



NORTH CAROLINA  
*Environmental Quality*

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CRC-24-09

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**MEMORANDUM**

**TO:** Coastal Resources Commission  
**FROM:** Daniel Govoni  
**SUBJECT:** 15A NCAC 07J .0210 Replacement of Existing Structures

Currently, 15A NCAC 07J .0210 states that “replacement” of structures damaged or destroyed by natural elements, fire, or normal deterioration is considered development and requires a CAMA permit. Conversely, “repair” of said structures is not considered development and shall not require a CAMA permit. 15A NCAC 07J .0210 provides criteria to determine whether proposed work is considered repair vs. replacement; in the case of water dependent structures (docks, piers, platforms, etc.) it is considered replacement rather than repair if more than 50 percent of the framing and structural components are being replaced.

Recently, Session Law 2024-45 was passed requiring amendments to 15A NCAC 07J .0210 stating: “in the case of fixed docks, floating docks, fixed piers, or floating piers damaged or destroyed by natural elements, fire, or normal deterioration, activity to rebuild the dock, pier, or walkway to its pre-damaged condition shall be considered repair of the structure, and shall not require CAMA permits, without regard to the percentage of framing and structural components required to be rebuilt”.

Session Law 2024-45 further states that when a dock, pier, or walkway is repaired: “the width and length of the dock, pier, or walkway structure may be enlarged by not more than 5 feet or 5% whichever is less, and the structure may be heightened, without the need for a CAMA permit”.

The Session Law also requires that the owner comply with all other applicable State and federal laws and that the exemption shall not apply to docks and piers greater than 6 feet in width, greater than 800 square feet of platform area, or adjacent to a federal navigation channel.

Due to Session Law 2024-45 requirements, staff is requesting approval to move forward with permanent rulemaking to include the amendments listed above. Proposed amendments are below for your consideration.



## 15A NCAC 07J .0210 REPLACEMENT OF EXISTING STRUCTURES

Notwithstanding 15A NCAC 07J .0210(2), Replacement of structures damaged or destroyed by natural elements, fire or normal deterioration is considered development and requires CAMA permits. Replacement of structures shall be permitted if the replacement is consistent with current CRC rules. Repair of structures damaged by natural elements, fire or normal deterioration is not considered development and shall not require CAMA permits. The CRC shall use the following criteria to determine whether proposed work is considered repair or replacement.

- (1) NON-WATER DEPENDENT STRUCTURES. Proposed work is considered replacement if the Department determines that the cost to do the work exceeds 50 percent of the market value of an existing structure either prior to a catastrophic event such as a fire or hurricane or if there is no catastrophic event, at the time of the request market value and costs are determined as follows:
  - (a) The market value of the structure shall be determined by the Division based on information provided by the applicant that is no more than one year old as of the date the request is made. The market value of the structure shall not include the value of the land or value resulting from the location of the property, the value of accessory structures, or the value of other improvements located on the property. The information provided by the applicant may include any of the following:
    - (i) an appraisal;
    - (ii) the replacement cost with depreciation for age of the structure and quality of construction; or
    - (iii) the tax assessed value.
  - (b) The cost to do the work is the cost to return the structure to its pre-damaged condition, using labor and materials obtained at market prices, regardless of the actual cost incurred by the owner to restore the structure. It shall include the costs of construction necessary to comply with local and state building codes. The cost shall be determined by the Division utilizing any or all of the following provided by the applicant:
    - (i) an estimate provided by a North Carolina licensed contractor qualified by license to provide an estimate or bid with respect to the proposed work;
    - (ii) an insurance company's report itemizing the cost, excluding contents and accessory structures; or
    - (iii) an estimate provided by the local building inspections office.
- (2) WATER DEPENDENT STRUCTURES. Notwithstanding fixed docks, floating docks, fixed piers, floating piers, or walkways damaged or destroyed by natural elements, fire, or normal deterioration, The the proposed work is considered replacement if it enlarges the existing structure in any dimension. The proposed work is also considered replacement if:
  - (a) in the case of fixed docks, piers, platforms, boathouses, boatlifts, and free standing moorings, more than 50 percent of the framing and structural components (beams, girders, joists, stringers, or pilings) must be rebuilt in order to restore the structure to its pre-damage condition. Water dependent structures that are structurally independent from the principal pier or dock, such as boatlifts or boathouses, are considered as separate structures for the purpose of this Rule;
  - (b) in the case of boat ramps and floating structures such as docks, piers, platforms, and modular floating systems, more than 50 percent of the square feet area of the structure must be rebuilt in order to restore the structure to its pre-damage condition;
  - (c) in the case of bulkheads, seawalls, groins, breakwaters, and revetments, more than 50 percent of the linear footage of the structure must be rebuilt in order to restore the structure to its pre-damage condition.
  - (d) in the case of fixed docks, floating docks, fixed piers, or floating piers damaged or destroyed by natural elements, fire, or normal deterioration shall be considered repair and not require a CAMA permit provided the repair and does not allow the width and length of the dock, pier, or walkway structure be enlarged by more than 5 feet or 5 percent, whichever is less, and the structure may be heightened as long as the repair complies with all applicable State and federal laws. The provisions of this Subsection shall not apply to docks and piers that are:
    - (i) greater than 6 feet in width;
    - (ii) greater than 800 square feet of platform area; or
    - (iii) adjacent to a federal navigation channel.

