.S. 113A-107; 113A-118.1;*

21 *Eff. August 1, 2000;*

22 *Amended Eff. February 1, 2009;*

23 *Readopted Eff. October 1, 2022.*



1 15A NCAC 07H .2405 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2405 SPECIFIC CONDITIONS**

4 (a) This ~~general permit~~ **General Permit** shall only be applicable along shorelines possessing wetlands, which exhibit  
5 an identifiable escarpment.

6 (b) The structure shall be constructed of granite, marl, riprap, concrete without exposed rebar, or other suitable  
7 equivalent materials approved by the Division of Coastal Management.

8 (c) The height of the erosion escarpment shall not exceed three feet.

9 (d) The riprap shall be placed immediately waterward of the erosion escarpment.

10 (e) The riprap revetment shall be positioned so as not to exceed a maximum of six feet waterward of the erosion  
11 escarpment at any point along its alignment with a slope no flatter than three feet horizontal per one foot vertical and  
12 no steeper than one and one half feet horizontal per one foot vertical.

13 (f) The riprap shall be positioned so as not to exceed a maximum of six inches above the elevation of the adjacent  
14 wetland substrate or escarpment.

15 ~~(g) Where the Division of Coastal Management determines that insufficient wetland vegetation exists along the~~  
16 ~~permittee's shoreline to provide adequate shoreline stabilization, the permittee shall be required to plant appropriate~~  
17 ~~wetland vegetation landward of the riprap revetment as directed by the Division of Coastal Management.~~

18 ~~(h)(g)~~ Construction authorized by this general permit will be limited to a maximum length of 500 feet.

19 ~~(i)(h)~~ No backfill or any other fill of wetlands, submerged aquatic vegetation, estuarine waters, public trust areas, or  
20 highground areas is authorized by this general permit.

21 ~~(j)(i)~~ No excavation of the shallow water bottom, any wetlands, or high ground is authorized by this general permit.

22 ~~(k)(j)~~ Riprap material used for revetment construction shall be free from loose dirt or any pollutant and be of a size  
23 sufficient to prevent its movement from the site by wave action or currents.

24 ~~(l)(k)~~ If the crossing of wetlands with mechanized or non-mechanized construction equipment is necessary, temporary  
25 construction mats shall be utilized for the ~~area(s)area~~ to be crossed. The temporary mats shall be removed immediately  
26 upon completion of construction of the riprap structure.

27 ~~(m)(l)~~ The permittee shall maintain the structure **in good condition and** in conformance with the terms and conditions  
28 of this permit or the remaining riprap revetment shall be removed within 90 days of notification from the Division of  
29 Coastal Management.

30  
31 *History Note: Authority G.S. 113A-107; **G.S. 113A-107; G.S. 113A-108;**113A-118.1;*

32 *Eff. August 1, 2000;*

33 *Amended Eff. February 1, 2009;*

34 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2601 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **SECTION .2600 – GENERAL PERMIT FOR CONSTRUCTION OF MITIGATION BANKS AND IN-LIEU**  
4 **FEE MITIGATION PROJECTS**

5  
6 **15A NCAC 07H .2601 PURPOSE**

7 **The general permit in this Section shall allow for the construction of Persons seeking to construct** mitigation banks  
8 and in-lieu fee mitigation **projects- projects shall apply for a General Permit** according to the rules in this Section. This  
9 permit shall be applicable only for activities resulting in net increases in aquatic resource functions and **services-**  
10 **services per 73 FR 19670 and federal Clean Water Act, at 33 U.S.C. 401 et seq.; 33 U.S.C. 1344; and Pub. L. 108-**  
11 **136.** These activities include:

- 12 (1) restoration;  
13 (2) enhancement;  
14 (3) establishment of tidal and non-tidal wetlands and riparian areas;  
15 (4) restoration and enhancement of non-tidal streams and other non-tidal open waters; and  
16 (5) rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters.

