

DCM
Division of
Coastal Management



N.C. Division of Coastal Management

Permitting and Compliance





Agenda

- DCM Regulatory Program Overview
- Permitting – Types of Permits
- Overview Compliance & Enforcement Program
- Maintenance and Repair at Marina Facilities
- Permit Conditions/Common Compliance Issues at Marina Facilities
- Q & A



North Carolina Coast

- Covers 320 miles of ocean beaches and more than 8,000 miles of shoreline
- Encompasses 2.3 million acre Albemarle-Pamlico estuarine system (2nd largest estuarine system in the nation & 3rd largest in the world)
- 5.1 million acres of wetlands
- Populated by more than 900,000 residents



- **Department of Environment and Natural Resources – Division of Coastal Management (DCM)**
- **DCM's mission is to protect, conserve and manage North Carolina's coastal resources through an integrated program of planning, permitting, education and research.**



The Division of Coastal Management

- DCM carries out the state's Coastal Area Management Act (CAMA), the State's Dredge and Fill law, and the federal Coastal Zone Management Act;
- DCM enforces rules and implements policies of the N.C. Coastal Resources Commission (CRC).
- CAMA balances development with environmental protection.
- CAMA establishes Areas of Environmental Concern.

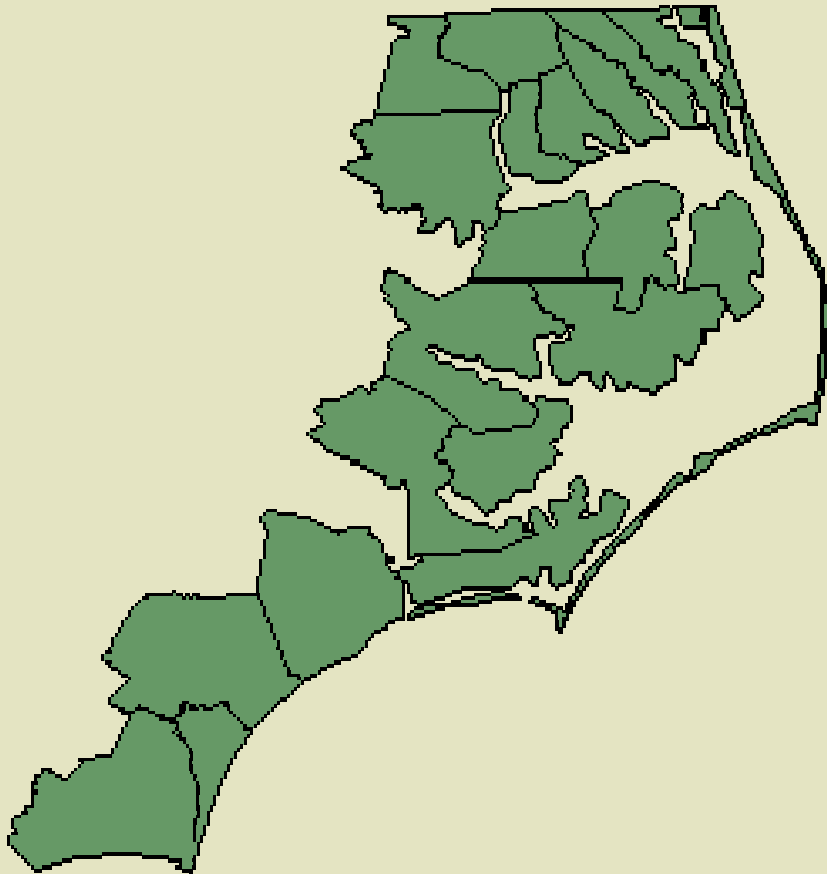


Is a CAMA permit required?

1. Is the project located in one of the 20 coastal counties?



20 Coastal Counties



Currituck, Camden,
Pasquotank,
Perquimans, Chowan,
Gates, Hertford,
Bertie, Washington,
Tyrrell, Dare, Hyde,
Beaufort, Pamlico,
Craven, Carteret,
Onslow, Pender, New
Hanover, & Brunswick



Is a CAMA permit required?

- 1. Is the project located in one of the 20 coastal counties?**
- 2. Is the project located in an Area of Environmental Concern (AEC)?**



Environmental Categories

- 1. The Estuarine and Ocean System**
- 2. Ocean Hazard Area**
- 3. Public Water Supplies**
- 4. Natural and Cultural Resource Areas**





The Estuarine and Ocean System includes:

- **Coastal Wetlands (15A NCAC 07H.0205)**
- **Estuarine Waters (15A NCAC 07H.0206)**
- **Public Trust Areas (15A NCAC 07H.0207)**
- **Coastal Shorelines (15A NCAC 07H.0209)**
 - **(Estuarine & Public Trust Shorelines)**



Estuarine Waters & Public Trust Area AECs

**Typical Development
includes excavation
projects, piers/docks,
shoreline stabilization
(bulkheads and riprap
revetments), groins and
marinas**





Coastal Shoreline AEC (Estuarine and Public Trust Shorelines)



Typical Development includes access over uplands or wetlands, single-family dwellings, condos, swimming pools, & urban waterfronts

- **Impervious surface coverage 25% (ORW) vs. 30%**



Estuarine & Public Trust Shorelines





Is a CAMA permit required?

