SECTION .0200 - CLASSES OF MINOR MAINTENANCE AND IMPROVEMENTS WHICH SHALL BE EXEMPTED FROM THE CAMA MAJOR DEVELOPMENT PERMIT REQUIREMENT

15A NCAC 07K .0201 GENERAL GUIDELINES

(a) Classes of minor maintenance and improvements listed in .0202 to .0205 of this Section are exempted from the CAMA permit requirements.

(b) Department officials will be available in determining whether a development falls within these exemptions. Any person who proceeds with a development without the consent of a department official under the mistaken assumption that the development is exempted, will be in violation of the CAMA if there is a subsequent determination that a permit was required for the development. A project which falls within the following classes of minor maintenance and improvements is exempted from the CAMA permit only, and is still legally required to obtain all other applicable permits.

History Note: Authority G.S. 113A-103(5)(c); 113A-118(a);
Eff. March 29, 1978;
Amended Eff. November 1, 1984.

15A NCAC 07K .0202 EXEMPTION: PROJECTS REQUIRING DREDGE: FILL: STATE EASEMENT

The following classes of minor maintenance and improvement are exempted from the major development permit requirement:

(1) In-Place Maintenance of Previously-Permitted Projects. These projects are ones for which at least one dredge and fill permit and/or state easement has already been issued and which, though enlarged somewhat is some cases, are still undertaken primarily for maintenance purposes. Projects falling into this category will be exempted from the CAMA major development permit if:

- (a) project dimensions remain the same as or do not substantially deviate from those dimensions authorized under the previously permitted project (not greater than 20 percent); and
- (b) the project is for similar purposes as those of the previously-permitted project; and
- (c) a change of conditions in the area, newly found facts or newly reached opinions, do not indicate that such action would cause negative impacts to the environment and/or adjacent property owners.

(2) Additions/Modifications to Previously Permitted Projects. These projects are ones already in place and permitted which will be added on to or modified in some fashion. Projects falling into this category will be exempted from the CAMA major-development permit if:

- (a) for bulkheads:
  - (i) Bulkhead must be positioned so as not to extend more than an average distance of two feet waterward of the mean high water contour; in no place shall the bulkhead be more than five feet waterward of the mean high water contour; and
  - (ii) All backfill comes from an upland source; and
  - (iii) No marsh area is excavated or filled; and
  - (iv) Work is undertaken because of the necessity to prevent significant loss of private residential property due to erosion; and
  - (v) The bulkhead is constructed prior to any backfilling activities; and
  - (vi) The bulkhead is constructed so as to prevent seepage of backfill materials through the bulkhead; and
  - (vii) The bulkhead is not constructed in the Ocean Hazard AEC.
- (b) for piers, docks and boathouses:
  - (i) The modification or addition is not within 150 feet of the edge of a federally-maintained channel; or
  - (ii) The structure, as modified, is 200 feet or less in total length offshore; or
  - (iii) The structure, as modified, does not extend past the four feet mean low water contour line (four feet depth at mean low water) of the waterbody; and
  - (iv) The project as modified, will not exceed six feet width; and
  - (v) The modification or addition does not include an enclosed structure; and
  - (vi) The project will continue to be used for private, residential purposes;
- (c) for boatramps:
  - (i) The project, as modified, would not exceed 10 feet in width and 20 feet offshore; and

(ii) The project will continue to be used for private, residential purposes.

The criteria in the categories listed in this Rule are aimed primarily at exempting from the CAMA permit those projects that are simple modifications intended for private use. These are considered to be a reasonable expression of a waterfront property owner's right of access.

History Note: *Authority G.S. 113A-103(5)(c); 113A-118(a);*
Eff. March 29, 1978;
Amended Eff. July 1, 1981.

15A NCAC 07K .0203 PRIVATE BULKHEADS: RIPRAP AND PIERS EXEMPTED

History Note: *Authority G.S. 113A-103(5)c; 113A-118(a);*
Eff. March 29, 1978;
Amended Eff. August 1, 2000; August 1, 1998; May 3, 1993; December 1, 1991; May 1, 1990; July 1, 1987;
Repealed Eff. August 1, 2002.