17 This permit shall not apply within the Ocean Hazard System of Areas of Environmental Concern (AEC) or waters  
18 adjacent to these AECs with the exception of those portions of shoreline within the Inlet Hazard Area AEC that feature  
19 characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy,  
20 and lower erosion rates than in the adjoining Ocean Erodible Area. **A Division of Coastal Management representative**  
21 **will make the determination whether the site features characteristics of the Estuarine Shoreline at the time of permit**  
22 **application.**

23  
24  
25 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
26 *Eff. October 1, 2004;*  
27 *Amended Eff. October 1, 2014;*  
28 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2602 is readopted with changes as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2602 APPROVAL PROCEDURES**

4 (a) The applicant shall contact the Division of Coastal Management at the Regional Office indicated on the map  
5 located at <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982c02665b51>  
6 and request approval for ~~development.~~ development as defined in G.S. 113A-130(5). ~~The applicant shall provide~~  
7 ~~information in writing on site location, a mitigation plan outlining the proposed mitigation activities, and the~~  
8 ~~applicant's name and address.~~

9 (b) The applicant shall ~~provide either confirmation that a written statement has been obtained and signed by the~~  
10 ~~adjacent riparian property owners indicating that they have no objections to the proposed work, or confirmation that~~  
11 ~~the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notices shall~~  
12 ~~instruct adjacent property owners to provide any comments on the proposed development in writing for consideration~~  
13 ~~to the Division of Coastal Management within 10 days of receipt of the notice and indicate that no response shall be~~  
14 ~~interpreted as no objection. provide:~~

15 (1) the site location, dimensions of the project area, and his or her name and [his or her] address; and

16 (2) confirmation ~~that~~ that a written statement has been obtained, signed by the adjacent riparian  
17 property owners, indicating that they have no objections to the proposed work; or

18 (3) confirmation that the adjacent riparian property owners have been notified by certified mail of the  
19 proposed work. The notice shall instruct adjacent property owners to provide any comments on the  
20 proposed development in writing for to the Division of Coastal Management within ten days of  
21 receipt of the notice and indicate that no response by the adjacent property owners will be interpreted  
22 as the adjacent property owners having no objection. Division staff shall review all comments and  
23 determine, based on their relevance to the potential impacts of the proposed project, if the proposed  
24 project can be approved by a General Permit. If Division staff finds that the comments are worthy  
25 of more in-depth review, the Division shall notify the applicant that he or she must submit an  
26 application for a major development permit.

27 ~~(c) The Division of Coastal Management shall review all comments received from adjacent property owners and~~  
28 ~~determine, based on their relevance to the potential impacts of the proposed project, if the proposed project meets the~~  
29 ~~requirements of the rules in this Section.~~

30 ~~(d)~~(c) No work shall begin until a meeting is held with the applicant and the a Division of Coastal Management  
31 representative to review the proposed development, and written authorization to proceed with the proposed  
32 development is issued in compliance with this Rule. A permit to proceed with the proposed development shall be  
33 issued if the Division representative finds that the application meets all the requirements of this Subchapter.  
34 Construction of the mitigation site permitted under this Subsection shall start within 365 days of the issue ~~date of the~~  
35 general permit issuance or the general such permit shall expire. ~~expire~~ If the applicant seeks a new permit under this  
36 Subsection, the Division of Coastal Management and it shall be necessary to re-examine the proposed development  
37 for any changes to determine if the General Permit ~~general permit~~ shall be reissued.

1 (d) Any modification or addition to the permitted project shall require approval from the Division of Coastal  
2 Management.

3

4 *History Note: Authority G.S. 113A-107; 113A-118.1;*

5 *Eff. October 1, 2004;*

6 *Amended Eff. October 1, 2014;*

7 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2603 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2

3 **15A NCAC 07H .2603 PERMIT FEE**

4 The applicant shall pay a permit fee of four hundred dollars (\$400.00). This fee shall be paid by check or money order  
5 made payable to the ~~Department.~~ **Department of Environmental Quality.**

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*

8 *Eff. October 1, 2004;*

9 *Amended Eff. September 1, 2006;*

10 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2604 is readopted with changes as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2604 GENERAL CONDITIONS**

4 (a) The permit in this Section authorizes only those activities associated with the construction of mitigation banks and  
5 in-lieu fee mitigation projects.

