

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

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

A person requesting the installation of utility lines both aerially and subaqueously in the Coastal Wetland, Estuarine Waters, Public Trust Areas, and Estuarine and Public Trust Shoreline AECs shall apply for a General Permit according to rules in this Section. This general permit shall not apply to the ocean hazard AECs.

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

**15A NCAC 07H .1602 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 ten days of receipt of the notice and indicate that no response by the adjacent property owners will be interpreted as the adjacent property owners having no objection. Division 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 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 begin within twelve months of the date 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.

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

**15A NCAC 07H .1603 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; 113-229(c1);  
Eff. March 1, 1985;  
Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;  
Readopted Eff. October 1, 2022.*

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

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

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

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

- (d) The utility line route or construction method shall not disrupt the movement of those species of aquatic life indigenous to the waterbody.
- (e) Permittees shall allow authorized representatives of the Department of Environmental Quality to make inspections at any time 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.
- (f) 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 impact on Areas of Environmental Concern.

*History Note: Authority G.S. 113A-107(a)(b); 113A-113(b); 113A-118.1; 113-229(c1);  
Eff. March 1, 1985;  
Amended Eff. May 1, 1990;  
RRC Objection due to ambiguity Eff. May 19, 1994;  
Amended Eff. August 1, 1998; July 1, 1994;  
Readopted Eff. October 1, 2022.*

#### **15A NCAC 07H .1605 SPECIFIC CONDITIONS**

Proposed utility line installations shall meet each of the following specific conditions to be eligible for authorization by this General Permit:

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

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