

15A NCAC 07H .1101 PURPOSE

A permit for construction of bulkheads and riprap revetments under this Section shall allow the construction of bulkheads and riprap revetments for shoreline protection in the public trust waters and estuarine waters AECs subject to the procedures outlined in Subchapter 07J, Section .1100 and according to the Rules in this Section. This permit shall not apply to shoreline protection along the oceanfront or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those shorelines that feature characteristics of the Estuarine Shoreline AEC. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than the adjoining Ocean Erodible Area.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; 113-229; Eff. March 1, 1984; Amended Eff. July 1, 2009; April 1, 2003; Readopted Eff. April 1, 2022.

15A NCAC 07H .1102 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development.

(b) The applicant shall provide:

- (1) provide site location, dimensions of the project area, and the applicant's name and address, confirmation that the applicant has obtained a written statement, signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the applicant has notified adjacent riparian property owners by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide written comments on the proposed development to DCM within 10 days of receipt of the notice and indicate that no response shall be interpreted as no objection. DCM 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 a General Permit. If DCM determines that the project exceeds the guidelines established by the General Permit process provided in 15A NCAC 07J .1100, DCM shall notify the applicant that an application for a major development permit shall be required.

(c) No work shall begin until an on-site meeting is held with the applicant and a DCM representative so that the proposed alignment may be marked. A General Permit to proceed with the proposed development shall be issued if the DCM representative finds that the application meets all the requirements of this Rule. Construction of the bulkhead or riprap revetment shall be completed within 120 days of the issuance of the general permit or the authorization shall expire and it shall be necessary to re-examine the structure alignment to determine if the general permit may be reissued.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; 113A-118; 113A-120; 113-229; Eff. March 1, 1984; Amended Eff. July 1, 2009; October 1, 2007; September 1, 2006; January 1, 1990; December 1, 1987; Readopted Eff. April 1, 2022.

15A NCAC 07H .1103 PERMIT FEE

The applicant shall pay a permit fee of two hundred dollars (\$200.00) for riprap revetments sited at or above normal high water or normal water level, or a permit fee of four hundred dollars (\$400.00) for riprap revetments sited below normal high water or normal water level. The applicant shall pay a permit

fee of four hundred dollars (\$400.00) for bulkheads. Permit fees shall be paid by check or money order payable to the Department.

History Note: Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113-119.1; 113A-124; 113-229;

Eff. March 1, 1984;

Amended Eff. October 5, 2009; September 1, 2006; August 1, 2000; March 1, 1991;

Readopted Eff. April 1, 2022.

15A NCAC 07H .1104 GENERAL CONDITIONS

(a) This permit authorizes only the construction of bulkheads and riprap revetments conforming to the standards in this Section.

(b) Individuals shall allow authorized representatives of the Department of Environmental Quality to make inspections at any time in order to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

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

(d) This permit shall not be applicable to proposed construction where the Division of Coastal Management 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 shall not eliminate the need to obtain any other required State, local, or federal authorization.

(f) Development carried out under permit set forth in this Section shall be consistent with all State, federal, local requirements, and local land use plans current at the time of authorization.

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History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; 113-229; Eff. March 1, 1984;

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

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

Amended Eff. July 1, 2009; August 1, 1998; July 1, 1994;

Readopted Eff. April 1, 2022.

15A NCAC 07H .1105 SPECIFIC CONDITIONS

(a) Along shorelines void of wetland vegetation:

- (1) New bulkheads shall have an average approximation of normal high water or normal water level. The bulkhead position shall not exceed a distance of five feet waterward of normal high water or normal water level at any point along its alignment.
- (2) New bulkheads or riprap revetments on shorelines within manmade upland basins, canals, and ditches, shall be positioned so as not to exceed an average distance of two feet and maximum distance of five feet waterward of normal high water or normal water level.
- (3) When replacing an existing bulkhead, the new alignment shall be positioned so as not to exceed a maximum distance of two feet waterward of the current bulkhead alignment. To tie into a like structure on the adjacent property, replacement bulkhead position shall not exceed a maximum distance of five feet waterward of the current bulkhead alignment.

When replacing a bulkhead where lands landward of the bulkhead were lost in the last year, bulkheads shall be positioned a maximum of two feet waterward of the original or existing alignment.

- (4) Riprap revetments shall be positioned so as not to exceed a maximum distance of 10 feet waterward of the normal high water or normal water level at any point along its alignment.
- (b) Along shorelines with wetland vegetation, bulkheads and riprap revetments shall be positioned so that all construction is to be accomplished landward of such vegetation.
- (c) Bulkheads shall be constructed of vinyl, steel sheet pile, concrete, stone, timber, or other materials approved by the Division of Coastal Management.
- (d) Riprap revetments shall be constructed of granite, marl, concrete without exposed rebar, or other materials approved by the Division of Coastal Management.
- (e) Revetment material shall be free from loose dirt or other materials not approved by the Division of Coastal Management.
- (f) Revetment material shall be of size approved by the Division of Coastal Management to prevent movement of the material from the site by wave action or currents.
- (g) Construction design for riprap revetments shall take into consideration the height of the area to be protected i.e., bulkhead height, escarpment height, water depth, and the alignment shall allow for a slope no flatter than three feet horizontal per one foot vertical and no steeper than 1½ feet horizontal per one foot vertical.
- (h) All backfill material shall be obtained from an upland source pursuant to 15A NCAC 07H .0208. The bulkhead or riprap revetment shall be constructed prior to any backfilling activities and shall be structurally tight so as to prevent seepage of backfill materials through the structure.
- (i) No excavation, grading or fill shall be permitted except for that which may be required for the construction of the bulkhead or riprap revetment. This permit shall not authorize any excavation waterward of the approved alignment.
- (j) Runoff from construction shall not increase the amount of suspended sediments in adjacent waters. Sedimentation and erosion control devices, measures, or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property, e.g. silt fence, diversion swales or berms, sand fence, etc.
- (k) If one contiguous acre or more of property is to be excavated or filled, an erosion and sedimentation control plan shall be filed with and approved by the Division of Energy, Mineral, and Land Resources, or local government having a delegated program prior to commencing the land-disturbing activity.
- (l) For the purposes of these Rules, the Atlantic Intracoastal Waterway (AIWW) is considered a natural shoreline.
- (m) Construction authorized by this general permit shall be limited to a maximum shoreline length of 500 feet.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; 113-229; Eff. March 1, 1984; Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); July 1, 2009; April 1, 2005; December 1, 1991; January 1, 1989; December 1, 1987; Readopted Eff. April 1, 2022.