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

10 (c) There shall be no interference with navigation or use of the waters by the public. No attempt shall be made by the  
11 permittee to prevent the use by the public of all navigable waters at or adjacent to the development authorized pursuant  
12 to the rules of this Section.

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 required because there are unresolved questions concerning the proposed activity's impact on Areas of  
16 Environmental Concern, adjoining properties or on water quality, air quality, coastal wetlands, cultural or historic  
17 sites, wildlife, fisheries resources, or public trust rights.

18 (e) At the discretion of the Division of Coastal Management, review of individual project requests shall be coordinated  
19 with the Department of Environment and Natural Resources Environmental Quality to determine if a construction  
20 moratorium during periods of significant biological productivity or critical life stages of fisheries resources is  
21 necessary to protect those resources.

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

23 ~~(g) Development carried out under this permit shall be consistent with all local rules, regulations, laws, or land use~~  
24 ~~plans of the local government in which the development takes place.~~

25  
26 *History Note: Authority G.S. 113A-107; 113A-118.1;*

27 *Eff. October 1, 2004;*

28 *Amended Eff. October 1, 2014;*

29 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2605 is readopted **with changes** as published in 34:09 NCR 760 as follows:

2  
3 **15A NCAC 07H .2605 SPECIFIC CONDITIONS**

4 (a) The ~~general permit~~ **General Permit** in this Section shall be applicable only for the construction of mitigation banks  
5 or in-lieu fee mitigation projects.

6 (b) No excavation or filling of any submerged aquatic vegetation shall be authorized by this general permit.

7 (c) The crossing of wetlands in transporting equipment shall be avoided or minimized to the maximum extent  
8 practicable. If the crossing of wetlands with mechanized or non-mechanized construction equipment is necessary,  
9 track and ~~low-pressure~~ **low-pressure** equipment or temporary construction mats shall be utilized for the ~~area(s)~~**area** to  
10 be crossed. The temporary mats shall be removed immediately upon completion of construction.

11 (d) No permanent structures shall be authorized by this general permit, except for signs, fences, water control  
12 structures, or those structures needed for site monitoring or shoreline stabilization.

13 (e) ~~This permit does not convey or imply approval of the suitability of the property for compensatory mitigation for~~  
14 ~~any particular project.~~ The use of any portion of the site as compensatory mitigation for future projects shall be  
15 determined in accordance with applicable regulatory policies and procedures.

16 (f) The development authorized pursuant to this general permit shall result in a net increase in ~~coastal resource~~  
17 ~~functions and values,~~ **aquatic resource functions and services per 73 FR 19670 and federal Clean Water Act, at 33**  
18 **U.S.C. 401 et seq.; 33 U.S.C. 1344; and Pub. L. 108-136.**

19 (g) The entire mitigation bank or in-lieu fee project site shall be protected in perpetuity in its mitigated state through  
20 conservation easement, deed ~~restriction~~ **restriction**, or other appropriate instrument attached to the title for the subject  
21 property and shall be owned by the permittee or its designee.

22 (h) The Division of Coastal Management shall be provided copies of all monitoring reports prepared by the permittee  
23 or its designee for the authorized mitigation bank or in-lieu fee project site.

24 (i) If water control structures or other hydrologic alterations are proposed, such activities shall not increase the  
25 likelihood of flooding any adjacent property.

26 (j) Appropriate sedimentation and erosion control devices, ~~measures~~ **measures**, or structures such ~~as~~ silt fences,  
27 diversion swales or berms, ~~and sand fences, etc. fences~~ shall be implemented to ensure that eroded materials do not  
28 enter adjacent wetlands, ~~watercourses~~ **watercourses**, and property.

