



## Permit Application Packet for Sand Pushing

Prior to pushing or redistributing sand on your property you must obtain a CAMA EMERGENCY GENERAL PERMIT; see attached activation letter and permit application.

To obtain a permit, you must submit a complete application with the following information:

- A site plan showing structures and all proposed work with dimensions.
- Copies of the notification letter to adjacent property owner.
- Postal receipt showing letters sent CERTIFIED MAIL – RETURN RECEIPT REQUESTED

If a permit application is for reconstruction of dunes or sand placement on the beach, the sand must be inspected by an Oak Island LPO or DCM staff member for debris and coordinated with the Army Corp of Engineers' Senior Project Manager/CAMA Program.

For additional information please contact:

|   |              |
|---|--------------|
| Donna Coleman, LPO Town of Oak Island         | 910.201.8047 |
| Julie Edge, LPO Town of Oak Island            | 910.201.8043 |
| Steve Edwards, LPO Town of Oak Island         | 910.201.8052 |
| Tara MacPherson, DCM Field Specialist         | 910.796.7425 |
| Liz Hair, Senior Project Manager CAMA Program | 910.251.4043 |



Environmental  
Quality

PAT McCRORY  
Governor

DONALD R. VAN DER VAART  
Secretary

ACTIVATION OF CAMA EMERGENCY GENERAL PERMIT 15A NCAC 7H .2500 IN  
CAMA COUNTIES AFFECTED BY HURRICANE MATTHEW

I, Donald R. van der Vaart, Secretary of the Department of Environmental Quality, hereby find that initial reports of damage from Hurricane Matthew affecting the State October 7-9, 2016 indicate that it would be appropriate to activate the provisions of CAMA General Permit 15A NCAC 7H .2500 in the 20 CAMA counties where storm damage has been observed. Upon recommendation of the Director of the Division of Coastal Management, CAMA General Permit 15A NCAC 7H .2500 is activated subject to the following conditions:

1. Activation of CAMA Emergency General Permit 15A NCAC 7H.2500 applies only to Hurricane Matthew recovery activities in the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, Pamlico, Onslow, Pasquotank, Perquimans, Pender, New Hanover, Tyrrell and Washington;
2. CAMA Emergency General Permit 15A NCAC 7H .2500 authorizes only replacement of structures in the estuarine system or public trust Areas of Environmental Concern, reconstruction of primary or frontal dune systems, and maintenance excavation of existing canals, basins, channels or ditches damaged, destroyed or filled in by Hurricane Matthew. To be authorized under CAMA Emergency General Permit 15A NCAC 7H .2500, the activity must comply with the terms and conditions set out in the general permit. All other existing general permits and exemptions continue to be in effect;
3. Under Section .2502(e-f), authorizations and work conducted under this General Permit may not occur more than twelve (12) months following the activation of the General Permit;
4. Under Section .2503, the two hundred dollar (\$200) permit fee is waived for authorizations issued under Emergency General Permit 7H .2500.
6. All remaining provisions of CAMA Emergency General Permit 7H .2500 as set out in 7H .2501, .2504 and .2505 shall be in effect for 365 calendar days from the date of activation indicated below and shall apply to all activities authorized under the General Permit.

This the 10<sup>th</sup> day of October, 2016

  
Donald R. van der Vaart, Secretary  
Environmental Quality

# CAMA EMERGENCY GENERAL PERMIT INFORMATION

Town of Oak Island  
CAMA Permit Office  
As authorized by the State of North Carolina  
per the Coastal Area Management Act of 1974

Permit # \_\_\_\_\_

Applicant Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
Phone # \_\_\_\_\_  
Authorized Agent \_\_\_\_\_

**Project Location Information**  
Street Address \_\_\_\_\_  
\_\_\_\_\_  
Adj. Water Body \_\_\_\_\_  
\_\_\_\_\_  
AEC:  CS  OE  HH  IH

