SECTION .1800 - GENERAL PERMIT TO ALLOW BEACH BULLDOZING LANDWARD OF THE MEAN HIGH WATER MARK IN THE OCEAN HAZARD AEC

15A NCAC 07H .1801 PURPOSE

This permit will allow beach bulldozing needed to reconstruct or repair frontal and/or primary dune systems. For the purpose of this general permit, beach bulldozing is defined as the process of moving natural beach material from any point seaward of the first line of stable vegetation to repair damage to frontal and/or primary dunes caused by a major storm event. This general permit is being developed according to the procedures outlined in Subchapter 7J .1100 and will apply only to the Ocean Erodible AEC. This general permit shall not apply to the Inlet Hazard AEC.

History Note: Authority G.S. 113-229(cl); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. December 1, 1987.

15A NCAC 07H .1802 APPROVAL PROCEDURES

(a) The applicant must contact the Division of Coastal Management or local permit officer (LPO) and complete an application form requesting approval for development. The applicant shall provide information on site location, dimensions of the project area, and his name and address.

(b) The applicant must 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. Such notice should 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 ten days of receipt of the notice, and, indicate that no response will be interpreted as no objection. DCM staff will 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 DCM staff finds that the comments are worthy of more in-depth review, the applicant will be notified that he must submit an application for a major development permit.

(c) No work shall begin until an on-site meeting is held with the applicant and appropriate LPO or Division of Coastal Management representative so that the existing first line of stable natural vegetation can be appropriately marked and recorded on the application. Written authorization to proceed with the proposed development may be issued during this visit. All bulldozing must be completed within 30 days of the date of permit issuance or the general authorization expires.

History Note: Authority G. S. 113-229(cl); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. December 1, 1987;
Amended Eff. January 1, 1990.

07H .1803 PERMIT FEE

The applicant shall pay a permit fee of four hundred dollars ($400.00) by check or money order payable to the Department.

History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1;
Eff. December 1, 1987;
Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991.

15A NCAC 07H .1804 GENERAL CONDITIONS

(a) Any future setback determinations which may be required shall be made using the first line of stable natural vegetation established prior to the bulldozing activity.

(b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make periodic inspections at any time deemed necessary to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.
(c) This permit will not be applicable to proposed construction where the Department 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. If a shipwreck is unearthed, all work shall stop and both the Division of Archives and History and Coastal Management shall be contacted immediately.
(d) This permit does not eliminate the need to obtain any other required state, local or federal authorization.
(e) Development carried out under this permit must be consistent with all local requirements, AEC rules, and local Land Use Plans current at the time of authorization.

History Note: *Authority G.S. 113-229(cl); 113A-107(a)(b); 113A-113(b); 113A-118.1;*
Eff. December 1, 1987;
Amended Eff. May 1, 1990;
RRC Objection due to ambiguity Eff. May 19, 1994;
Amended Eff. August 1,1998; July 1, 1994.

15A NCAC 07H .1805 SPECIFIC CONDITIONS
(a) The area in which this activity is being performed must maintain a slope of adequate grade so as to not endanger the public or the public's use of the beach and should follow the pre-emergency slopes as closely as possible. The movement of material by a bulldozer, front-end loader, backhoe, scraper or any type of earth moving or construction equipment shall not exceed 1 foot in depth measured from the pre-activity surface elevation.
(b) The activity must not exceed the lateral bounds of the applicant's property unless he has the written permission of the adjoining landowner(s).
(c) Movement of material from seaward of the mean high water line is not authorized.
(d) The activity must not demonstratively increase erosion on neighboring properties.
(e) Adding to dunes shall be accomplished in such a manner that the damage to existing vegetation is minimized. The fill areas will be immediately replanted or temporarily stabilized until planting can be successfully completed.
(f) In order to minimize adverse impacts to nesting sea turtles, no work shall occur within the period of May 1 through November 15 of any year, 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 adversely impacting sea turtle nests or suitable nesting habitat.
(g) If one contiguous acre or more of oceanfront property is to be excavated or filled, an erosion and sedimentation control plan must be filed with the Division of Land Resources, Land Quality Section, or appropriate local government having jurisdiction. This plan must be approved prior to commencing the land disturbing activity.

History Note: *Authority G.S. 113-229(cl); 113A-107(a)(b); 113A-113(b); 113A-118.1;*
Eff. December 1, 1987;
Temporary Amendment Eff. September 2, 1998;
Amended Eff. August 1, 2000.