

SECTION .1900 – GENERAL PERMIT TO ALLOW FOR TEMPORARY STRUCTURES WITHIN THE ESTUARINE AND OCEAN SYSTEMS AECS

15A NCAC 07H .1901 PURPOSE

A permit under this Section shall allow for the placement of temporary structures within the estuarine and ocean systems AECs according to the provisions provided in 15A NCAC 07J .1100 and according to the rules in this Section.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1; Eff. March 1, 1989; Amended Eff. April 1, 2020; August 1, 2000.

15A NCAC 07H .1902 APPROVAL PROCEDURES

(a) The applicant shall contact the Division of Coastal Management at the address provided in 15A NCAC 07A .0101 and complete an application requesting approval for development. For temporary structures associated with scientific research, permit applicants shall be lead investigators on behalf of accredited educational institutions, or state or federal agencies.

(b) If a temporary structure is to be located less than 400 feet waterward of normal high water or normal water level, or within the established pier head line as determined by the Division of Coastal Management, the applicant shall provide:

- (1) 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 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 determines that the project exceeds the conditions established by this General Permit, DCM shall notify the applicant that a Major Permit application shall be required.

(c) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative to inspect and mark the site of construction of the proposed development. Temporary structures authorized by this General Permit may remain in place for a maximum of one year from the date of issuance. The project site shall be restored to pre-development conditions and all structures shall be removed within one year of permit issuance, or by the date specified with the General Permit.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1; Eff. March 1, 1989; Amended Eff. April 1, 2020; January 1, 1990.

15A NCAC 07H .1903 PERMIT FEE

The applicant shall pay a permit fee of two hundred dollars (\$200.00) 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. March 1, 1989; Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991.

15A NCAC 07H .1904 GENERAL CONDITIONS

(a) Temporary structures for the purpose of this general permit are those which are constructed or installed within the estuarine and ocean system AECs and because of their dimensions or functions cannot be authorized by another General Permit within this Subchapter.

(b) There shall be no encroachment oceanward of the first line of stable vegetation within the ocean hazard AEC except for the placement of auxiliary structures such as signs, fences, posts, or pilings.

- (c) There shall be no fill or excavation activity below normal high water or normal water level.
- (d) This permit shall not be applicable to proposed development where the Division of Coastal Management has determined, based on a 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) Individuals shall allow authorized representatives of the Department of Environmental Quality to make periodic inspections at any time necessary to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.
- (f) This permit does not eliminate the need to obtain any other state, local or federal authorization, nor, to abide by rules or regulations adopted by any federal, state, or local agency.
- (g) Development carried out under this permit shall be consistent with all local requirements, and local land use plans current at the time of authorization.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. May 1, 1990; March 1, 1990;
RRC Objection due to ambiguity Eff. May 19, 1994;
Amended Eff. April 1, 2020; August 1, 1998; July 1, 1994.

15A NCAC 07H .1905 SPECIFIC CONDITIONS

Proposed temporary structures shall meet each of the following specific conditions to be eligible for authorization by the general permit:

- (1) All aspects of the structure shall be removed and the site returned to pre-project conditions at the expiration of this general permit.
- (2) There shall be no work within any productive shellfish beds without authorization from the Division of Marine Fisheries.
- (3) The proposed structure shall not involve the disturbance of any marsh, submerged aquatic vegetation, or other wetlands including excavation or filling of these areas.
- (4) The proposed activity shall not disrupt navigation and transportation channels and shall be marked to prevent being a hazard to navigation.
- (5) The proposed structure shall not impede public access or other public trust uses.
- (6) The proposed structure shall not be habitable.
- (7) There shall be no disturbance of existing dunes.
- (8) Temporary structures authorized by this permit shall not individually or cumulatively exceed 100 square meters in size.
- (9) Structures shall not be constructed in a designated Primary Nursery Area without approval from the Division of Marine Fisheries or the Wildlife Resources Commission.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. April 1, 2020; May 1, 1990.