**Type of Project**  
**Description of Activity:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Cost of project:**  
**Notes or special conditions:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SITE DRAWING

\_\_\_\_\_  
Owner's Name (Print)

\_\_\_\_\_  
LPO Signature

\_\_\_\_\_  
Signature (owner or agent)

\_\_\_\_\_  
Issuance Date

\_\_\_\_\_  
Exp. Date

**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

I certify that I have authorized \_\_\_\_\_,

Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits  
necessary for the following proposed development: \_\_\_\_\_

\_\_\_\_\_

at my property located at \_\_\_\_\_,

in \_\_\_\_\_ County.

*I furthermore certify that I am authorized to grant, and do in fact grant permission to  
Division of Coastal Management staff, the Local Permit Officer and their agents to enter  
on the aforementioned lands in connection with evaluating information related to this  
permit application.*

Property Owner Information:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print or Type Name*

\_\_\_\_\_  
*Title*

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

This certification is valid through \_\_\_\_/\_\_\_\_/\_\_\_\_

**Receipts for  
Certified Mail**  
(Staple Here)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Adjacent Property Owner

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

Dear Adjacent Property:

This letter is to inform you that I, \_\_\_\_\_ have applied for a CAMA Minor  
Property Owner

Permit on my property at \_\_\_\_\_, in Brunswick  
Property Address

County. As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at \_\_\_\_\_, or by mail at the address listed below. If you wish to  
Applicant's Telephone

file written comments or objections with the Town of Oak Island CAMA Minor Permit Program, you may submit them to:

Donna F. Coleman  
Local Permit Officer for the Town of Oak Island  
4601 E. Oak Island Dr.  
Oak Island, NC 28465

Sincerely,

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**DIVISION OF COASTAL MANAGEMENT  
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM**

Name of Property Owner: \_\_\_\_\_

Address of Property: \_\_\_\_\_  
(Lot or Street #, Street or Road, City & County)

Agent's Name #: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Agent's phone #: \_\_\_\_\_

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I hereby certify that I own property adjacent to the above referenced property. The individual applying for this permit has described to me as shown on the attached drawing the development they are proposing. **A description or drawing, with dimensions, must be provided with this letter.**

\_\_\_\_\_ I have no objections to this proposal. \_\_\_\_\_ I have objections to this proposal.

***If you have objections to what is being proposed, you must notify the Division of Coastal Management (DCM) in writing within 10 days of receipt of this notice. Contact information for DCM offices is available at <http://www.nccoastalmanagement.net/web/cm/staff-listing> or by calling 1-888-4RCOAST. No response is considered the same as no objection if you have been notified by Certified Mail.***

**WAIVER SECTION**

I understand that a pier, dock, mooring pilings, boat ramp, breakwater, boathouse, or lift must be set back a minimum distance of 15' from my area of riparian access unless waived by me. (If you wish to waive the setback, you **must initial** the appropriate blank below.)

\_\_\_\_\_ I do wish to waive the 15' setback requirement.

\_\_\_\_\_ I **do not** wish to waive the 15' setback requirement.

---

**(Property Owner Information)**

**(Riparian Property Owner Information)**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print or Type Name*

\_\_\_\_\_  
*Print or Type Name*

\_\_\_\_\_  
*Mailing Address*

\_\_\_\_\_  
*Mailing Address*

\_\_\_\_\_  
*City/State/Zip*

\_\_\_\_\_  
*City/State/Zip*

\_\_\_\_\_  
*Telephone Number / Email Address*

\_\_\_\_\_  
*Telephone Number / Email Address*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

(Revised Aug. 2014)

**SECTION .1700 - GENERAL PERMIT FOR EMERGENCY WORK REQUIRING A CAMA AND/OR A  
DREDGE AND FILL PERMIT**

**15A NCAC 07H .1701 PURPOSE**

This permit allows work necessary to protect property and/or prevent further damage to property caused by a sudden or unexpected natural event or structural failure which imminently endangers life or structure. For the purposes of this general permit, major storms such as hurricanes, northeasters or southwesters may be considered a sudden unexpected natural event although such storms may be predicted and publicized in advance.