29 (k) If one or more contiguous acre of property is to be graded, ~~excavated~~ **excavated**, or filled, the applicant shall  
30 submit an erosion and sedimentation control plan with the Division of Energy, Mineral, and Land Resources, Land  
31 Quality Section. The plan shall be approved prior to commencing the land-disturbing activity.

32 ~~(l) All fill material shall be free of any pollutants, except in trace quantities.~~

33  
34 *History Note: Authority G.S. 113A-107; 113A-118.1;*

35 *Eff. October 1, 2004;*

36 *Amended Eff. October 1, 2014; August 1, 2012 (see S.L. 2012-143, s.1.(f));*

37 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2701 is readopted **with changes** as published in 34:09 NCR 761 as follows:

2  
3 **SECTION .2700 – GENERAL PERMIT FOR THE CONSTRUCTION OF MARSH SILLS**

4  
5 **15A NCAC 07H .2701 PURPOSE**

6 **A general permit under this Section shall allow for the construction of Persons seeking to construct** marsh sills for  
7 wetland enhancement and shoreline stabilization in estuarine and public trust waters **shall apply for a General Permit**  
8 **as set out in 15A NCAC 07J .1100 and** according to the rules in this Section. Marsh sills are defined as sills that are  
9 shore-parallel structures built in conjunction with existing, created, or restored wetlands. This general permit shall not  
10 apply within the Ocean Hazard System AECs or waters adjacent to these AECs with the exception of those portions  
11 of shoreline within the Inlet Hazard Area AEC that feature characteristics of Estuarine Shorelines. Such features  
12 include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean  
13 Erodible Area. **A Division of Coastal Management representative will make the determination whether the site features**  
14 **characteristics of the Estuarine Shoreline at the time of permit application.**

15  
16  
17 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
18 *Temporary Adoption Eff. June 15, 2004;*  
19 *Eff. April 1, 2005;*  
20 *Temporary Amendment Eff. April 1, 2019;*  
21 *Amended Eff. July 1, 2019;*  
22 *Readopted Eff. October 1, 2022.*



1 15A NCAC 07H .2702 is readopted with changes as published in 34:09 NCR 761 as follows:

2  
3 **15A NCAC 07H .2702 APPROVAL PROCEDURES**

4 (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management at the  
5 Regional Office indicated on the map located at  
6 <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and  
7 request approval for ~~development.~~ development as defined in G.S. 113A-130(5). ~~The applicant shall provide~~  
8 ~~information on site location, dimensions of the project area, and applicant name and address.~~

9 (b) The applicant shall provide:

10 (1) the site location, dimensions of the project area, and his or her [name,] name and [his or her] address;  
11 and

12 (1)(2) confirmation that a written statement has been ~~obtained~~ obtained, signed by the adjacent riparian  
13 property ~~owners~~ owners, indicating that they have no objections to the proposed work; or

14 (2)(3) confirmation that the adjacent riparian property owners have been notified by certified mail of the  
15 proposed work. The notice shall instruct adjacent property owners to provide any comments on the  
16 proposed development in writing for consideration ~~by permitting officials~~ to the Division of Coastal  
17 Management within ~~10 ten~~ days of receipt of the ~~notice, and, notice and~~ indicate that no response  
18 ~~by the adjacent property owners~~ will be interpreted as the adjacent property owners having no  
19 objection. Division staff shall review all comments and determine, based on their relevance to the  
20 potential impacts of the proposed project, if the proposed project can be approved by a General  
21 Permit. If Division staff finds that the comments are worthy of more in-depth review, the Division  
22 shall notify the applicant that he or she must submit an application for a major development permit.

23 ~~(c) DCM staff shall review all comments and determine, based on their relevance to the potential impacts of the~~  
24 ~~proposed project, if the proposed project can be approved by a General Permit.~~

25 ~~(d)(c)~~ No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management  
26 representative to review the proposed development. ~~Written authorization~~ A permit to proceed with the proposed  
27 development shall be issued if the Division representative finds that the application meets all the requirements of this  
28 Subchapter. Construction permitted under this Subsection shall be completed within 120 days of the permit issuance  
29 ~~of the general authorization [permit] or the authorization such permit shall expire expire.~~ If the applicant seeks a new  
30 permit under this Subsection, the Division of Coastal Management and it shall be necessary to re-examine the proposed  
31 development to determine if the General ~~general authorization Permit~~ may be reissued.