15A NCAC 07K .0204 EXEMPTIONS FOR PROJECTS REQUIRING AIR QUALITY PERMIT

Modification to Existing Sources or Control Devices. Generally, projects in this category are modifications to facilities or control devices which are necessary for upgrading existing capacities or meeting minimum air quality standards. Existing abatement devices may be modified or new equipment installed; however, the purpose of such modification is not tied to expanding capabilities. Projects falling into this category will be exempted from the CAMA major-development permit if:

(1) The modification is necessary for upgrading existing capabilities or to meet minimum air quality standards, or
(2) The modification involves installation of additional abatement devices necessary to meet minimum air quality standards, and
(3) Such modification does not involve significant land-disturbing activities or necessitate surface or subsurface disposal of water.

History Note: *Authority G.S. 113A-103(5)(c); 113A-118(a);*
Eff. March 29, 1978.

15A NCAC 07K .0205 EXEMPTIONS FOR PROJECTS REQUIRING THE NPDES

(a) Projects requiring the National Pollution Discharge Elimination System permit are those which will discharge wastewater from an outlet, point source, or disposal system into the surface waters of the state.

(b) Modification of Existing Facilities. Projects in this category generally are those facilities which undergo some sort of modification either to meet current effluent limitations or to improve existing capacities. Projects falling into this category will be exempted from the CAMA major-development permit if:

(1) Modifications are for the purpose of upgrading facilities to meet current effluent limitation standards;
(2) Modifications are for the purpose of improving existing capacities or providing back up units for existing capacities;
(3) The modification is for treating waste load types similar to those in the previously permitted activity;
(4) The final discharge flow which may be associated with such modification remains the same as the discharge flow permitted before modification;
(5) No additional acreage is necessary for land disposal of dewatered wastes or does not require subsurface pollutant injection;
(6) No significant land-disturbing activity is involved.

History Note: *Authority G.S. 113A-103(5)(c); 113A-118(a);*
Eff. March 29, 1978.

15A NCAC 07K .0206 SMALL DITCHES EXEMPTED

(a) Small ditches used for agricultural or forestry purposes with maximum dimensions equal to or less than six feet (top width) by four feet deep are exempted from the CAMA permit requirement.

(b) All ditches with maximum dimensions greater than six feet by four feet will require application for a letter of authorization from the Commission. If the Commission determines that the ditch will affect estuarine or navigable waters, a major development permit will be required.

(c) Width and depth dimensions of all ditches will be measured at the ground level.

History Note: Authority G.S. 113A-103(5)(a); 113A-118(a);
Eff. November 1, 1984.

15A NCAC 07K .0207 STRUCTURAL ACCESSWAYS OVER FRONTAL DUNES EXEMPTED

(a) The N.C. Coastal Resources Commission hereby exempts from the CAMA permit requirement all structural pedestrian accessways over frontal dunes which can be shown to meet the following criteria:

(1) The accessway must not exceed six feet in width and must be for private residential or for public access to an ocean beach. This exemption does not apply to accessways for commercial use or for motor-powered vehicular use.

(2) The accessway must be constructed so as to make no alterations to the frontal dunes that are not necessary to construct the accessway. This means that wherever possible the accessway must be constructed over the frontal dune without any alteration of the dunes. In no case shall the dune be altered so as to significantly diminish its capacity as a protective barrier against flooding and erosion. Driving of pilings into the dune shall not be considered alteration of a frontal dune for the purposes of this Rule.

(3) The accessway shall conform with any applicable local or state building code standards.

(b) Before beginning any work under this exemption the CAMA local permit officer or Department of Environment, Health, and Natural Resources representative must be notified of the proposed activity to allow on-site review of the proposed accessway. Notification can be by telephone, in person, or in writing and must include:

(1) name, address, and telephone number of landowner and location of work including county and nearest community;

(2) the dimensions of the proposed structural accessway.

History Note: Authority G.S. 113A-103(5) c;
Eff. November 1, 1984;
Amended Eff. December 1, 1991; May 1, 1990.

15A NCAC 07K .0208 SINGLE FAMILY RESIDENCES EXEMPTED

(a) All single family residences constructed within the Estuarine Shoreline Area of Environmental Concern which are more than 40 feet landward of normal high water or normal water level, and involve no land disturbing activity within the 40 feet buffer area are exempted from the CAMA permit requirement as long as this exemption is consistent with all other applicable CAMA permit standards and local land use plans and rules in effect at the time the exemption is granted. This exemption does allow for the construction of an access to the water in accordance with Rule 07H .0209(d)(10).