*History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-118.1;  
Eff. November 1, 1985.*

**15A NCAC 07H .1702 APPROVAL PROCEDURES**

(a) Any person wishing to undertake development in an area of environmental concern necessary to protect life or endangered structures will notify the Division of Coastal Management or Local Permit Office (LPO) when a possible emergency situation exists.

(b) The applicant may qualify for approval of work described in this permit after an onsite inspection by the LPO or Division of Coastal Management Field Consultant and upon his findings that the proposed emergency work requires a CAMA and/or Dredge and Fill permit. The LPO shall issue the permit if the required emergency measures constitute minor development.

(c) Once the LPO or Consultant determines that the applicant's proposed project may qualify for an emergency permit, he shall consult with the applicant and assist him in preparing an application. The applicant shall include a sketch showing existing conditions and the proposed work.

(d) The applicant for an emergency permit must take all reasonable steps to notify adjacent riparian landowners of the application, and prior to receiving a permit will certify by signing the permit the following:

- (1) that a copy of the application and sketch has been served on all adjacent riparian landowners, or if service of a copy was not feasible, that the applicant has explained the project to all adjacent riparian landowners;
- (2) that the applicant has explained to all adjacent riparian landowners that they have a right to oppose the issuance of a permit by filing objections with the local CAMA permit officer or with the Secretary of the Department of Environment, Health, and Natural Resources;
- (3) that, as to adjacent riparian landowners not contacted, the applicant has made a reasonable attempt to contact them and furnish them with the required information.

(e) All work authorized by this general permit will cease after thirty days from the date of issuance.

*History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-118.1;  
Eff. November 1, 1985;  
Amended Eff. May 1, 1990.*

**15A NCAC 07H .1703 PERMIT FEE**

The agency shall not charge a fee for permitting work necessary to respond to emergency situations except in the case when a temporary erosion control structure is used. In those cases, the applicant shall pay a permit fee of four hundred dollars (\$400.00) by check or money order made payable to the Department.

*History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-118.1; 113A-119;  
Eff. November 1, 1985;  
Amended Eff. September 1, 2006; August 1, 2002; March 1, 1991; October 1, 199.*

**15A NCAC 07H .1704 GENERAL CONDITIONS**

(a) Work permitted by means of an emergency general permit shall be subject to the following limitations:

- (1) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative so that the proposed emergency work can be delineated. Written authorization to proceed with the proposed development may be issued during this visit.
- (2) No work shall be permitted other than that which is necessary to reasonably protect against or reduce the imminent danger caused by the emergency, to restore the damaged property to its condition immediately before the emergency, or to re-establish necessary public facilities or transportation corridors.
- (3) Any permitted erosion control projects shall be located no more than 20 feet waterward of the imminently threatened structure or the right-of way in the case of roads. If a building or road is found

to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee.

- (4) Fill materials used in conjunction with emergency work for storm or erosion control shall be obtained from an upland source. Excavation below MHW in the Ocean Hazard AEC may be allowed to obtain material to fill sandbags used for emergency protection.
  - (5) Structural work shall meet sound engineering practices.
  - (6) This permit allows the use of oceanfront erosion control measures for all oceanfront properties without regard to the size of the existing structure on the property or the date of construction.
- (b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make inspections at any time deemed necessary to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions in these Rules.
- (c) Development shall not jeopardize the use of the waters for navigation or for other public trust rights in public trust areas including estuarine waters.
- (d) This permit shall not be applicable to proposed construction where the Department has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality, air quality, coastal wetlands, cultural or historic sites, wildlife, fisheries resources, or public trust rights.
- (e) This permit does not eliminate the need to obtain any other state, local, or federal authorization.
- (f) Development carried out under this permit must be consistent with all local requirements, CAMA rules, and local land use plans, storm hazard mitigation, and post-disaster recovery plans current at the time of authorization.

