SECTION .2400 – GENERAL PERMIT FOR PLACEMENT OF RIPRAP REVETMENTS FOR WETLAND PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS

15A NCAC 07H .2401 PURPOSE

The general permit for placement of riprap revetments for wetland protection in estuarine and public trust waters shall allow the placement of riprap revetments immediately adjacent to and waterward of ~~wetlands.~~ the wetland toe. This permit shall only be applicable ~~where a shoreline is experiencing erosion~~ in public trust areas and estuarine waters according to authority provided in 15A NCAC 07J .1100 and according to the rules in this Section. This permit shall not apply to oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those portions of shoreline that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area.

History Note: *Authority G.S. 113A-107; 113A-118.1;*
Eff. August 1, 2000;
Amended Eff. December 1, 2008; April 1, 2003.

15A NCAC 07H .2402 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 any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within ~~10~~ ten (10) days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. 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 the General Permit Process, the applicant shall be notified that an application for a major development permit shall be required.

~~(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 meets the requirements of the rules in this Section. If DCM staff finds that the comments are worthy of more in-depth review, DCM shall notify the applicant that he must submit an application for a major development permit.~~

~~(d)~~ (c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative so that the ~~wetland protection~~ structure location ~~may~~ can be ~~appropriately~~ 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 of the ~~wetland protection~~ structure shall be completed within 120 days of the issuance of the ~~general authorization~~ permit or the general authorization expires and it shall be necessary to re-examine the alignment to determine if the general authorization may be reissued.

History Note: *Authority G.S. 113A-107; 113A-118.1;*
Eff. August 1, 2000;
Amended Eff. December 1, 2008; October 1, 2007.

15A NCAC 07H .2403 PERMIT FEE

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

History Note: *Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*
Eff. August 1, 2000;
Amended Eff. September 1, 2006.

15A NCAC 07H .2404 GENERAL CONDITIONS

(a) This permit authorizes only the construction of wetland protection structures conforming to the standards herein.

(b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources ~~(DENR)~~ 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) There shall be no unreasonable interference with navigation or use of the waters by the public by the existence of the riprap structure authorized herein.~~

(c) The placement of riprap revetments 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 Guidelines, and local land use plans current at the time of authorization.

History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. August 1, 2000.

15A NCAC 07H .2405 SPECIFIC CONDITIONS

(a) This general permit shall only be applicable along shorelines possessing wetlands, ~~and~~ which exhibit an identifiable ~~erosion~~ escarpment.

(b) The structure shall be constructed of granite, marl, riprap, concrete without exposed rebar, or other suitable materials approved by the Division of Coastal Management.

~~(b)~~ (c) The height of the erosion escarpment shall not exceed three feet.

~~(c)~~ (d) The riprap shall be placed immediately waterward of the erosion escarpment.

~~(d)~~ (e) The riprap revetment ~~must~~ shall be positioned so as not to exceed a maximum of ~~five~~ six feet waterward of the erosion escarpment at any point along its ~~alignment.~~ alignment with a slope no flatter than three feet horizontal per one foot vertical and no steeper than one and one half feet horizontal per one foot vertical.

~~(e)~~ (f) The riprap ~~must~~ shall be positioned so as not to exceed a maximum of six inches above the elevation of the adjacent wetland ~~substrate.~~ substrate or escarpment.

~~(f)~~ (g) Where ~~Department staff~~ the Division of Coastal Management ~~determine~~ determines that insufficient ~~wetlands or coastal marsh~~ wetland vegetation exists along the permittee's shoreline to provide adequate shoreline stabilization, the permittee shall be required to plant appropriate ~~coastal marsh or wetland species~~ wetland vegetation landward of the riprap ~~structure~~ revetment as directed by ~~Department staff.~~ the Division of Coastal Management.

~~(g)~~ (h) Construction authorized by this general permit will be limited to a maximum length of 500 feet.

~~(h)~~ (i) No backfill or any other fill of wetlands, submerged aquatic vegetation, estuarine waters, public trust areas, or highground areas is authorized by this general permit.

~~(i)~~ (j) No excavation of the shallow water bottom, any wetlands, or high ground is authorized by this general permit.

~~(j) The riprap must not be placed in such a manner as to impede water flow into or out of any natural channel or stream.~~

(k) ~~The riprap~~ Riprap material used for revetment construction ~~must~~ shall be free from loose dirt or any ~~pollutant. It must be~~ pollutant and be of a size sufficient to prevent its movement from the site by wave ~~or current action.~~ action or currents.

~~(l) Riprap material must consist of clean rock or masonry materials such as marl, granite or broken concrete. Materials such as tires, car bodies, scrap metal, paper products, tree limbs, wood debris, organic material or similar materials are not appropriate riprap for the purposes of this General Permit.~~

~~(m)~~ (l) If the crossing of wetlands with mechanized or non-mechanized construction equipment is necessary, temporary construction mats shall be utilized for the area(s) to be crossed. The temporary mats shall be removed immediately upon completion of construction of the riprap structure.

~~(n)~~ (m) The permittee shall maintain the structure in good condition and in conformance with the terms and conditions of this permit or the remaining riprap ~~structure~~ revetment shall be removed within 90 days of notification from the Division of Coastal Management.

History Note: *Authority G.S. 113A-107; 113A-118.1;*
Eff. December 1, 2008; August 1, 2000.