



# North Carolina Living Shoreline Permitting



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**Southern New Hanover County Field Rep**

**Wilmington Regional Office**





## How to get Started

- Verify that the property is **riparian** (deeded to Normal or Mean high water)
- Look at wave action and tidal flow – would a living shoreline be appropriate?
- Obtain an agent form (optional)
- Contact your field representative for a site visit.



# Does this parcel have Riparian Rights?

1. **Deed** – Meets and bounds
2. **Plat Map**- Do property lines follow MHW?
3. **Survey** – Does Mean or Normal High Water cross the property line?



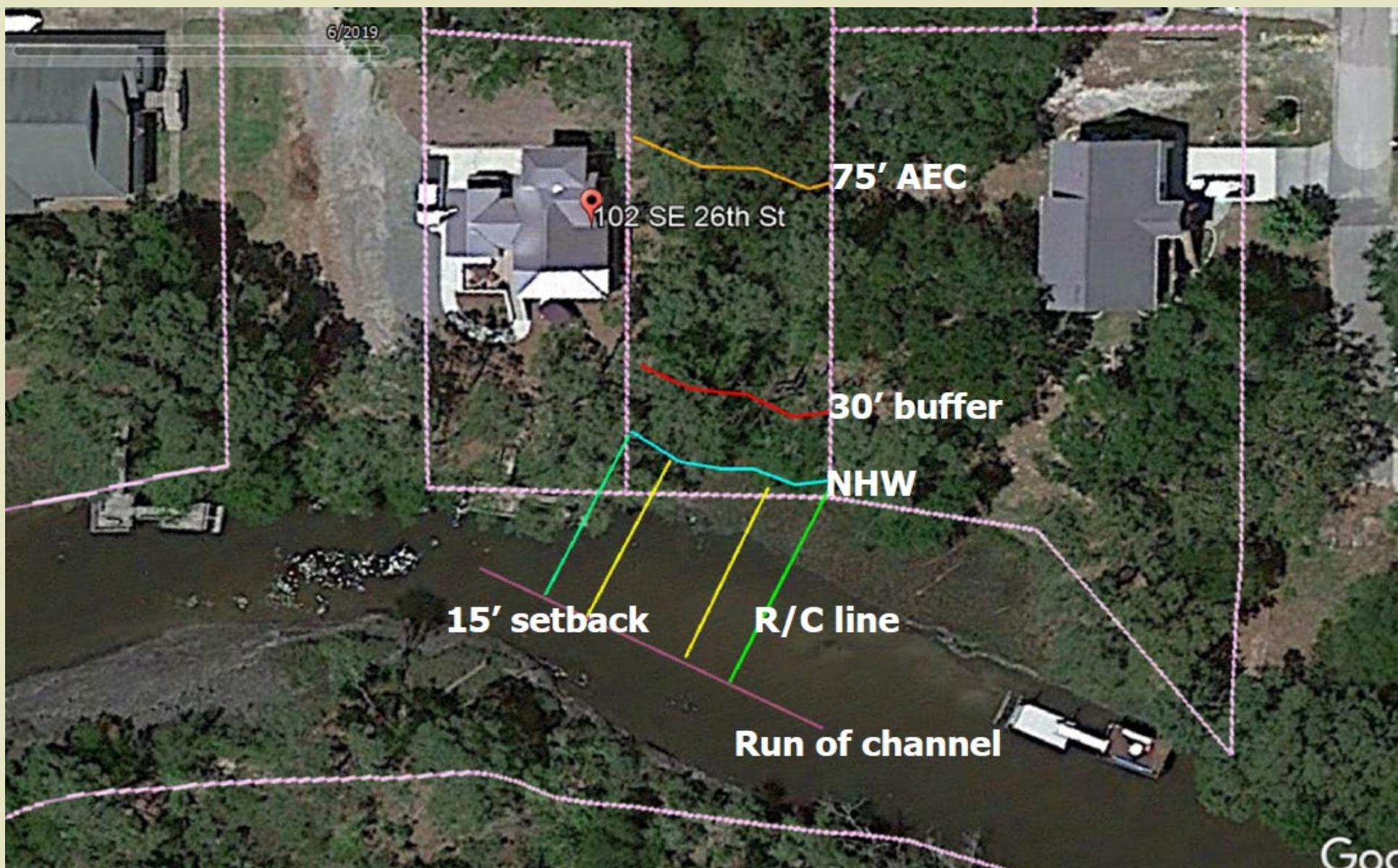


### NOTES:

- MINIMUM LOT SIZE: GREATER THAN 15000 SQ.FT.
- ALL STREETS ARE PRIVATE
- ALL LOTS ARE TO HAVE ON SITE SEWAGE DISPOSAL SYSTEMS. SAID SYSTEMS ARE REQUIRED TO HAVE PERMITS ISSUED BY THE BRUNSWICK COUNTY HEALTH DEPARTMENT PRIOR TO CONSTRUCTION.
- WATER IS TO BE PROVIDED BY THE BRUNSWICK COUNTY WATER SYSTEM.
- ALL STREETS ARE SUBJECT TO PUBLIC UTILITY EASEMENT.
- A PORTION OF SECTION TWO WINDING CREEK SUBDIVISION APPEARS TO BE IN A FLOOD HAZARD ZONE.
- 1360 LINEAR FEET OF STREETS
- REFERENCE: DEED BOOK 172, PAGE 169; MAP CABINET W, PAGE 112.
- LOT OWNERSHIP EXTENDS TO MEAN HIGH WATER WHERE ADJACENT TO A WATER BOUNDARY.
- TOTAL AREA IS 24.2 ACRES
- THERE WILL BE NO DRIVEWAY ACCESS TO LOTS ALONG BETHEL RD. ALL ACCESS WILL BE FROM SUBDIVISION STREETS
- ZONING CLASSIFICATION - R7500

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# Division of Coastal Management





## Marsh Sills (Living Shorelines)

~Constructed out of sloping riprap stone including granite, marl, oyster shell or broken concrete (no rebar).