*History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-118.1;*  
*Eff. November 1, 1985;*  
*Amended Eff. December 1, 1991; May 1, 1990;*  
*RRC Objection due to ambiguity Eff. May 19, 1994;*  
*Amended Eff. May 1, 2010; August 1, 1998; July 1, 1994.*

#### **15A NCAC 07H .1705 SPECIFIC CONDITIONS**

##### **(a) Temporary Erosion Control Structures in the Ocean Hazard AEC.**

- (1) Permittable temporary erosion control structures shall be limited to sandbags placed landward of mean high water and parallel to the shore.
- (2) Temporary erosion control structures as defined in Subparagraph (1) of this Paragraph shall be used to protect only imminently threatened roads and associated right of ways, and buildings and their associated septic systems. A structure is considered imminently threatened if its foundation, septic system, or, right-of-way in the case of roads, is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when the Division determines that site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure.
- (3) Temporary erosion control structures shall be used to protect only the principal structure and its associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that is allowed as an exception to the erosion setback requirement.
- (4) Temporary erosion control structures may be placed seaward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.
- (5) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet seaward of the structure to be protected or the right-of-way in the case of roads. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee in accordance with Subparagraph (1) of this Paragraph.
- (6) Temporary erosion control structures may remain in place for up to two years after the date of approval if they are protecting a building with a total floor area of 5,000 square feet or less and its associated septic system, or for up to five years for a building with a total floor area of more than 5,000 square feet and its associated septic system. Temporary erosion control structures may remain in place for up

to five years if they are protecting a bridge or a road. The property owner shall be responsible for removal of the temporary structure within 30 days of the end of the allowable time period.

- (7) Temporary sandbag erosion control structures may remain in place for up to eight years from the date of approval if they are located in a community that is actively pursuing a beach nourishment project, or if they are located in an Inlet Hazard Area adjacent to an inlet for which a community is actively pursuing an inlet relocation or stabilization project in accordance with G.S. 113A-115.1 For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment, inlet relocation or stabilization project if it has:

- (A) an active CAMA permit, where necessary, approving such project; or
- (B) been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers and a commitment of local or federal money, when necessary; or
- (C) received a favorable economic evaluation report on a federal project; or
- (D) is in the planning stages of a project designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and initiated by a local government or community with a commitment of local or state funds to construct the project and the identification of the financial resources or funding bases necessary to fund the beach nourishment, inlet relocation or stabilization project.

If beach nourishment, inlet relocation or stabilization is rejected by the sponsoring agency or community, or ceases to be actively planned for a section of shoreline, the time extension is void for that section of beach or community and existing sandbags are subject to all applicable time limits set forth in Subparagraph (6) of this Paragraph.

- (8) Once the temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to relocation or removal of the threatened structure, a storm protection project constructed by the U.S. Army Corps of Engineers, a large scale beach nourishment project, an inlet relocation or stabilization project, it shall be removed by the permittee within 30 days of official notification by the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure.
- (9) Removal of temporary erosion control structures is not required if they are covered by dunes with stable and natural vegetation.
- (10) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.
- (11) Sandbags used to construct temporary erosion control structures shall be tan in color and 3 to 5 feet wide and 7 to 15 feet long when measured flat. Base width of the structure shall not exceed 20 feet, and the height shall not exceed 6 feet.
- (12) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.
- (13) Excavation below mean high water in the Ocean Hazard AEC may be allowed to obtain material to fill sandbags used for emergency protection.
- (14) An imminently threatened structure may be protected only once regardless of ownership, unless the threatened structure is located in a community that is actively pursuing a beach nourishment project, or in an Inlet Hazard Area and in a community that is actively pursuing an inlet relocation or stabilization project in accordance with Subparagraph (7). Existing temporary erosion control structures may be eligible for an additional eight year permit extension provided that the structure being protected is still imminently threatened, the temporary erosion control structure is in compliance with requirements of this Subparagraph and the community in which it is located is actively pursuing a beach nourishment, an inlet relocation or stabilization project in accordance with Subparagraph (7) of this Paragraph. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Subparagraph (6) or (7) shall begin at the time the initial erosion control structure is installed. For the purpose of this Rule:
- (A) a building and septic system shall be considered as separate structures.
  - (B) a road or highway shall be allowed to be incrementally protected as sections become imminently threatened. The time period for removal of each section of sandbags shall begin at the time that section is installed in accordance with Subparagraph (6) or (7) of this Rule.
- (15) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Subparagraph (6) or (7) of this Rule.

