

**SECTION .1600 - GENERAL PERMIT FOR THE INSTALLATION OF AERIAL AND SUBAQUEOUS  
UTILITY LINES WITH ATTENDANT STRUCTURES IN COASTAL WETLANDS: ESTUARINE  
WATERS: PUBLIC TRUST WATERS AND ESTUARINE SHORELINES**

**15A NCAC 07H .1601 PURPOSE**

A permit under this Section shall allow for the installation of utility lines both aerially and subaqueously in the coastal wetland, estuarine water, public trust areas and estuarine and public trust shoreline AECs according to the authority provided in Subchapter 7J .1100 and according rules in this Section. This general permit shall not apply to the ocean hazard AECs.

*History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;  
Eff. March 1, 1985;  
Amended Eff. August 1, 2000; August 1, 1998.*

**15A NCAC 07H .1602 APPROVAL PROCEDURES**

(a) The applicant must contact the Division of Coastal Management 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 Division of Coastal Management representative so that the utility line alignment can be appropriately marked. Written authorization to proceed with the proposed development will be issued during this visit. Construction on the utility line must begin within twelve months of this visit or the general authorization expires.

*History Note: Authority G.S. 113A-107(a)(b); 113A-113(b); 113A-118.1; 113A-229(c1);  
Eff. March 1, 1985;  
Amended Eff. January 1, 1990.*

**15A NCAC 07H .1603 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. March 1, 1985;  
Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991.*

**15A NCAC 07H .1604 GENERAL CONDITIONS**

(a) Utility lines for the purpose of this general permit or any pipes or pipelines for the transportation of potable water, domestic sanitary sewage, natural gas, and any cable, line, or wire for the transmission, for any purpose, of electrical energy, telephone and telegraph messages, and radio and television communication.

(b) There must be no resultant change in preconstruction bottom contours. Authorized fill includes only that necessary to backfill or bed the utility line. Any excess material must be removed to an upland disposal area.

(c) The utility line crossing will not adversely affect a public water supply intake.

- (d) The utility line route or construction method will not disrupt the movement of those species of aquatic life indigenous to the waterbody.
- (e) Individuals shall allow authorized representatives of the Department of Environment, Health, 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 general 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.
- (g) This permit does not eliminate the need to obtain any other required state, local, or federal authorization, nor, to abide by regulations adopted by any federal or other state agency.
- (h) Development carried out under this permit must be consistent with all local requirements, AEC guidelines, 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, 1985;*  
*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 .1605 SPECIFIC CONDITIONS**

Proposed utility line installations must meet each of the following specific conditions to be eligible for authorization by this general permit:

- (1) All domestic sanitary sewer line requests must be accompanied by a statement of prior approval from the NC Division Water Quality.
- (2) All spoils which are permanently removed must be placed on a high ground disposal site and stabilized so as not to return to waters, marsh or other wetlands.
- (3) Any additional backfill material required must be clean sand or rock free of organic matter.
- (4) Cuts through wetlands must be minimized.
- (5) Finished grades or subaqueous or wetland crossing must be returned to preproject contours.
- (6) There can be no work within any productive shellfish beds.
- (7) No excavation or filling activities will be permitted between April 1 and September 30 of any year within any designated primary nursery area.
- (8) Subaqueous lines must be placed at a depth of six feet below the project depth of federal projects. In other areas they will be installed at a minimum depth of two feet below the bottom contour.
- (9) The minimum clearance for aerial communication lines or any lines not transmitting electricity will be 10' above the clearance required for bridges in the vicinity.
- (10) The minimum clearance for aerial electrical transmission lines shall be consistent with those established by the US Army Corps of Engineers and US Coast Guard.
- (11) The installation of a utility line on pipe bents or otherwise above the elevation of mean high or mean ordinary water must be of sufficient height to allow for traditional navigation in the water body. Additionally the utility line must not interfere with the waterflow of normal or flood waters.
- (12) Natural gas lines must not exceed 11 inches in diameter.

*History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;*  
*Eff. March 1, 1985;*  
*Amended Eff. August 1, 1998.*