The CAMA and Barrier Island Development

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What Is CAMA?

• The Coastal Area Management Act (1974), or CAMA, is the state law that balances development with environmental protection along North Carolina’s coast

• CAMA is a two-tiered approach, which is used to manage coastal resources. The first tier consists of critical resource areas, designated as Areas of Environmental Concern (AECs), in which most significant land and water uses are regulated by permit

• The second tier consists of the area within the coastal counties but outside the AECs. The State will be guided by policies contained in State-approved Land Use Plans which have been prepared by the local governments under CAMA guidelines

• The authority for administering the CAMA permit program in AECs is shared between the Coastal Resources Commission (CRC) and local governments. Once the CRC has approved a local implementation and enforcement plan, the local government may process applications for minor development permits within its jurisdiction
DCM Mission

Protect, conserve and manage North Carolina’s coastal resources through an integrated program of planning, permitting, education and research.
Division of Coastal Management (DCM)

The DCM carries out:

- The State's Coastal Area Management Act (CAMA) of 1974
- State’s Dredge and Fill Law of 1969
- Coastal Zone Management Act of 1972

in the 20 coastal counties, using rules and policies of the N.C. Coastal Resources Commission, known as the CRC. The division serves as staff to the CRC.
CAMA …

Balances competing coastal pressures through development permitting under the rules of the CRC.

When do I need a CAMA Permit??
CAMA Counties
Areas of Environmental Concern

Ocean Hazard Areas

Estuarine System
– Public trust waters and submerged lands, estuarine waters, coastal wetlands, and coastal (non-ocean) shorelines

Public Water Supplies

Natural and Cultural Resource Areas
CAMA Permits are required if you are undertaking development in an AEC:

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.
AECs in the Ocean Hazard System

- Ocean Erodible Area
- Inlet Hazard Areas
- Unvegetated Beach Area
Ocean Erodible Area:

How to determine the AEC: Long term annual erosion rate x 90.
- With a 2 ft. erosion rate the AEC extends 180 ft. from the FLSNV.

How to determine building setbacks: Multiply the long term annual erosion rate x 30.
- With a 2 ft. erosion the building setback would be 60 ft. from the FLSVN or the static line.
FIRST LINE OF STABLE NATURAL VEGETATION
“Oceanfront Construction Setbacks – 101”

Rules: 15A NCAC 07H .0306(a)
Static Vegetation Lines: How do you get one?

Definition of large-scale beach fill project: “greater than 300,000 cubic yards”
Development Line: FLSNV used for setbacks and town designates a line representing the seaward-most allowable location of oceanfront development to the CRC for approval. (April 2016).
Graduated Oceanfront Construction Setbacks

Graduated erosion-based setbacks based on size of structures and long-term erosion rates

Minimum Setback Factor ("erosion rate") = 2 feet/year

- <5,000 sqft... x30
- 5-10K sqft.... x60
- 10-20K sqft... x65
- 20-40K sqft... x70
- 40-60K sqft... x75
- 60-80K sqft... x80
- 80-100K sqft... x85
- >100K sqft... x90

15A NCAC 07H .0306(a)(5) effective: August 11, 2021
Total Floor Area

(A) The total sq. ft. area of heated or air-conditioned space;

(B) The total sq. ft. of parking elevated above ground level; and

(C) The total sq. ft. of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designated to be load bearing.

*Decks, roof covered porches and walkways shall not be included in total floor area unless they are enclosed with material other than screen mesh or are being converted into an enclosed space.*
Exceptions to the Setback

- Campsites
- Parking areas w/clay, packed sand, gravel
- Elevated decks- 500 sf (structurally detached)
- Beach accessways
- Unenclosed, uninhabitable gazebos- up to 200sf
- Single story sheds <200sf
- Temp. amusement stands
- Sand fencing
- Swimming pools
Sandfencing

Recommended dune plant species

- **Sea Oats** (*Uniola paniculata*)
- **American Beachgrass** (*Ammophila breviligulata*)
- **Bitter Panicum** (*Panicum amarum*)
- **Saltmeadow Hay** (*Spartina patens*)
Sandbags

- If community is actively pursuing inlet relocation or stabilization project, sandbags may remain in place for up to 8 years from date of approval.
- Bags can be used to protect septic systems, but not swimming pools, decks or gazebos.
Bulldozing

• GP 1800 (15A NCAC 7H.1800) allows beach bulldozing landward of the MHW or MLW mark in the Ocean Hazard AEC but does not apply to IHAs.

• One time push to a depth of 1 ft.

• No work between April 1 and November 15 due to the sea turtle moratorium.
Inlet Hazard Areas (IHA)
Areas especially vulnerable to erosion and flooding due to proximity to ocean inlets

- Allows no more than one commercial or residential unit per 15,000 sq. ft. of land on lots subdivided or created after July 23, 1981.

- Only residential structures of four units or less and non-residential structures of less than 5,000 sq. ft. of total floor area shall be allowed.
Question:

“I have this property under contract, and I need to know if it is re-buildable”
Vegetation lines can change overnight...
AECs in the Estuarine System

- Coastal Shoreline (above NHW)
  - Estuarine Shoreline
  - Public Trust Shoreline
- Coastal Wetlands
- Public Trust Areas
- Estuarine Waters
Estuarine vs. Public Trust Shoreline

- 30 ft. AEC
- 75 ft. AEC
- NHW
Water Classifications

Estuarine Shoreline
AEC extends 75 ft. from NHW
- Max Allowed 30% impervious surface

ORW Estuarine Shoreline AEC
extends 575 ft. from NHW
- Max Allowed 25% impervious surface
Property along the AIWW may have USACE Easements

~ No development in these areas without USACE Consent. Contact USACE Real Estate Office.