32 (d) Any modification or addition to the permitted project shall require approval from the Division of Coastal  
33 Management.

34  
35 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
36 *Temporary Adoption Eff. June 15, 2004;*  
37 *Eff. April 1, 2005;*

- 1 *Amended Eff. October 1, 2007;*
- 2 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2703 is readopted **with changes** as published in 34:09 NCR 761 as follows:

2

3 **15A NCAC 07H .2703 PERMIT FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00). This fee shall be paid by check or money order  
5 made payable to the ~~Department.~~ **Department of Environmental Quality.**

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*

8 *Temporary Adoption Eff. June 15, 2004;*

9 *Eff. April 1, 2005;*

10 *Amended Eff. September 1, 2006;*

11 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2704 is readopted with changes as published in 34:09 NCR 761 as follows:

2

3 **15A NCAC 07H .2704 GENERAL CONDITIONS**

4 ~~(a) Structures authorized by a permit issued pursuant to this Section shall be marsh sills conforming to these Rules.~~

5 ~~(b)(a) Individuals Permittees~~ shall allow authorized representatives of the Department of Environmental Quality  
6 (DEQ) to make ~~periodic~~ inspections at any time ~~deemed necessary~~ in order to ensure that the activity being performed  
7 under authority of this ~~general permit~~ General Permit set forth in this Section is in accordance with the terms and  
8 conditions prescribed ~~herein, in these Rules.~~

9 ~~(c)(b)~~ The placement of marsh sills authorized in these Rules shall not interfere with the established or traditional  
10 rights of navigation of the waters by the public.

11 ~~(d)(c)~~ ~~This~~ The permit set forth in this Section shall not be applicable to proposed construction where the Department  
12 has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is  
13 ~~necessary~~ because there are unresolved questions concerning the proposed activity's impact Areas of Environmental  
14 Concern, on adjoining properties or on water quality, air quality, coastal wetlands, cultural or historic sites, wildlife,  
15 fisheries resources, or public trust rights.

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

17 ~~(f)~~ ~~Development carried out under this permit shall be consistent with all local requirements, -Guidelines as set out~~  
18 ~~in 15A NCAC 07H .0200, and local land use plans current at the time of authorization.~~

19

20 *History Note: Authority G.S. 113A-107; 113A-118.1;*  
21 *Temporary Adoption Eff. June 15, 2004;*  
22 *Eff. April 1, 2005;*  
23 *Temporary Amendment Eff. April 1, 2019;*  
24 *Amended Eff. July 1, 2019;*  
25 *Readopted Eff. October 1, 2022.*

1 15A NCAC 07H .2705 is readopted **with changes** as published in 34:09 NCR 761 as follows:

2  
3 **15A NCAC 07H .2705 SPECIFIC CONDITIONS**

4 (a) A ~~general permit~~ **General Permit** issued pursuant to this Section shall be applicable only for the construction of  
5 marsh sill structures built in conjunction with existing, created, or restored wetlands. Planted wetland vegetation shall  
6 consist only of native **species per G.S. 113A-113(b)(1).**

7 (b) The landward edge of the sill shall be positioned no greater than 30 feet waterward of the normal high water or  
8 normal water level or five feet waterward of the existing wetlands, whichever distance is greater.

9 (c) The permittee shall maintain the authorized sill, including wetlands and tidal inundation, in conformance with the  
10 terms and conditions of this permit, or the remaining sill structures shall be removed within 90 days of notification of  
11 noncompliance from the Division of Coastal Management.

12 (d) The height of sills shall not exceed 12 inches above normal high water, normal water level, or the height of the  
13 adjacent wetland substrate, whichever is higher.