(b) Within the AEC for estuarine shorelines contiguous to waters classified as Outstanding Resource Waters (ORW), no CAMA permit shall be required if the proposed development is a single-family residence which has a built upon area of 25 percent or less and:

(1) has no stormwater collection system; and

(2) is at least 40 feet from waters classified as ORW.

(c) Before beginning any work under this exemption, the Department of Environment and Natural Resources representative must be notified of the proposed activity to allow on-site review. Notification may be by telephone, in person or in writing. Notification must include:

(1) the name, address, and telephone number of the landowner and the location of the work, including the county, nearest community and water body;
(2) the dimensions of the proposed project, including proposed landscaping and the location of normal high water or normal water level;
(3) 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.

(d) In eroding areas, this exemption shall apply only when the local permit officer has determined that the house has been located the maximum feasible distance back on the lot but not less than forty feet.

(e) Construction of the structure shall be completed within one year of the issuance date of this permit or the general authorization expires.

History Note: *Authority G.S. 113A-103(5) c;*
Eff. November 1, 1984;
Amended Eff. December 1, 2006; December 1, 1991; May 1, 1990; October 1, 1989.

15A NCAC 07K .0209 EXEMPTION / ACCESSORY USES / MAINTENANCE REPAIR / REPLACEMENT

(a) Accessory buildings customarily incident to an existing structure are specifically excluded from the definition of development if the work does not involve filling, excavation, or the alteration of any sand dune or beach as set out in G.S. 113A-103(5)b.6. Accessory buildings are subordinate in area and purpose to the principal structure and do not require, or consist of the expansion of the existing structure as defined by an increase in footprint or total floor area of the existing structure. A building with a footprint of 100 square feet or less is considered an accessory building as long as it is customarily incident to and subordinate in area and purpose to the principal structure. Buildings of a larger size may be considered accessory buildings if necessary for customary use.

(b) Accessory uses as defined in Paragraph (a) of this Rule and that are directly related to the existing dominant use, but not within the exclusion set out in G.S. 113A-103(5)b.6., and that require no plumbing, electrical or other service connections and do not exceed 200 square feet are exempt from the CAMA minor development permit requirement if they meet the criteria set out in Paragraph (d) of this Rule.

(c) Any structure, or part thereof, consistent with current CRC rules may be maintained, repaired or replaced in a similar manner, size and location as the existing structure without requiring a permit, unless the repair or replacement would be in violation of the criteria set out in Paragraph (d) of this Rule. This exemption applies to those projects that are not within the exclusion for maintenance and repairs as set out in G.S. 113A-103(5)b.5., Rule .0103 of this Subchapter and Rule 07J .0210.

(d) In order to be eligible for the exemptions described in Paragraphs (b) and (c), of this Rule, the proposed development activity must meet the following criteria:
(1) the development must not disturb a land area of greater than 200 square feet on a slope of greater than 10 percent;
(2) the development must not involve removal, damage, or destruction of threatened or endangered animal or plant species;
(3) the development must not alter naturally or artificially created surface drainage channels;
(4) the development must not alter the land form or vegetation of a frontal dune;
(5) the development must not be within 30 feet of normal water level or normal high water level; and
(6) the development must be consistent with all applicable use standards and local land use plans in effect at the time the exemption is granted.

History Note: *Authority G.S. 113A-103(5)b; 113A-103(5)c;113A-111; 113A-118(a); 113A-120(8);*
Eff. November 1, 1984;
Amended Eff. August 1, 2007; March 1, 2006; July 1, 2004; August 1, 2002; August 1, 2000.

15A NCAC 07K .0210 NOMINATION CATEGORIES EXCLUDED: MINOR PERMIT EXEMPTION

The minor development permit exemptions in this Section are not applicable to the "Areas That Sustain Remnant Species"; "Complex Natural Areas" and "Unique Geologic Formations" categories of areas of environmental concern unless specifically incorporated in the Coastal Resources Commission's statement of designation.

History Note: *Authority G.S. 113A-103(5)(c); 113A-118(a);*
Eff. November 1, 1984.

15A NCAC 07K .0211 JOCKEY'S RIDGE AEC

All development in the Jockey's Ridge area of environmental concern designated pursuant to 15A NCAC 7H .0507 that is not within any other designated area of environmental concern shall be exempt from CAMA major and minor permit requirements provided it does not involve the removal of more than ten cubic yards of sand per year from the area within the AEC boundary.

