SECTION .1400 - GENERAL PERMIT FOR CONSTRUCTION OF ~~WOODEN~~ GROINS IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .1401 PURPOSE

A permit under this section shall allow the construction of ~~wooden and riprap~~ groins in the estuarine and public trust waters AECs according to the authority provided in Subchapter 07J .1100 and according to the rules in this Section. This general permit shall not apply to the oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those shorelines that feature characteristics of the Estuarine Shoreline AEC. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than the adjacent Ocean Erodible Area.

History Note: *Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*
Eff. March 1, 1984;
Temporary Amendment Eff. December 1, 2002;
Amended Eff. December 1, 2008 August 1, 2004; April 1, 2003.

15A NCAC 07H .1402 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 ~~his~~ the applicant's 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 written comments on the proposed development to the Division of Coastal Management within ~~10~~ ten (10) days of receipt of the notice. The notice shall also indicate that no response shall be interpreted as no objection. ~~DCM staff~~ The Division of Coastal Management 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. If the Division of Coastal Management determines that the project exceeds the guidelines established by the General Permit process, the applicant shall be notified that an application for a major development permit shall be required.

(c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative ~~to review the proposed development.~~ so that the proposed groin alignment can be marked. Written authorization to proceed with the proposed development shall be issued ~~if the Division representative finds that the application meets all the requirements of this Subchapter~~. during this visit. Construction shall be completed within 120 days of the issuance of the ~~general authorization~~ permit or the authorization shall expire and it shall be necessary to re-examine the ~~proposed development~~ alignment to determine if the general authorization may be reissued.

(d) Any modification or addition to the authorized project shall require prior approval from the Division of Coastal Management.

History Note: *Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*
Eff. March 1, 1984;
Amended Eff. December 1, 2008; October 1, 2007; August 1, 2004; May 1, 1990; January 1, 1990

15A NCAC 07H .1403 PERMIT FEE

The applicant shall pay a permit fee of two hundred dollars ($200.00) by check or money order payable to the Department.

History Note: *Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; 113A-124;*
Eff. March 1, 1984;
Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991.

15A NCAC 07H .1404 GENERAL CONDITIONS

(a) Structures authorized by a general permit in this Section shall be ~~wooden~~ timber, sheetpile, or riprap groins conforming to the standards in this Rule.

(b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make periodic inspections at any time deemed necessary in order to ~~be sure~~ ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.
(c) The placement of ~~wooden or riprap~~ groins authorized in this Rule shall not interfere with the established or traditional rights of navigation of the waters by the public.
(d) This permit shall not be applicable to proposed construction where the ~~Department~~ Division of Coastal Management has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality; air quality; coastal wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights.
(e) This permit ~~does~~ shall not eliminate the need to obtain any other required state, local, or federal authorization.
(f) Development carried out under this permit ~~must~~ shall be consistent with all local requirements, AEC rules, and local land use plans current at the time of authorization.

History Note: *Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*
Eff. March 1, 1984;
Amended Eff. May 1, 1990;
RRC Objection due to ambiguity Eff. May 16, 1994;
Amended Eff. August 1, 1998; July 1, 1994;
Temporary Amendment Eff. December 1, 2002;
Amended Eff. December 1, 2008; August 1, 2004.

15A NCAC 07H .1405 SPECIFIC CONDITIONS
(a) Groins shall be perpendicular to the shoreline and shall not extend more than 25 feet waterward of the normal high water or normal water level.
(b) Riprap groins shall not exceed a base width of 10 feet.
(c) Groins shall be set back at least 15 feet from the ~~adjoining property lines.~~ Riparian access dividing line as measured from the closest point of the structure. This setback may be waived by written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the groin commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the ~~permitting agency~~ Division of Coastal Management prior to initiating any development of the groin.
(d) The height of ~~wooden~~ sheetpile groins shall not exceed ~~1~~ one foot above normal high water or the normal water level and the height of riprap groins shall not exceed ~~2~~ two feet above normal high water or the normal water level.
(e) ~~Riprap groins shall be constructed of materials~~ Material used for groin construction shall be free from loose dirt or any other pollutant. ~~It~~ Groin material must be of sufficient size to prevent its movement from the site by wave ~~or current action.~~ action or currents.
~~(f) The riprap material must consist of clean rock or masonry materials such as, but not limited to, granite or broken concrete.~~
~~(g) No more than two structures shall be allowed per 100 feet of shoreline unless the applicant can provide evidence that more structures are needed for shoreline stabilization.~~
(f) Structure spacing shall be two times the groin length as measured from the centerline of the structure. Spacing may be less than two times the groin length around channels, docking facilities, boat lifts, or boat ramps and when positioned to prevent sedimentation or accretion in a particular area.
~~(h)~~ (g) "L" and "T" sections shall not be allowed at the end of groins.
(h) Groins shall be constructed of granite, marl, concrete without exposed rebar, timber, vinyl sheet pile, steel sheet pile or other suitable materials approved by the Division of Coastal Management.

History Note: *Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124;*
Eff. March 1, 1984;
Temporary Amendment Eff. December 1, 2002;
Amended Eff. December 1, 2008; August 1, 2004.