1. Is project located in one of the 20 coastal counties?
2. Is project located in an Area of Environmental Concern (AEC)?
3. Is the project considered '*development*?' Defined as:
“Any activity in an AEC involving, requiring, consisting of the construction or enlargement of a structure; excavation; dredging; filling; dumping; removal of clay, silt, sand, gravel or minerals; bulkheading, driving of pilings; clearing or alteration of land as an adjunct of construction; alteration or removal of sand dunes; alteration of the shore, bank, or bottom of the Atlantic Ocean or any sound, bay, river, creek, stream, lake, or canal.”



CAMA Permit Types

- **Minor Permits** are issued by local governments under contract with DCM or by DCM field staff, consistent with CRC-established standards.
- **General Permits** are issued by DCM field staff and are streamlined major permits for routine projects.
- **Major Permit** applications are reviewed by 10 state & 4 federal agencies. All Majors except Express are issued through the Morehead City Office.



Inter / Intra-Agency Coordination

Federal Agencies	State Agencies
U.S. Army Corps of Engineers	Division of Water Quality
U.S. Fish and Wildlife Service	Division of Marine Fisheries
Environmental Protection Agency	Division of Transportation
National Marine Fisheries Service	Division of Land Resources
	Wildlife Resources Commission
	Department of Cultural Resources
	Division of Public Health
	State Property Office
+ Local Government	Community Assistance



Compliance & Enforcement Program

- **Monitoring of permitted projects**
 - onsite inspections
 - aerial surveillance flight program
- **Prevention of violations**
 - involvement in pre-construction meetings
- **Violation of CAMA and/or Dredge & Fill Law**
 - unauthorized development in AEC(s)
 - violation of conditions of Permit





Compliance Monitoring & Assistance

- Review all permit conditions and approved plans as stated on the face of permit
- Varying from approved plans is a violation of the permit
- Pre-construction meetings

Permit Class
NEW (Express Permit Program)

Permit Number
111-09

STATE OF NORTH CAROLINA
Department of Environment and Natural Resources
and
Coastal Resources Commission

Permit

for

Major Development in an Area of Environmental Concern pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to [REDACTED] 20 Harbour Walk, New Bern, NC 28562

Authorizing development in Craven County on a manmade canal off the Trent River, in the River Bend Community, off SR 1222, as requested in the permittee's application dated 7/9/09 (MP-1) and 6/25/09 (MP-2), including the attached workplan drawings (5 total), as referenced in Condition No. 1 of this permit

This permit, issued on August 13, 2009, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Authorized Development

1) Unless specifically altered herein, this permit authorizes the replacement of the existing bulkhead and boardwalk onsite the Harbour Walk Owners Association, Inc. property on a manmade canal system off the Trent River in the Community of River Bend near the City of New Bern, all as depicted in the attached permit application and workplan drawings (5 total): CO.1 dated 6/30/09, C1.1 dated 6/30/09, C1.2 dated 6/18/09, C1.3 dated 6/18/09, and C2.1 dated 6/18/09.

(See Attached Sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2012

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.

David W. Magee (Express Permit Coordinator)
For: James H. Gregson, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee



Maintenance and Repair

15A NCAC 07K .0103

- **Repair of structures damaged by natural elements or normal deterioration is not considered development and shall not require a CAMA permit (15A NCAC 07J .0210)**



Maintenance and Repair

15A NCAC 07K .0103

- **Maintenance or repairs necessary to repair (**excluding replacement**) damage to structures caused by the elements or to prevent damage to imminently threatened structures by the creation of protective sand dunes. §113A-103(5)(b)(5)**
 - Contact CAMA representative
 - Exemption Form may be issued prior to beginning work
- **Pilings: For the purpose of maintenance and repair a piling to be repaired is counted as a whole of all pilings on site at a marina facility.**



Replacement of Existing Structures: Permit Required!! 15A NCAC 07J .0210

- **NON-Water Dependent Structures** - Proposed work is considered replacement if the cost to do the work exceeds 50% of the market value of the existing structure.



