

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

15A NCAC 07H .1401 PURPOSE

A person requesting the construction of groins in the Estuarine and Public Trust Waters AECs shall apply for a General Permit according to the rules in this Section. This general permit shall not apply to the oceanfront shorelines 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 adjacent Ocean Erodible Area.

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

15A NCAC 07H .1402 APPROVAL PROCEDURES

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

(b) The applicant shall provide:

- (1) the site location, dimensions of the project area, and his or her name and address; and
- (2) 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
- (3) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide any comments on the proposed development in writing to the Division of Coastal Management within 10 days of receipt of the notice and shall indicate that no response by the adjacent property owners shall be interpreted as the adjacent property owners having no objection. Division staff of Coastal Management 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 Division staff finds that the comments are worthy of more in-depth review, the Division shall notify the applicant that he or she 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 a Division of Coastal Management representative to review the proposed development. A permit to proceed with the proposed development shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter. Construction permitted under this Section shall be completed within 120 days of permit issuance or such permit shall expire. If the applicant seeks a new permit under this Section, the Division of Coastal Management shall re-examine the proposed development to determine if the General Permit may be reissued.

(d) Any modification or addition to the authorized project shall require approval from the Division of Coastal Management in accordance with 15A NCAC 07J .0405.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; Eff. March 1, 1984; Amended Eff. February 1, 2009; October 1, 2007; August 1, 2004; May 1, 1990; January 1, 1990; Readopted Eff. October 1, 2022.

15A NCAC 07H .1403 PERMIT FEE

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

History Note: Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; 113A-124; Eff. March 1, 1984; Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991; Readopted Eff. October 1, 2022; Amended Eff. January 1, 2024.

15A NCAC 07H .1404 GENERAL CONDITIONS

(a) Structures authorized by a General Permit in this Section shall be timber, sheetpile, or riprap groins.

(b) Permittees 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 the General Permit set forth in this Section is in accordance with the terms and conditions prescribed herein.

- (c) The placement of groins authorized in this Rule shall not interfere with the established or traditional rights of navigation of the waters by the public.
- (d) The permit set forth in this Section 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 required because there are unresolved questions concerning the proposed activity's impact on Areas of Environmental Concern.

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

15A NCAC 07H .1405 SPECIFIC CONDITIONS

- (a) Groins shall be perpendicular to the shoreline and shall not extend more than 25 feet waterward of the normal high water or normal water level.
- (b) Riprap groins shall not exceed a base width of 10 feet.
- (c) Groins shall be set back at least 15 feet from the riparian access dividing line as measured from the closest point of the structure. This setback may be waived by written agreement of the adjacent riparian owners or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the groin commences, 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 development of the groin.
- (d) The height of sheetpile groins shall not exceed one foot above normal high water or the normal water level and the height of riprap groins shall not exceed two feet above normal high water or the normal water level.
- (e) Material used for groin construction shall be free from loose dirt. Groin material must be of sufficient size to prevent its movement from the site by wave action or currents.
- (f) Structure spacing shall be two times the groin length as measured from the centerline of the structure. Spacing may be less than two times the groin length around channels, docking facilities, boat lifts, or boat ramps and when positioned to prevent sedimentation or accretion around channels, docking facilities, boat lifts, or boat ramps.
- (g) "L" and "T" sections shall not be allowed at the end of groins.
- (h) Groins shall be constructed of granite, marl, concrete without exposed rebar, timber, vinyl sheet pile, steel sheet pile, or other suitable equivalent materials approved by the Division of Coastal Management.

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