(b) Erosion Control Structures in the Estuarine Shoreline, Estuarine Waters, and Public Trust AECs. Work permitted by this general permit shall be subject to the following limitations:

- (1) No work shall be permitted other than that which is necessary to reasonably protect against or reduce the imminent danger caused by the emergency or to restore the damaged property to its condition immediately before the emergency;

- (2) The erosion control structure shall be located no more than 20 feet waterward of the imminently threatened structure. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat shore profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee.
  - (3) Fill material used in conjunction with emergency work for storm or erosion control in the Estuarine Shoreline, Estuarine Waters and Public Trust AECs shall be obtained from an upland source.
- (c) Protection, Rehabilitation, or Temporary Relocation of Public Facilities or Transportation Corridors.
- (1) Work permitted by this general permit shall be subject to the following limitations:
    - (A) no work shall be permitted other than that which is necessary to protect against or reduce the imminent danger caused by the emergency or to restore the damaged property to its condition immediately before the emergency;
    - (B) the erosion control structure shall be located no more than 20 feet waterward of the imminently threatened structure or the right-of-way in the case of roads. If a public facility or transportation corridor is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat shore profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the facility or corridor being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee in accordance with Subparagraph (a)(1) of this Rule.
    - (C) any fill materials used in conjunction with emergency work for storm or erosion control shall be obtained from an upland source except that dredging for fill material to protect public facilities or transportation corridors shall be considered in accordance with standards in 15A NCAC 7H .0208;
    - (D) all fill materials or structures associated with temporary relocations which are located within Coastal Wetlands, Estuarine Water, or Public Trust AECs shall be removed after the emergency event has ended and the area restored to pre-disturbed conditions.
  - (2) This permit authorizes only the immediate protection or temporary rehabilitation or relocation of existing public facilities. Long-term stabilization or relocation of public facilities shall be consistent with local governments' post-disaster recovery plans and policies which are part of their Land Use Plans.

*History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-115.1; 113A-118.1; Eff. November 1, 1985; Amended Eff. April 1, 1999; February 1, 1996; June 1, 1995; Temporary Amendment Eff. July 3, 2000; May 22, 2000; Amended Eff. May 1, 2013; May 1, 2010; August 1, 2002. Temporary Amendment Eff. July 3, 2000; May 22, 2000.*

**SECTION .2500 - EMERGENCY GENERAL PERMIT, TO BE INITIATED AT THE DISCRETION OF THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR REPLACEMENT OF STRUCTURES, THE RECONSTRUCTION OF PRIMARY OR FRONTAL DUNE SYSTEMS, AND THE MAINTENANCE EXCAVATION OF EXISTING CANALS, BASINS, CHANNELS, OR DITCHES, DAMAGED, DESTROYED, OR FILLED IN BY HURRICANES OR TROPICAL STORMS, PROVIDED ALL REPLACEMENT, RECONSTRUCTION AND MAINTENANCE EXCAVATION ACTIVITIES CONFORM TO ALL CURRENT STANDARDS**

