North Carolina Living Shoreline Permitting

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Marsh Sills (Living Shorelines)

- Constructed out of sloping riprap stone including granite, marl, oyster shell or broken concrete placed offshore and parallel to shore to reduce wave energy to protect existing and or newly planted wetland/marsh grasses.
Shoreline Stabilization Permitting

- **Categories:**
  - General Permits (GPs): issued by DCM field staff and are streamlined major permits for routine projects (permit issuance averages 5 days)
  - Major permits: reviewed by 10 state & 4 federal agencies and are issued at the Division headquarters (permit issuance averages 75 days)
• General Permits
  – Riprap revetment for Wetland Protection GP (.2400)
  – Riprap Sill for Wetland Enhancement GP (.2700) – AKA Living Shoreline GP
General Permit Procedures

- Neighbor notifications
- Permit fee ($200)

SECTION 2700 – GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT IN ESTUARINE AND PUBLIC TRUST WATERS

15A NCAC 07H.2701 PURPOSE
A general permit pursuant to this Section shall allow for the construction of riprap sills for wetland enhancement in estuarine and public trust waters as set out in Subchapter 7J.1100 and according to the rules in this Section.

History Note: Authority G.S. 113A-107; 113A-118.1; Temporary Eff. June 15, 2004; Eff. April 1, 2005.

15A NCAC 07H.2702 APPROVAL PROCEDURES
(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and applicant name and address.
(b) The applicant shall provide:
   (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
   (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and indicate that no response will be interpreted as no objection.
(c) DCM staff shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit.
Amendments to 15A NCAC.2700 GP for Construction of Marsh Sills

- Removes coordination with DMF, DWR, and USACE
- No backfilling of the sill structure through GP
- Sills shall not be constructed within any habitat that includes oyster reefs or shell banks. All sills shall have a minimum setback of 10 feet from any oysters, oyster beds, or shell banks
- Sills shall not be constructed within any native submerged aquatic vegetation. All sills shall have a minimum setback of 10 feet from any native submerged aquatic vegetation
- Sill material shall consist of clean rock, marl, oyster shell, or masonry materials such as granite or clean broken concrete or other materials that are approved by the N.C. Division of Coastal Management
Major CAMA/Dredge and Fill Permit for Living Shorelines

• DCM and USACE permit coordination

USACE has the ability to use their USACE 291 Programmatic General Permit for CAMA Major Permits which is unique to North Carolina and more efficient than other coastal states.
- Living Shorelines currently go through the major permitting process.
- DCM provides coordination with other agencies on behalf of the applicant.
Major Permit
used for Living Shorelines

-Reviewed by 10 state & 4 federal agencies
-Permit issuance averages 75 days but can be issued within 30-45 days

Application Requirements:

Adjacent Property owner notification
Deed (or other legal instrument)
Top view drawing
Cross section drawing
Application forms (MP-1 and MP-2)
$400.00 permit fee
Major Permit Drawings

- Do not require surveyed or engineered drawings and can be hand drawn but must be able to clearly photocopy, preferably to scale or with dimensions shown.
MAJOR DEVELOPMENT PERMIT PROCESS

Pre-application conference with DCM Field Consultant to determine what type of permit is required or if project is exempt from CAMA standards

- General Permit
  - Work may begin

- Exemption
  - Work may begin

- Consultation with Local Permit Officer
  - Applicant files for Minor Development Permit

Major Development Permit application and fee submitted to DCM Field Office

- Field Consultant visits site and reviews CRC standards, land use plan and local development regulations
- Field Consultant sends application and Field Investigation Report to Permit Coordinator in DCM Headquarters
- Permit Coordinator sends copies of application and Field Investigation Report to state and federal agencies
- Agencies review application and submit comments to the Permit Coordinator

Permit Coordinator assembles and reviews complete application file and makes a recommendation to DCM Director

Director decides on permit

- Permit denied
  - Applicant notified
  - Appeal to CRC possible

- Permit approved with or without conditions
  - Permit sent to applicant for signature
  - Applicant returns signed permit to DCM Headquarters Office
  - Work may begin
Quick tips for expedited applications

- Navigational impacts
- Marking (reflectors)
- Submerged aquatic vegetation (SAV) impacts
- Oyster growing potential
- Open or closed to shellfish
- Bottom type (mud or sand bottom)
- Gaps for marine animal movement
Questions?

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