14 (e) Sill construction authorized by this permit shall be limited to a maximum length of 500 feet.

15 (f) The sills shall have at least one five-foot opening every 100 feet and may be staggered, ~~overlapped~~ **overlapped**, or  
16 left open as long as the five-foot separation between sections is maintained. Overlapping sections shall not overlap  
17 more than 10 feet. ~~Deviation from these opening requirements shall be allowable following coordination with the N.C.~~  
18 ~~Division of Coastal Management.~~

19 (g) The sill structure shall not exceed a slope of a one and a half foot horizontal distance over a one foot vertical rise.  
20 The width of the structure on the bottom shall not exceed 12 feet.

21 (h) For water bodies narrower than 150 feet, no portion of the structures shall be positioned offshore more than one  
22 sixth (1/6) the width of the ~~waterbody.~~ **waterbody at any point along its alignment.**

23 (i) The sill shall not be within a navigation channel or associated setbacks marked or maintained by a state or federal  
24 agency.

25 (j) The sill shall not interfere with leases or franchises for shellfish culture.

26 (k) All structures shall have a minimum setback distance of 15 feet between any parts of the structure and the adjacent  
27 property owner's riparian access corridor, unless either a signed waiver statement is obtained from the adjacent  
28 property owner or the portion of the structure within 15 feet of the adjacent riparian access corridor is located no more  
29 than 25 feet from the normal high or normal water level. The riparian access corridor line is determined by drawing a  
30 line parallel to the channel, then drawing a line perpendicular to the channel line that intersects with the shore at the  
31 point where the upland property line meets the water's edge, as **defined illustrated** in 15A NCAC 07H .1205(t).  
32 Additionally, the sill shall not interfere with the exercise of riparian rights by adjacent property owners, including  
33 access to navigation channels from piers, or other means of access.

34 (l) Sills shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above normal high  
35 water or normal water level and **must shall** be maintained for the life of the structure.

36 (m) If the crossing of wetlands with mechanized construction equipment is necessary, temporary construction mats  
37 shall be utilized for the areas to be crossed. The temporary mats shall be removed upon completion of the construction

1 of the sill structure. Material used to construct the sill shall not be stockpiled on existing wetlands or in open water  
2 unless contained in a containment structure supported by construction mats.

3 (n) Sedimentation and erosion control measures shall be implemented to ensure that eroded materials do not enter  
4 adjacent wetlands or waters.

5 (o) No excavation or filling, other than that necessary for the construction and bedding of the sill structure, is  
6 authorized by this general permit.

7 (p) Sills shall not be constructed within any native submerged aquatic vegetation. If submerged aquatic vegetation is  
8 present within a project area, a submerged aquatic vegetation survey shall be completed during the growing season of  
9 April 1 through September 30. All sills shall have a minimum setback of 10 feet from any native submerged aquatic  
10 vegetation as defined by the N.C. Marine Fisheries Commission.

11 (q) Sills shall not be constructed within any habitat that includes oyster reefs or shell banks. All sills shall have a  
12 minimum setback of 10 feet from any oysters, oyster beds, or shell banks.

13 (r) No excavation of the shallow water bottom or any wetland is authorized by this general permit.

14 (s) The sill material shall consist of clean rock, marl, oyster shell, or masonry materials such as granite or broken  
15 concrete, or other similar materials that are approved by the N.C. Division of Coastal Management. Sill material shall  
16 be free of loose sediment or any pollutant, including exposed rebar. The sill material shall be of sufficient size and  
17 slope to prevent its movement from the approved alignment by wave or current action.

18  
19 *History Note: Authority G.S. 113A-107; 113A-113(b)(1); 113A-118.1;*  
20 *Temporary Adoption Eff. June 15, 2004;*  
21 *Eff. April 1, 2005;*  
22 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f));*  
23 *Temporary Amendment Eff. April 1, 2019;*  
24 *Amended Eff. July 1, 2019;*  
25 *Readopted Eff. October 1, 2022.*