Replacement of Existing Structures: Permit Required!! 15A NCAC 07J .0210

- **Water Dependent Structures** – Proposed work is considered replacement if the existing structure is enlarged AND:
 - Fixed docks, platforms, moorings, etc. – more than 50% of framing and structural components are rebuilt
 - Boat ramps and floating structures – more than 50% of the sq. ft. area is rebuilt
 - Bulkheads, seawalls, groins, etc. – more than 50% of the linear footage of the structure is rebuilt

*****Water dependent structures that are independent from the principle pier or dock are considered separate structures for the purpose of this rule.***



Project Maintenance under an Active Major Permit: Dredge and Fill 15A NCAC 07J .0407

Permit may allow maintenance after completion

Maintenance Clause Required!!

Provide 2 weeks notification to DCM and include information showing:

- **A. Original Permit Number**
- **B. No dimensional changes**
- **C. A copy of the original permit plans indicating:**
 - **Area to be maintained,**
 - **Spoil disposal area, and the estimated amount of material to be removed.**
 - **The location, design and holding capacity of the spoil disposal site must be approved DCM.**
- **D. The date of map revision and the permittee's signature must be shown on the original plan.**



Marinas

15A NCAC 07H .0208(b)(5)

- Any publicly or privately owned dock, basin or wet boat storage facility accommodating **more than 10** boats and providing either permanent or transient docking space, dry storage, fueling facilities, haul out facilities and repair service.



Permit Conditions/Compliance Issues at Marina Facilities: Floating Boat lifts and Jet Ski Platforms

A typical Permit Condition may include:

- This permit authorizes only the docks, piers, and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application. **No other structure, whether floating or stationary, may become a permanent part of this marina/docking facility without permit modification.** No non-water dependent uses of structures may be conducted on, in or over public trust waters without permit modification.



Permit Conditions/Compliance Issues at Marina Facilities: Floating Boat lifts and Jet Ski Platforms

- Considered structures and require permits from DCM
- Count towards allowable sq. ft. of platform
- May increase slip counts



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Example of Jet-Ski Platform Violation and Multiple Vessels in One Slip



Permit Conditions/Compliance Issues at Marina Facilities: Slip Counts

Typical Permit Conditions may include:

- This permit authorizes a maximum of X boat slips. At no time shall more than X vessels be moored or docked at the facility. The restriction of the number of vessels shall apply to all marine vessel types, including but not limited to motorboats, sailing vessels and personal watercraft.
- The construction and/or operation of the authorized facilities shall not directly result in any closure of any waters that are open to the taking of shellfish. Any such closure directly attributable to the marina facility will require that the permittee undertake remedial actions to remedy the situation. Such actions may include, but are not limited to, a removal of any unauthorized slips or mitigative measures to reduce or eliminate the cause(s) of the closure.

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Examples of Slip Count Violations



Permit Conditions/Compliance Issues at Marina Facilities: Live-aboards

Typical Permit Conditions may include:

- No Transient and/or Live-aboard Dockage will be allowed at the marina
- No sewage, whether treated or untreated, shall be discharged at any time from any boats using the marina/docking facility. Any sewage discharge at the marina/docking facility shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.



Permit Conditions/Compliance Issues at Marina Facilities: Pump Outs

Typical Permit Conditions may include:

- Prior to the occupancy of any new slips authorized under this permit, a marine pump out sewage disposal facility will be installed and operable, and maintained for the life of the marina.
- The marina/docking facility will display a sign showing the location of the nearest/on-site pumpout facility, including other appropriate waste disposal information, at the entrance and exit from the main pier(s).



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Pump Out Grants & Clean Marinas

Contact: Pat Durrett or Mike Lopazanski, Morehead City Office
(252) 808-2808



Established in 1995; more than \$200,000 in grants for 47 pump out projects, bringing a total of 89 pump out facilities available on our coast



Permit Contact Information

Elizabeth City District:

Serves Camden, Chowan, Currituck, Dare, Gates, Pasquotank and Perquimans counties

1367 U.S. 17 South

Elizabeth City, NC 27909

252-264-3901

Fax: 252-264-3723

Frank Jennings, District Manager

E-mail: Frank.Jennings@ncdenr.gov

Washington District:

Serves Beaufort, Bertie, Hertford, Hyde, Tyrrell and Washington counties

943 Washington Square Mall

Washington, NC 27889

252-946-6481

Fax: 252-948-0478

David Moye, District Manager

E-mail: David.Moye@ncdenr.gov

Morehead City Headquarters:

Serves Carteret, Craven and Pamlico counties and Onslow County north of the New River

400 Commerce Ave.

Morehead City, NC 28557

252-808-2808

Fax: 252-247-3330

Wilmington District:

Serves Brunswick, New Hanover and Pender counties, Onslow County south of the New River, and Topsail Island

127 Cardinal Drive Ext.

Wilmington, NC 28405-3845

910-796-7215

Fax: 910-395-3964

Steve Everhart, District Manager

E-mail: Steve.Everhart@ncdenr.gov

<http://www.nccoastalmanagement.net/>



Questions?