



NORTH CAROLINA  
*Environmental Quality*

ROY COOPER

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*Secretary*

BRAXTON DAVIS

*Director*

CRC-22-14

June 2, 2022

## MEMORANDUM

**TO:** Coastal Resources Commission  
**FROM:** Mike Lopazanski  
**SUBJECT:** Adoption of 15A NCAC 7H .1805 Specific Conditions – Beach Bulldozing

The past 12 months have been an active time for the Commission and DCM Staff in terms of rulemaking involving both the legislatively mandated Periodic Review of Existing Rules and normal rule amendments. At the April 2022 meeting alone, the Commission adopted amendments to 29 rules. The amendments to 15A NCAC 7H .1805 Specific Conditions for the beach bulldozing General Permit were adopted by the Commission at the April 28, 2022 meeting. Prior to that, 7H .1805 was approved for readoption, as part of the periodic review, by the Rules Review Commission (RRC) with an effective date of April 1, 2022. Therefore, the version of the rule that was in the Register, differs from the current version in the NC Administrative Code due to minor technical changes required by the RRC. None of the actual amendments adopted by the CRC in April have changed. Since the rule language in the NC Administrative Code was slightly different from the rule language adopted in April, the CRC will need to readopt 7H .1805 (attached) at the upcoming meeting.

I will answer any questions you may have about this slight hitch in our rulemaking process at our upcoming meeting.



North Carolina Department of Environmental Quality | Division of Coastal Management  
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**15A NCAC 07H .1805 SPECIFIC CONDITIONS**

- (a) The area where beach bulldozing is being performed shall maintain a slope that follows the ~~pre-project pre-emergency~~ slopes as closely as possible so as not to endanger the public or the public's use of the beach. The movement of material by a bulldozer, front-end loader, backhoe, scraper, or any type of earth moving or construction equipment shall not exceed one foot in depth measured from the pre-activity surface elevation.
- (b) The activity shall not exceed the lateral bounds of the applicant's property without the written permission of the adjoining landowner(s).
- (c) The permit shall not authorize movement of material from seaward of the mean low water line.
- (d) Adding sand to dunes shall be accomplished in such a manner ~~that, based on site specific conditions, the tools used, what vegetation is existing, and how much vegetation is buried, the damage to existing vegetation by burial is minimized.~~ that the damage to existing vegetation is minimized. Upon completion of the project, the fill areas shall be replanted with native vegetation, such as Sea Oats (*Uniola paniculata*), or if outside the planting season, shall be stabilized with sand fencing until planting can occur.
- (e) In order to minimize adverse impacts to ~~nesting sea turtles, threatened and endangered species,~~ no bulldozing shall occur inside the Ocean Hazard AEC within the period of April 1 through November 15 of any ~~year~~ year, or anytime inside an Inlet Hazard AEC without the prior approval of the Division of Coastal Management, in coordination with the North Carolina Wildlife Resources Commission, the United States Fish and Wildlife Service, and the United States Army Corps of ~~Engineers, that the work can be accomplished without significant adverse impact to sea turtle nests or suitable nesting habitat.~~ Engineers.
- (f) If one contiguous acre or more of oceanfront property is to be excavated or filled, an erosion and sedimentation control plan shall be filed with and approved by the Division of Energy, Mineral, and Land Resources, or local government having jurisdiction. This plan must be approved prior to commencing the land disturbing activity.

*History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1;*

*Eff. December 1, 1987;*

*Temporary Amendment Eff. September 2, 1998;*

*Amended Eff. September 1, 2016; August 1, 2012 (see S.L. 2012-143, s.1.(f)); August 1, 2000;*

*Readopted Eff. April 1, 2022;*

*Amended August 1, 2022.*