**15A NCAC 07H .2501 PURPOSE**

Following damage to coastal North Carolina due to hurricanes or tropical storms, the Secretary may, based upon an examination of the extent and severity of the damage, implement any or all provisions of this Section. Factors the Secretary may consider in making this decision include, but are not limited to, severity and scale of property damage, designation of counties as disaster areas, reconnaissance of the impacted areas, or discussions with staff, state or federal emergency response agencies. This permit shall allow for:

- (1) the replacement of structures that were located within the estuarine system or public trust Areas of Environmental Concern and that were destroyed or damaged beyond 50 percent of the structures value as a result of any hurricane or tropical storm,
- (2) a one time per property fee waiver for the reconstruction or repair by beach bulldozing of hurricane or tropical storm damaged frontal or primary dune systems, and
- (3) a one time per property fee waiver for maintenance dredging activities within existing basins, canals, channels, and ditches. Structure replacement, dune reconstruction, and maintenance excavation activities authorized by this permit shall conform with all current use standards and regulations. The structural replacement component of this general permit shall only be applicable where the structure was in place and serving its intended function at the time of the impacting hurricane or storm, and shall not apply within the Ocean Hazard System of Areas of Environmental Concern (AEC) or waters adjacent to these AECs with the exception of those portions of shoreline that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area.

*History Note: Authority G.S. 113A-107; 113A-118.1;  
Temporary Adoption Eff. October 2, 1999;  
Temporary Adoption Expired on July 28, 2000;  
Eff. April 1, 2001.*

**15A NCAC 07H .2502 APPROVAL PROCEDURES**

- (a) The applicant must contact the Division of Coastal Management and request approval for structural replacement, dune reconstruction, or maintenance excavation. The applicant shall provide information on site location, dimensions of the project area, and his or her name and address.
- (b) The applicant must provide:
  - (1) Description of the extent of repair, replacement, reconstruction, or maintenance excavation needed, including dimensions and shoreline length; and
  - (2) In the case of structural replacements, any additional documentation confirming the existence of the structure prior to the hurricane or tropical storm, such as surveys, previous permits, photographs or videos.
- (c) For projects involving the excavation or filling of any area of estuarine water, the applicant must provide confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by this General Permit. If DCM staff finds that the comments are worthy of more in-depth review, the applicant shall be notified that he or she must submit an application for a major development permit.
- (d) No work shall begin until a meeting is held with the applicant and appropriate Division of Coastal Management representative. Written authorization to proceed with the proposed development may be issued during this meeting.
- (e) Replacement, reconstruction or maintenance excavation activities must be completed within one year of each activation by the Secretary of this general permit.
- (f) Authorizations under this General Permit shall not be issued more than one year following each activation by the Secretary of this general permit.

*History Note: Authority G.S. 113A-107; 113A-118.1;  
Temporary Adoption Eff. October 2, 1999;  
Temporary Adoption Expired on July 28, 2000;  
Eff. April 1, 2001.*

### **15A NCAC 07H .2503 PERMIT FEE**

The standard permit fee of two hundred dollars (\$200.00) has been waived for this General Permit.

*History Note: Authority G.S. 113A-107; 113A-118.1;  
Temporary Adoption Eff. October 2, 1999;  
Temporary Adoption Expired on July 28, 2000;  
Eff. April 1, 2001.  
Amended Eff. September 1, 2006*

