

SECTION .2000 - GENERAL PERMIT FOR AUTHORIZING MINOR MODIFICATIONS AND REPAIR TO EXISTING PIER/MOORING FACILITIES IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .2001 PURPOSE

A person requesting reconfiguration, minor modifications, repair, or improvements to existing pier and mooring facilities in estuarine waters and public trust areas shall apply for a General Permit according to the rules in this Section. This permit shall not apply to oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those shorelines that feature characteristics of the Estuarine Shoreline AEC. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than the adjacent Ocean Erodible Area. A Division of Coastal Management representative will make the determination whether the site features characteristics of the Estuarine Shoreline at the time of permit application.

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. October 1, 1993;
Amended Eff. April 1, 2003;
Readopted Eff. October 1, 2022.*

15A NCAC 07H .2002 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management at the Regional Office indicated on the map located at <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and request approval for development as defined in G.S. 113A-130(5).

(b) The applicant shall provide:

- (1) information on site location, dimensions of the project area, and his or her name and address; and
- (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 officials to the Division of Coastal Management within 10 days of receipt of the notice and indicate that no response by the adjacent property owners will be interpreted as the adjacent property owners having 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 finds that the comments are worthy of more in-depth review, the Division shall notify the applicant that he or she 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 a Division of Coastal Management representative to review the proposed development. A permit to proceed with the proposed development shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter. Construction permitted under this Section shall be completed within 120 days of permit issuance or such permit shall expire. If the applicant seeks a new permit under this Section, the Division of Coastal Management shall re-examine the proposed development to determine if the General Permit may be reissued.

(d) Any modification or addition to the permitted project shall require approval from the Division of Coastal Management.

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. January 1, 1994;
Amended Eff. August 1, 2007;
Readopted Eff. October 1, 2022.*

15A NCAC 07H .2003 PERMIT FEE

The applicant shall pay a permit fee of two hundred dollars (\$200.00) by check or money order payable to the Department of Environmental Quality.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;
Eff. October 1, 1993;
Amended Eff. September 1, 2006; August 1, 2000;
Readopted Eff. October 1, 2022.*

15A NCAC 07H .2004 GENERAL CONDITIONS

(a) Permittees shall allow authorized representatives of the Department of Environmental Quality to make inspections at any time in order to ensure that the activity being performed under the authority of the General Permit set forth in this Section is in accordance with the terms and conditions prescribed herein.

(b) There shall be no interference with navigation or use of the waters by the public by the existence of piers or mooring pilings.

(c) The permit set forth in this Section shall 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 required because there are unresolved questions concerning the proposed activity's impact on Areas of Environmental Concern.

(d) This permit shall not be applicable where the Department determines that the proposed modification will result in closure of waters to shellfishing under rules adopted by the Commission for Public Health.

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. January 1, 1994;
Amended Eff. August 1, 1998;
Readopted Eff. October 1, 2022.*

15A NCAC 07H .2005 SPECIFIC CONDITIONS

(a) All proposed work must be carried out within the existing footprint of the development with no increase in the number of slips and no change in the existing use. "Existing footprint" is defined as the area delineated by the outer most line of tie pilings, ends of piers, and upland basin or area within an enclosing breakwater, whichever is greater.

(b) Modifications to piers and mooring facilities shall not interfere with the access to any riparian property and shall have a minimum setback of 15 feet between any part of the pier or pilings and the adjacent property lines extended into the water at the points that they intersect the shoreline. The minimum setbacks provided in the rule may be waived by the written agreement of the adjacent riparian owners, or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the pier or pilings commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the Division of Coastal Management prior to initiating any development. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the property, then drawing a line perpendicular to a line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this rule to the maximum extent practicable.

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. October 1, 1993;
Readopted Eff. October 1, 2022.*