

JOSH STEIN
Governor
D. REID WILSON
Secretary
TANCRED MILLER
Director



CRC-25-22

April 14, 2025

MEMORANDUM

TO: Coastal Resources Commission
FROM: Daniel Govoni
SUBJECT: Man-Made Ditches

The Commission received a Petition for Rulemaking on December 6, 2024, requesting amendments to the definition of Estuarine Waters 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 The petition was withdrawn at your February meeting.

After withdrawing the 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, and seeking a ruling as to how they should be implemented by DCM. On March 28, 2025, Chair Renee 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.

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



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400