

1 **15A NCAC 07K .0103 IS PROPOSED FOR AMENDMENT AS FOLLOWS:**

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3 **15A NCAC 07K .0103 MAINTENANCE AND REPAIR**

4 (a) ~~Maintenance and repairs~~ “Maintenance and “repairs” are specifically excluded from the definition of development
5 “development” under the conditions and in the circumstances set out in G.S. 113A-103(5)(b)(5). Individuals required
6 to take such measures within an AEC shall contact the local CAMA representative for consultation ~~and advice~~ before
7 beginning work.

8 ~~Property may be considered to be imminently threatened for the purpose of the exclusion for maintenance and~~
9 ~~repairs when it meets the criteria for an imminently threatened structure as set out in 15A NCAC 7H .0308(a), which~~
10 ~~provides that a structure will be considered to be imminently threatened by erosion when the foundation, septic~~
11 ~~system or right of way in the case of roads is less than 20 feet from the erosion scarp. Buildings and roads located~~
12 ~~more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be~~
13 ~~imminently threatened when site conditions, such as a flat beach profile or accelerated erosion, tend to increase the~~
14 ~~risk of imminent damage to the structure.~~

15 (b) Beach bulldozing, defined as the process of moving natural beach material from any point seaward of the first line
16 of stable vegetation, for the purpose of preventing damage to imminently threatened ~~structures~~, structures as defined
17 in 15A NCAC 07H .0308(a), by the creation of protective sand dunes shall qualify for an exclusion under G.S.
18 113A-103(5)(b)(5) subject to the following limitations:

- 19 (1) The area on which this activity is being performed must maintain a slope of ~~adequate grade so as~~
20 ~~not to endanger the public or the public's use of the beach and should follow the natural~~ that follows
21 the pre-emergency slope as closely as possible. possible so as not to endanger the public or hinder
22 the public's use of the beach. All mechanically disturbed areas must be graded smooth of ruts and
23 spoil berms that are perpendicular to the shoreline. The movement of material utilizing a bulldozer,
24 front-end loader, back hoe, scraper or any type of earth moving or construction equipment shall not
25 exceed one foot in depth measured from the ~~preactivity~~ surface elevation;
- 26 (2) The activity must not exceed the lateral bounds of the applicant's property ~~unless he has~~ without
27 written permission of adjoining landowners;
- 28 (3) Movement of material from seaward of the mean low water line will not be permitted under this
29 exemption;
- 30 (4) The activity must not significantly increase erosion on neighboring properties and must not have a
31 significant adverse effect on important natural or cultural resources;
- 32 (5) The activity may be undertaken to protect threatened on-site waste disposal systems as well as the
33 threatened structure's foundations.

34 (c) Redistribution of sand that results from storm overwash or aeolian transport around buildings, pools, roads, parking
35 areas and associated structures is considered maintenance so long as the sand remains within the Ocean Hazard AEC.
36 Individuals proposing ~~other~~ such activities must consult with the Division of Coastal Management or the local permit
37 officer to determine whether the proposed activity qualifies for the exclusion under G.S. 113A-103(5)(b)(5).

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*History Note: Authority G.S. 113A-103(5)(b)(5); 113A-118(a);
Eff. November 1, 1984;
Amended Eff. March 1, 1985;
RRC Objection Eff. January 18, 1996 due to ambiguity;
Amended Eff. September 1, 2018; March 1, 1996.*