

1 15A NCAC 07K .0207 is proposed for amendment as follows:

2
3 **15A NCAC 07K .0207 STRUCTURAL ACCESSWAYS OVER FRONTAL DUNES EXEMPTED**

4 (a) The N.C. Coastal Resources Commission hereby exempts from the CAMA permit requirement all structural
5 pedestrian ~~accessways over frontal dunes which can be shown to meet the following criteria:~~ accessways, including
6 beach matting installed by a local, state, or federal government to provide public access over primary and frontal dunes
7 when such accessways which can be shown to meet the following criteria:

8 (1) The accessway ~~must~~ shall not exceed six feet in width and must be for private residential or for
9 public access to an ocean beach. This exemption does not apply to accessways for commercial use
10 or for motor-powered vehicular use.

11 (2) The accessway ~~must~~ shall be constructed so as to make no alterations to the frontal dunes that are
12 not necessary to construct the accessway. This means that wherever possible the accessway ~~must~~
13 shall be constructed over the frontal dune without any alteration of the dunes. In no case shall the
14 dune be altered so as to significantly diminish its capacity as a protective barrier against flooding
15 and erosion. Driving of pilings into the dune or a local, state or federal government's use of beach
16 matting for a public access that is installed at grade and involves no excavation or fill shall not be
17 considered alteration of a frontal dune for the purposes of this Rule.

18 (3) The accessway shall conform with any applicable local or state building code standards.

19 ~~(4) Structural accessways may be constructed no more than six feet seaward of the waterward toe of the~~
20 ~~frontal or primary dune, provided they do not interfere with public trust rights and emergency access~~
21 ~~along the beach. Structural accessways are not restricted by the requirement to be landward of the~~
22 ~~FLSNV as described in 15A 07H .0309(a).~~

23 ~~(5) Damaged, non-functioning, or portions of accessways that become non-compliant with~~
24 ~~Subparagraph (4) of this Paragraph shall be removed by the property owner.~~

25 (b) Before beginning any work under this exemption the CAMA local permit officer or Department of ~~Environment,~~
26 ~~Health, and Natural Resources~~ Environmental Quality representative must be notified of the proposed activity to allow
27 on-site review of the proposed accessway. Notification can be by telephone, in person, or in writing and must include:

28 (1) name, address, and telephone number of landowner and location of work including county and
29 nearest community;

30 (2) the dimensions of the proposed structural accessway.

31
32 *History Note: Authority G.S. 113A-103(5) c;*

33 *Eff. November 1, 1984;*

34 *Amended Eff. September 1, 2021, December 1, 1991; May 1, 1990.*