

SECTION .2400 - GENERAL PERMIT FOR PLACEMENT OF RIPRAP REVETMENTS FOR WETLAND PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS

15A NCAC 07H .2401 PURPOSE

Persons wishing to construct riprap revetments for wetland protection in estuarine and public trust waters, immediately adjacent to and waterward of the wetland toe, shall apply for a General Permit under this Section. This permit shall not apply to oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC 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;
Eff. August 1, 2000;
Amended Eff. February 1, 2009; April 1, 2003;
Readopted Eff. October 1, 2022.*

15A NCAC 07H .2402 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 indicate that no response by the adjacent property owners shall 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 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 permitted project shall require approval from the Division of Coastal Management.

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. August 1, 2000;
Amended Eff. February 1, 2009; October 1, 2007;
Readopted Eff. October 1, 2022.*

15A NCAC 07H .2403 PERMIT FEE

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

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

15A NCAC 07H .2404 GENERAL CONDITIONS

(a) This permit authorizes only the construction of wetland protection structures conforming to the standards herein.

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

(c) The placement of riprap revetments authorized in this Rule 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 required because there are unresolved questions concerning the proposed activity's impact on Areas of Environmental Concern.

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. August 1, 2000;
Amended Eff. February 1, 2009;
Readopted Eff. October 1, 2022.*

15A NCAC 07H .2405 SPECIFIC CONDITIONS

(a) This General Permit shall only be applicable along shorelines possessing wetlands, which exhibit an identifiable escarpment.

(b) The structure shall be constructed of granite, marl, riprap, concrete without exposed rebar, or other suitable equivalent materials approved by the Division of Coastal Management.

(c) The height of the erosion escarpment shall not exceed three feet.

(d) The riprap shall be placed immediately waterward of the erosion escarpment.

(e) The riprap revetment shall be positioned so as not to exceed a maximum of six feet waterward of the erosion escarpment at any point along its alignment with a slope no flatter than three feet horizontal per one foot vertical and no steeper than one and one half feet horizontal per one foot vertical.

(f) The riprap shall be positioned so as not to exceed a maximum of six inches above the elevation of the adjacent wetland substrate or escarpment.

(g) Construction authorized by this general permit will be limited to a maximum length of 500 feet.

(h) No backfill or any other fill of wetlands, submerged aquatic vegetation, estuarine waters, public trust areas, or highground areas is authorized by this general permit.

(i) No excavation of the shallow water bottom, any wetlands, or high ground is authorized by this general permit.

(j) Riprap material used for revetment construction shall be free from loose dirt or any pollutant and be of a size sufficient to prevent its movement from the site by wave action or currents.

(k) If the crossing of wetlands with mechanized or non-mechanized construction equipment is necessary, temporary construction mats shall be utilized for the area to be crossed. The temporary mats shall be removed immediately upon completion of construction of the riprap structure.

(l) The permittee shall maintain the structure in conformance with the terms and conditions of this permit or the remaining riprap revetment shall be removed within 90 days of notification from the Division of Coastal Management.

*History Note: Authority G.S. 113A-107; 113A-107; 113A-108; 113A-118.1;
Eff. August 1, 2000;
Amended Eff. February 1, 2009;
Readopted Eff. October 1, 2022.*