



NORTH CAROLINA
Environmental Quality

JOSH STEIN

Governor

D. REID WILSON

Secretary

TANCREC MILLER

Director

CRC-25-22

April 15, 2025

MEMORANDUM

TO: Coastal Resources Commission
FROM: Daniel Govoni, Policy Section Chief
SUBJECT: Man-Made Ditches

The Commission received a Petition for Rulemaking on December 6, 2024, requesting amendments to the definition of Estuarine Waters in 15A NCAC 07H .0206(a) to include all man-made ditches. 15A NCAC 07H .0206 establishes the Estuarine Waters Area of Environmental Concern (AEC) and describes its importance in North Carolina's coastal area. In the petition, Petitioner claimed that "this wording is a necessary and urgent matter of public disclosure regarding the relatively recent and novel practice of NC Division of Coastal Management (DCM) field staff adding man-made ditches to the definition of the Estuarine Waters Area of Environmental Concern." The petition was withdrawn by the Petitioner at your February meeting as it was called for hearing.

After withdrawing Petition for Rulemaking, Petitioner submitted a request for Declaratory Ruling to the Commission on February 27, 2025, requesting a ruling regarding the applicability of the CAMA statute and the rules adopted by the Commission to man-made ditches, and seeking a ruling as to how these authorities should be applied by DCM. On March 28, 2025, Chair Cahoon denied the request without prejudice, informing Petitioner of his right to resubmit the necessary information or appeal this decision by filing a petition for judicial review in Superior Court within thirty days of the Chair's decision. Ms. Lucasse will discuss this during her legal update to the Commission at the April/May meeting.

Given the recent questions and interest regarding jurisdictional claims in man-made ditches, DCM will provide a presentation at the upcoming April/May CRC meeting to discuss how staff implements relevant laws and rules to man-made ditches.



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