Contact: John Manning (USACE) 910 251-4474
What about Coastal and Section 404 Wetlands?
Coastal Wetland species

- Cat-tails
- Sawgrass
- Bulrush
- Cord Grass
- Salt Grass
- Salt Meadow Grass
Division of Coastal Management

Glasswort

Sea Lavender

Salt Reed Grass

INVASIVE VS
Why is Coastal Marsh Important?

- first line of defense for estuarine shoreline erosion
- waterfowl and wildlife habitat
- nutrient and sediment traps for organic/inorganic
- slows water and allows settling of particles
- pollutants and nutrients uptake
- Nursery area for juvenile fish and shellfish
PNA-Primary Nursery Areas

Proposed docking facilities in these areas must have at least 24” of water at NLW
Piers and Bulkheads

- **Linear ft. of shoreline x 8** = amount of platform allowed over water

- **Floating boatlifts** are not counted as boatslips but count towards allowed platform area, must meet riparian setbacks and depths for PNA.

- **Drip lines** are used for calculations for water dependent development.

- **Bulkheads/riprap** for erosion control at NHW line and landward of all wetlands.
Permitting
When do I need a CAMA Permit??

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

2. Does the proposed project fit the definition of development?
CAMA Permits

• 3 categories:
  – **Minor permits** issued by local governments consistent w/CRC-established standards for work above NHW. Approx. 29% of all CAMA permits.
  – **General permits** issued by DCM field staff - streamlined for routine projects (docks, piers, bulkheads). Approx. 65% of all CAMA permits.
  – **Major permit** applications issued by Morehead City office after review by 10 state & 4 fed. Agencies. Approx. 6% of all CAMA permits.
AEC HAZARD NOTICE

Property Owner: ____________________________

Property Address: __________________________

Date Lot Was Platted: ________________________

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive this AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission’s role is to protect the public by overseeing coastal management plans and developing regulations to protect the public’s welfare. The AEC Hazard Notice is designed to inform applicants of the potential hazards associated with coastal development. The notice also contains information about the permitting process and the requirements for obtaining a permit.

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in these areas expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must contact the building inspector to ensure that all work is in compliance with the permit requirements.

As you consider building along the oceanfront, the CRC wants you to understand the rules and the risks. With this knowledge, you can make a more informed decision about where and how to build in the coastal area.

For more information, contact:

Local Permit Officer

Address

Locality

Phone Number

PROJECT I-SIN 5N: Ocean Eroded Area ______ High Hazard Flooded Area ______ Inlet Hazard Area

BEFORE YOU BUILD

Setting Back for Safety: A Guide to Wise Development Along the Oceanfront

When you build along the oceanfront, you take a calculated risk. Natural forces of water and wind collide with the beach, even on calm days. Man-made measures cannot guarantee survival of the force of a hurricane. Long-term erosion (or barrier island migration) may be from two to ten feet of the beach each year, and, sooner or later, will threaten oceanfront structures. These are the facts of life for oceanfront property owners.

The Coastal Resources Commission (CRC) has adopted rules for building along the oceanfront. The rules are intended to avoid an unreasonable risk to life and property, and to limit public and private losses from storm and long-term erosion. These rules lessen but do not eliminate the element of risk in oceanfront development.

As you consider building along the oceanfront, the CRC wants you to understand the rules and the risks. With this knowledge, you can make a more informed decision about where and how to build in the coastal area.

The Reasons

The ocean is an ever-changing landscape. The beach and the dunes are natural “storm buffers,” taking the brunt of the wind and waves and protecting the inland areas. By incorporating building setbacks into the regulations, you have a good chance of enjoying the full life of the structure. At first, it seems very inviting to build your dream house as close to the beach as possible, but in five years you could find the dream has become a nightmare as high tides and storm tides threaten your investment.

The Exception

The Coastal Resources Commission recognizes that some cases, initially passed in June 1979, might prove a hardship for some property owners. Therefore, they established an exception for lots that cannot meet the setback requirement. The exception allows buildings in front of the oceanfront, if the following conditions apply:

1. The lot must have been platted as of June 1, 1979, and is not capable of being enlarged by combining with adjoining land under the same ownership.
2. Development must be consistent with the property as possible and in no case less than 60 feet inland from the frontage line.
3. The oceanfront setback can be used on the oceanfront.
4. Special construction standards on piling depth and other details may be required for the exception.
5. All other CMA and state regulations must be met.

The exception is not available in the Inlet Hazard Area.

To determine eligibility for the exception, the Local Permit Officer will check measurements and observations:

- required setback from frontage line
- exception setback (maximum allowable)
- site property line setback
- max. allowable square footage on ocean floor
- piling length located to extend 4 feet below MSL.

After the storm, the house on the dune will be gone. The other house has a much better chance of survival.
**“Umbrella Permitting”**

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Question – What is a CAMA Line??

- Normal or Mean High Water Line
- Coastal Wetland Line
- 30 ft. buffer Line
- 75 ft. AEC Line
- Building Setback
Maintenance and Repair:

If proposed work is less than 50% of the total structure or project a Certificate of Exemption from requiring a CAMA permit may be issued. (Does not alleviate the necessity of obtaining other state, federal or local authorization).

**All work must be done within the original project footprint.**
Where are the DCM Offices?

- Central Office (Morehead City) 252-808-2808
- Elizabeth City Field Office 252-264-3901
- Washington Field Office 252-946-6481
- Morehead City Field Office 252-808-2808
- Wilmington Field Office 910-796-7215
Questions??

Contact info:
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Wilmington Regional Office
Robb.Mairs@ncdenr.gov
(910) 796-7215

https://deq.nc.gov/about/divisions/coastal-management