History Note: *Authority G.S. 113A-103(5)c.;*
Eff. March 1, 1988.

15A NCAC 07K .0212 INSTALLATION AND MAINTENANCE OF SAND FENCING

Sand fences that are installed and maintained subject to the following criteria are exempt from the permit requirements of the Coastal Area Management Act:

(1) Sand fencing may only be installed for the purpose of: building sand dunes by trapping wind blown sand; the protection of the dune(s) and vegetation (planted or existing).

(2) Sand fencing shall not impede existing public access to the beach, recreational use of the beach or emergency vehicle access. Sand fencing shall not be installed in a manner that impedes or restricts established common law and statutory rights of public access and use of public trust lands and waters.

(3) Sand fencing shall not be installed in a manner that impedes, traps or otherwise endangers sea turtles, sea turtle nests or sea turtle hatchlings.

(4) Non-functioning, damaged, or unsecured, sand fencing shall be immediately removed by the property owner.

(5) Sand fencing shall be constructed from evenly spaced thin wooden vertical slats connected with twisted wire, no more than 5 feet in height. Wooden posts or stakes no larger than 2" X 4" or 3" diameter shall support sand fencing.

(6) Location. Sand fencing shall be placed as far landward as possible to avoid interference with sea turtle nesting, existing public access, recreational use of the beach, and emergency vehicle access.

(a) Sand fencing shall not be placed on the wet sand beach area.

(b) Sand fencing installed parallel to the shoreline shall be located no farther waterward than the crest of the frontal or primary dune; or

(c) Sand fencing installed waterward of the crest of the frontal or primary dune shall be installed at an angle no less than 45 degrees to the shoreline. Individual sections of sand fence shall not exceed more than 10 feet in length (except for public accessways) and shall be spaced no less than seven feet apart, and shall not extend more than 10 feet waterward of the following locations, whichever is most waterward, as defined in 15A NCAC 7H .0305: the first line of stable natural vegetation, the toe of the frontal or primary dune, or erosion escarpment of frontal or primary dune; and

(d) Sand fencing along public accessways may equal the length of the accessway, and may include a 45 degree funnel on the waterward end. The waterward location of the funnel shall not exceed 10 feet waterward of the locations identified in Item (6)(c) of this Rule.

History Note: *Authority G.S. 113A-103(5)c.;*
Eff. August 1, 2002.

15A NCAC 07K .0213 SINGLE FAMILY RESIDENCES EXEMPTED FROM THE CAMA PERMIT REQUIREMENTS WITIN THE HIGH HAZARD FLOOD AREA OF ENVIROMENTAL CONCERN

(a) All single family residences, including associated infrastructure, accessory structures or structural additions to an existing single family structure, constructed within the High Hazard Flood Area of Environmental Concern are exempt from the CAMA permit requirements provided that the development is consistent with all other applicable CAMA permit standards and local land use plans and/or rules in effect at the time the exemption is granted including the following conditions and limitations:

(1) The development shall not be located within the Ocean Erodible or Inlet Hazard Areas of Environmental Concern.

(2) Any building shall be on pilings and comply with the North Carolina Building Code and the local flood damage prevention ordinance as required by the National Flood Insurance Program.

(3) The development does not require any permission, licensing, approval, certification or authorization, licensing or approval from any state or federal agency.

(b) Prior to commencing any work under this exemption, the Department of Environment and Natural Resources (DENR) representative or local CAMA permitting officer must be notified of the proposed activity to allow on-site review. Notification shall be given in person or in writing. Notification must include:

(1) the name, address and telephone number of the landowner and the location of the work, including the county, nearest community and water body closest to the development;

(2) the dimensions of the proposed house, driveway, landscaping or other accessory developments proposed on the property; and

(3) a signed AEC hazard notice indicating the property owner is aware of the special risks and conditions associated with development in this area. The DENR representative or local CAMA permitting officer shall provide the applicable notice form to the landowner.

(c) The applicant for a permit exemption must submit with the request a check or money order payable to the Department of Environment and Natural Resources (DENR) or local permitting authority in the sum of fifty dollars ($50.00).

History Note: *Authority G.S. 113A-103(5)(a); 113A-113(b)(6); 113A-118(d)(2); 113A-119.1; Eff. August 1, 2002.*