



PERMANENT EROSION CONTROL STRUCTURES





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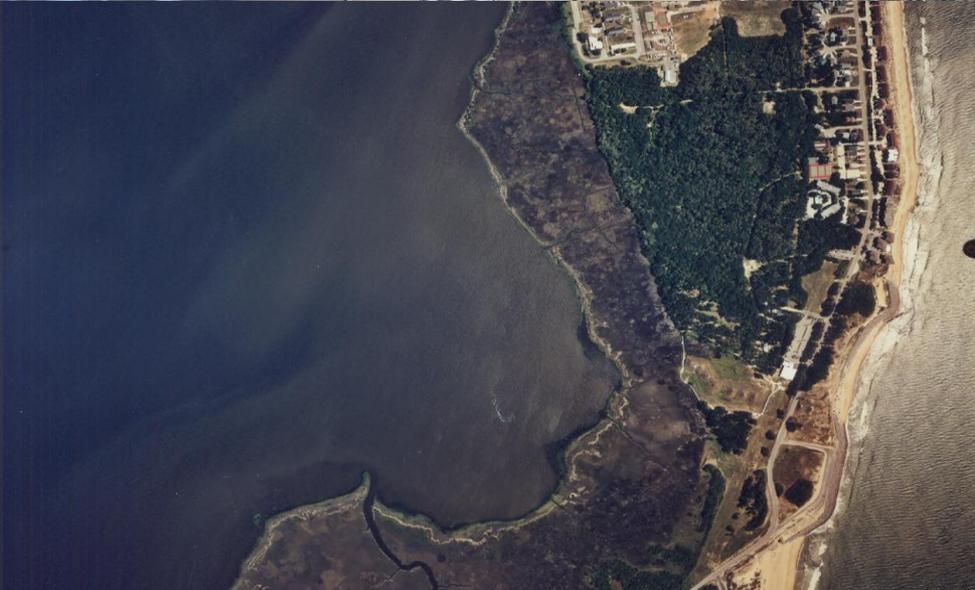
15A NCAC 07H .0308 SPECIFIC USE STANDARDS FOR OCEAN HAZARD AREAS

(a) Ocean Shoreline Erosion Control Activities:

- (1)(B) Permanent erosion control structures may cause significant adverse impacts on the value and enjoyment of adjacent properties or public access to and use of the ocean beach, and, therefore, are prohibited. Such structures include bulkheads, seawalls, revetments, jetties, groins and breakwaters.**



Exceptions





- (H) Erosion control structures that would otherwise be prohibited by these standards may be permitted on finding that:**
- (i) the erosion control structure is necessary to protect a bridge which provides the only existing road access on a barrier island, that is vital to public safety, and is imminently threatened by erosion as defined in provision (a)(2)(B) of this subchapter;**
 - (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate to protect public health and safety; and**
 - (iii) the proposed erosion control structure will have no adverse impacts on adjacent properties in private ownership or on public use of the beach.**



- (I) Structures that would otherwise be prohibited by these standards may also be permitted on finding that:**
 - (i) the structure is necessary to protect a state or federally registered historic site that is imminently threatened by shoreline erosion as defined in provision (a)(2)(B) of this subchapter; and**
 - (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate and practicable to protect the site; and**
 - (iii) the structure is limited in extent and scope to that necessary to protect the site; and**
 - (iv) any permit for a structure under this Part (I) may be issued only to a sponsoring public agency for projects where the public benefits outweigh the short or long range adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of any unavoidable adverse impacts on adjoining properties and on public access to and use of the beach.**



• Areas vulnerable to erosion and flooding because of proximity to ocean inlets.

- (J) Structures that would otherwise be prohibited by these standards may also be permitted on finding that:**
- (i) the structure is necessary to maintain an existing commercial navigation channel of regional significance within federally authorized limits; and**
 - (ii) dredging alone is not practicable to maintain safe access to the affected channel; and**
 - (iii) the structure is limited in extent and scope to that necessary to maintain the channel; and**
 - (iv) the structure shall not adversely impact fisheries or other public trust resources; and**
 - (v) any permit for a structure under this Part (J) may be issued only to a sponsoring public agency for projects where the public benefits outweigh the short or long range adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of any unavoidable adverse impacts on adjoining properties and on public access to and use of the beach.**



- (K) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that:**
- (i) the structure will not be enlarged beyond the dimensions set out in the permit;**
 - (ii) there is no practical alternative to replacing the structure that will provide the same or similar benefits; and**
 - (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.**



CAMA was amended in 2003 putting into law the ban on permanent erosion control structures that have been in the Coastal Resources Commission's rules since 1985.

Amendment was the result of a Senate Bill that was passed with the intention of strengthening the ban on sea walls.





§ 113A-115.1 Limitations on erosion control structures.

- (a) As used in this section:
- (1) **"Erosion control structure" means a breakwater, bulkhead, groin, jetty, revetment, seawall, or any similar structure.**
 - (2) **"Ocean shoreline" means the Atlantic Ocean, the oceanfront beaches, and frontal dunes. The term "ocean shoreline" includes an ocean inlet and lands adjacent to an ocean inlet but does not include that portion of any inlet and lands adjacent to the inlet that exhibits characteristics of estuarine shoreline.**



§ 113A-115.1 Limitations on erosion control structures.

- (b) **No person shall construct a permanent erosion control structure in an ocean shoreline.** The Commission shall not permit the construction of a temporary erosion control structure that consists of anything other than sandbags in an ocean shoreline. **This section shall not apply to (i) any permanent erosion control structure that is approved pursuant to an exception set out in a rule adopted by the Commission prior to 1 July 2003 or (ii) any permanent erosion control structure that was originally constructed prior to 1 July 1974 and that has since been in continuous use to protect an inlet that is maintained for navigation.** This section shall not be construed to limit the authority of the Commission to adopt rules to designate or protect areas of environmental concern, to govern the use of sandbags, or to govern the use of erosion coastal structures in estuarine shorelines.



§ 113A-115.1 Limitations on erosion control structures.

- (c) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that: (i) the structure will not be enlarged beyond the dimensions set out in the original permit; (ii) there is no practical alternative to replacing the structure that will provide the same or similar benefits; and (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.**