SECTION .1900 – GENERAL PERMIT TO ALLOW FOR TEMPORARY ST5UCTURES WITHIN COASTAL SHORELINES AND OCEAN HAZARD AECS

15A NCAC 07H .1901 PURPOSE

A permit under this Section shall allow for the placement of temporary structures within estuarine and public trust shorelines, and ocean hazard AECs according to the provisions provided in Subchapter 7J .1100 and according to the rules in this Section.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. August 1, 2000.

15A NCAC 07H .1902 APPROVAL PROCEDURES

(a) The applicant must contact the Division of Coastal Management and complete a general permit application form requesting approval for development. Applicants shall provide information on site location, dimensions of the project area, proposed activity, name, address, and telephone number.

(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 onsite meeting is held with the applicant and a Division of Coastal Management representative to inspect and mark the site of construction of the proposed development. Written authorization to proceed with the proposed development may be issued by the Division during this visit. All work must be completed and the structure removed within 180 days following the day written authorization is issued.

History Note: Authority G.S. 113-229(cl); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. January 1, 1990.

07H .1903 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. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1;
Eff. March 1, 1989;
Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991.

15A NCAC 07H .1904 GENERAL CONDITIONS

(a) Temporary structures for the purpose of this general permit are those which are constructed within the ocean hazard or estuarine system AECs and because of dimensions or functions do not meet the criteria of the existing general permits (i.e. are not a bulkhead, pier, rip-rap, groin, etc.).

(b) There shall be no encroachment oceanward of the first line of stable vegetation within the ocean hazard AEC except for the placement of auxiliary structures such as signs, fences, posts, pilings, etc.

(c) There shall be no fill activity below the plane of mean high water associated with the structure.

(d) 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.
(e) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make periodic inspections at any time necessary to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.
(f) This permit does not eliminate the need to obtain any other state, local or federal authorization, nor, to abide by regulations adopted by any federal, state, or local agency.
(g) Development carried out under this permit must be consistent with all local requirements, and local land use plans current at the time of authorization.

History Note: *Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;*
Eff. March 1, 1989;
Amended Eff. May 1, 1990; March 1, 1990;
RRC Objection due to ambiguity Eff. May 19, 1994;
Amended Eff. August 1,1998; July 1, 1994.

15A NCAC 07H .1905 SPECIFIC CONDITIONS

Proposed temporary structures must meet each of the following specific conditions to be eligible for authorization by the general permit:

(1) All aspects of the structure shall be removed and the site returned to pre-project conditions at the termination of this general permit.
(2) There shall be no work within any productive shellfish beds.
(3) The proposed project shall not involve the disturbance of any marsh, submerged aquatic vegetation, or other wetlands including excavation and/or filling of these areas.
(4) The proposed activity shall not involve the disruption of normal navigation and transportation channels and shall be properly marked to prevent being a hazard to navigation.
(5) The proposed project shall not serve as a habitable place of residence.
(6) There shall be no adverse disturbance of existing dune structures.
(7) Development carried out under this permit shall not exceed one acre in size in accordance with 15A NCAC 2H .1002(1) and 15A NCAC 2H .1003(a)(1).
(8) No sewage disposal system will be allowed without a permit authorized by either the Division of Environmental Health or the Division of Environmental Management.

History Note: *Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;*
Eff. March 1, 1989;
Amended Eff. May 1, 1990.