### **15A NCAC 07H .2504 GENERAL CONDITIONS**

- (a) This permit shall only become available following a written statement by the Secretary that, based upon hurricane or tropical storm related damage, implementation of the provisions of this Section are warranted.
- (b) Based upon an examination of the specific circumstances following a specific hurricane or tropical storm, the Secretary may choose to activate any or all of the components of this Section. The Secretary may also limit the geographic service area of this permit.
- (c) This permit authorizes only the replacement of damaged or destroyed structures, the reconstruction of frontal or primary dunes, and maintenance excavation activities conforming to the standards described in this Section.
- (d) This permit does not authorize the replacement of any structure within any Ocean Hazard Area of Environmental Concern, with the exception of those portions of shoreline within the Ocean Hazard AEC that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area.
- (e) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make periodic inspections at any time deemed necessary in order to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed in this Section.
- (f) This general permit shall not be applicable to proposed construction when the Department determines after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, or recreational values.
- (g) This general permit shall not be applicable to proposed construction where the Department determines that authorization may be warranted, but that the proposed activity might significantly affect the quality of the human environment, or unnecessarily endanger adjoining properties. In those cases, it shall be necessary to review the proposed project under the established CAMA Major or Minor Development Permit review procedures.
- (h) This permit does not eliminate the need to obtain any other required state, local, or federal authorization.
- (i) This permit does not preclude an individual from applying for other authorizations for structure replacement that may be available under the Coastal Area Management Act and the Rules of the Coastal Resources Commission. However, application fees for any such authorization shall not be waived or deferred.

*History Note: Authority G.S. 113A-107; 113A-118.1;  
Temporary Adoption Eff. October 2, 1999;  
Temporary Adoption Expired on July 28, 2000;  
Eff. April 1, 2001.*

### **15A NCAC 07H .2505 SPECIFIC CONDITIONS**

- (a) The replacement of a damaged or destroyed structure shall take place within the footprint and dimensions that existed immediately prior to the damaging hurricane or tropical storm. No structural enlargement or additions shall be allowed.
- (b) Structure replacement, dune reconstruction, and maintenance excavation authorized by this permit shall conform to the existing use standards and regulations for exemptions, minor development permits, and major development permits, including general permits. These use standards include, but are not limited to:
  - (1) 15A NCAC 07H .0208(b)(6) for the replacement of docks and piers;
  - (2) 15A NCAC 07H .0208(b)(7) for the replacement of bulkheads and shoreline stabilization measures;
  - (3) 15A NCAC 07H .0208(b)(9) for the replacement of wooden and riprap groins;
  - (4) 15A NCAC 07H .1500 for maintenance excavation activities; and
  - (5) 15A NCAC 07H .1800 for beach bulldozing in the Ocean Hazard AEC.
- (c) The replacement of an existing dock or pier facility, including associated structures, marsh enhancement breakwaters, or groins shall be set back 15 feet from the adjoining property lines and the riparian access dividing line. The line of division of riparian access shall be established by drawing a line along the channel or deep water in front of the property, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. Application of this Rule may be aided by reference to the approved diagram in 15A NCAC 07H .1205, illustrating the rule as applied to various shoreline configurations. Copies of the diagram may be obtained from the Division of Coastal Management. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this Rule to the maximum

extent practicable. The setback may be waived by written agreement of the adjacent riparian owner(s) or when the two adjoining riparian owners are co-applicants. Should the adjacent property be sold before replacement of the structure begins, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the Division of Coastal Management prior to initiating any construction of the structure.

*History Note: Authority G.S. 113A-107; 113A-118.1;  
Temporary Adoption Eff. October 2, 1999;  
Temporary Adoption Expired on July 28, 2000;  
Eff. April 1, 2001;  
Amended Eff. September 1, 2016.*

**SECTION .1800 - GENERAL PERMIT TO ALLOW BEACH BULLDOZING LANDWARD OF THE MEAN HIGH WATER MARK IN THE OCEAN HAZARD AEC**

**15A NCAC 07H .1801 PURPOSE**

This permit will allow beach bulldozing needed to reconstruct or repair frontal and/or primary dune systems. For the purpose of this general permit, beach bulldozing is defined as the process of moving natural beach material from any point seaward of the first line of stable vegetation to repair damage to frontal and/or primary dunes caused by a major storm event. This general permit is being developed according to the procedures outlined in Subchapter 7J .1100 and will apply only to the Ocean Erodible AEC. This general permit shall not apply to the Inlet Hazard AEC.

