

SECTION .1800 - GENERAL PERMIT TO ALLOW BEACH BULLDOZING IN THE OCEAN HAZARD AEC

15A NCAC 07H .1801 PURPOSE

The general permit to allow beach bulldozing in the Ocean Hazard AEC will allow beach bulldozing needed to reconstruct or repair dune systems, including Primary Dunes and Frontal Dunes as defined in Rule .0305 of this Subchapter. 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 or primary dunes. This general permit is subject to the procedures outlined in Subchapter 07J, Section .1100 and shall 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(c1); 113A-107; 113A-113(b); 113A-118.1; Eff. December 1, 1987; Amended Eff. September 1, 2016; Readopted Eff. April 1, 2022.

15A NCAC 07H .1802 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development.

(b) The applicant shall provide:

- (1) the site location, dimensions of the project area, and their name and address;
- (2) 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
- (3) 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 official to the Division of Coastal Management within 10 days of receipt of the notice and indicate that no response will be interpreted as no objection. Division staff 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 a General Permit. If Division staff determines that the project exceeds the guidelines established by the General Permit process provided in 15A NCAC 07J .1100, Division staff shall notify the applicant that they 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 DCM representative. All bulldozing shall be completed within 30 days of the date of permit issuance.

History Note: Authority G.S. 113-229(c1); 113-229(c2); 113A-107; 113A-113(b); 113A-118.1; 113A-120; Eff. December 1, 1987; Amended Eff. September 1, 2016; January 1, 1990; Readopted Eff. April 1, 2022.

15A NCAC 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; Readopted Eff. April 1, 2022.

15A NCAC 07H .1804 GENERAL CONDITIONS

(a) This General Permit shall not be applicable to proposed construction where the 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. If a shipwreck is unearthed, all work shall stop immediately and the Division of Coastal Management shall be contacted.

(b) This General Permit shall not eliminate the need to obtain any other required State, local, or federal authorization.

(c) Development carried out under a permit as set forth in this Section shall be consistent with all State, federal and local requirements, and local Land Use Plans in effect at the time of authorization.

History Note: Authority G.S. 113-229(c1); 113A-102(b)(4)(e); 113A-107; 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. September 1, 2016; August 1, 1998; July 1, 1994;
Readopted Eff. April 1, 2022.

15A NCAC 07H .1805 SPECIFIC CONDITIONS

(a) The area where beach bulldozing is being performed shall maintain a slope that follows the pre-project slopes as closely as possible so as not to endanger the public or the public's use of the beach. The movement of material by a bulldozer, front-end loader, backhoe, scraper, or any type of earth moving or construction equipment shall not exceed one foot in depth measured from the pre-activity surface elevation.

(b) The activity shall not exceed the lateral bounds of the applicant's property without the written permission of the adjoining landowner(s).

(c) The permit shall not authorize movement of material from seaward of the mean low water line.

(d) Adding sand to dunes shall be accomplished in such a manner that, based on site specific conditions, the tools used, what vegetation is existing, and how much vegetation is buried, the damage to existing vegetation by burial is minimized. Upon completion of the project, the fill areas shall be replanted with native vegetation, such as Sea Oats (*Uniola paniculata*), or if outside the planting season, shall be stabilized with sand fencing until planting can occur.

(e) In order to minimize adverse impacts to nesting sea turtles, no bulldozing shall occur within the period of April 1 through November 15 of any year without the 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 significant adverse impact to sea turtle nests or suitable nesting habitat.

(f) If one contiguous acre or more of oceanfront property is to be excavated or filled, an erosion and sedimentation control plan shall be filed with and approved by the Division of Energy, Mineral, and Land Resources, or local government having jurisdiction. This plan must be approved prior to commencing the land disturbing activity.

History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1;
Eff. December 1, 1987;
Temporary Amendment Eff. September 2, 1998;
Amended Eff. September 1, 2016; August 1, 2012 (see S.L. 2012-143, s.1.(f)); August 1, 2000;
Readopted Eff. April 1, 2022.