*History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1; Eff. December 1, 1987.*

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

(a) The applicant must contact the Division of Coastal Management or local permit officer (LPO) and complete an application form requesting approval for development. The applicant shall provide information on site location, dimensions of the project area, and his name and address.

(b) The applicant must provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice should instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within ten days of receipt of the notice, and, indicate that no response will be interpreted as no objection. DCM staff will review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If DCM staff finds that the comments are worthy of more in-depth review, the applicant will be notified that he must submit an application for a major development permit.

(c) No work shall begin until an on-site meeting is held with the applicant and appropriate LPO or Division of Coastal Management representative so that the existing first line of stable natural vegetation can be appropriately marked and recorded on the application. Written authorization to proceed with the proposed development may be issued during this visit. All bulldozing must be completed within 30 days of the date of permit issuance or the general authorization expires.

*History Note: Authority G. S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1; Eff. December 1, 1987; Amended Eff. January 1, 1990.*

**15A NCAC 07H .1803 PERMIT FEE**

The applicant shall pay a permit fee of four hundred dollars (\$400.00) by check or money order payable to the Department.

*History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; Eff. December 1, 1987; Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991.*

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

- (a) Any future setback determinations which may be required shall be made using the first line of stable natural vegetation established prior to the bulldozing activity.
- (b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make periodic inspections at any time deemed necessary to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.
- (c) This permit will not be applicable to proposed construction where the Department has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality; air quality; coastal wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights. If a shipwreck is unearthed, all work shall stop and both the Division of Archives and History and Coastal Management shall be contacted immediately.
- (d) This permit does not eliminate the need to obtain any other required state, local or federal authorization.
- (e) Development carried out under this permit must be consistent with all local requirements, AEC rules, and local Land Use Plans current at the time of authorization.

*History Note: Authority G.S. 113-229(cl); 113A-107(a)(b); 113A-113(b); 113A-118.1;  
Eff. December 1, 1987;  
Amended Eff. May 1, 1990;  
RRC Objection due to ambiguity Eff. May 19, 1994;  
Amended Eff. August 1, 1998; July 1, 1994.*

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

- (a) The area in which this activity is being performed must maintain a slope of adequate grade so as to not endanger the public or the public's use of the beach and should follow the pre-emergency slopes as closely as possible. The movement of material by a bulldozer, front-end loader, backhoe, scraper or any type of earth moving or construction equipment shall not exceed 1 foot in depth measured from the pre-activity surface elevation.
- (b) The activity must not exceed the lateral bounds of the applicant's property unless he has the written permission of the adjoining landowner(s).
- (c) Movement of material from seaward of the mean high water line is not authorized.
- (d) The activity must not demonstratively increase erosion on neighboring properties.
- (e) Adding to dunes shall be accomplished in such a manner that the damage to existing vegetation is minimized. The fill areas will be immediately replanted or temporarily stabilized until planting can be successfully completed.
- (f) In order to minimize adverse impacts to nesting sea turtles, no work shall occur within the period of May 1 through November 15 of any year, without the prior approval of the Division of Coastal Management, in coordination with the North Carolina Wildlife Resources Commission, the United States Fish and Wildlife Service and the United States Army Corps of Engineers, that the work can be accomplished without adversely impacting sea turtle nests or suitable nesting habitat.
- (g) If one contiguous acre or more of oceanfront property is to be excavated or filled, an erosion and sedimentation control plan must be filed with the Division of Energy, Mineral, and Land Resources, or appropriate local government having jurisdiction. This plan must be approved prior to commencing the land disturbing activity.

*History Note: Authority G.S. 113-229(cl); 113A-107(a)(b); 113A-113(b); 113A-118.1;  
Eff. December 1, 1987;  
Temporary Amendment Eff. September 2, 1998;  
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); August 1, 2000.*