~Placed offshore and parallel to shore to reduce wave energy to protect existing and or newly planted wetland/marsh grasses.





## Shoreline Stabilization Permitting

**General Permits (GPs):** issued by DCM field staff and are streamlined major permits for routine projects. (Valid for 120 days- do not transfer)

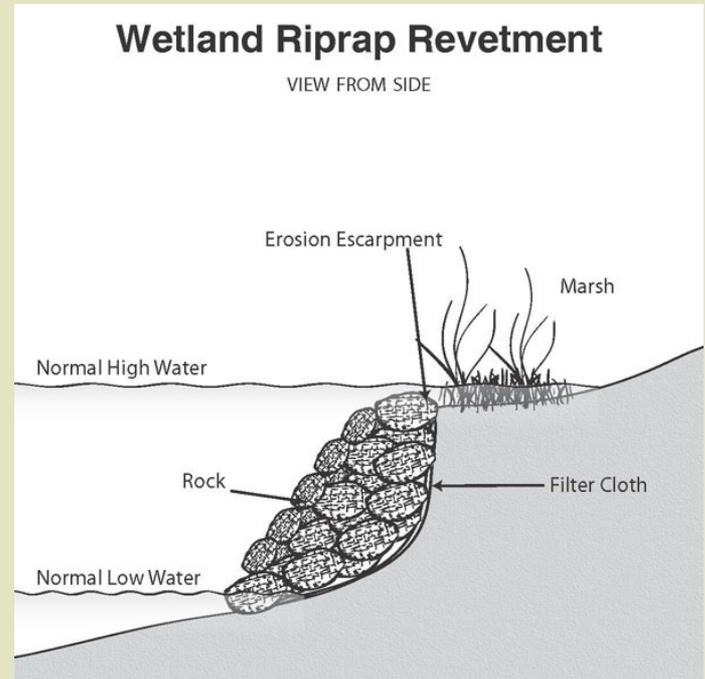
**Major permits:** reviewed by 10 state & 4 federal agencies and are issued at the Division headquarters (permit issuance averages 75-90 days & valid for 5 years- transferrable).

**Applicants need to define the scope of the project**



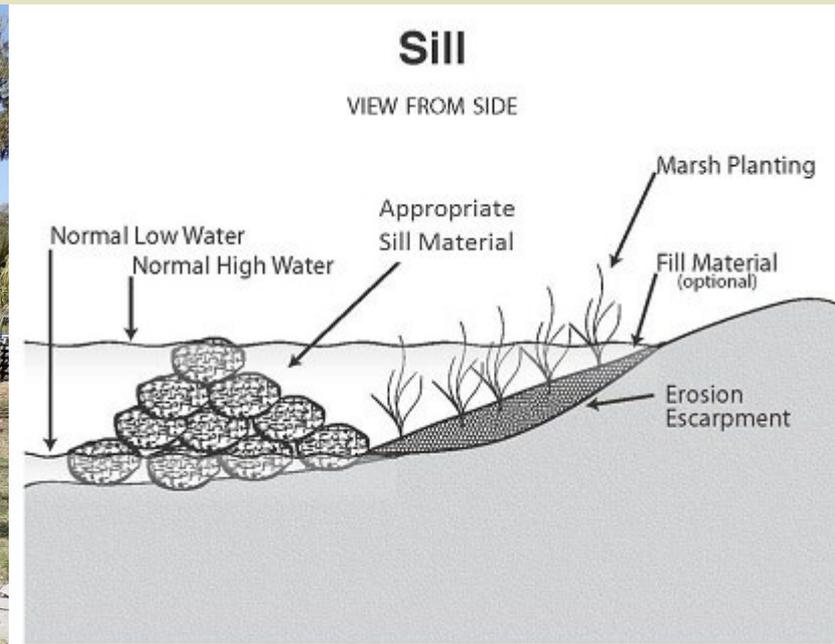
## Two Types of General Permits:

- Riprap Revetment for Wetland Protection GP (.2400)





## Marsh Sill for Wetland Enhancement GP (.2700) – AKA Living Shoreline GP



# Division of Coastal Management



[15A NCAC 07H .2000](#) - General Permit for Authorizing Minor Modifications and Repair to Existing Peri/Mooring Facilities in Estuarine and Public Trust Waters and Ocean Hazard Areas

[15A NCAC 07H .2100](#) - General Permit for Construction of Sheetpile Sill for Shoreline Protection in Estuarine and Public Trust Waters and Ocean Hazard Areas

[15A NCAC 07H .2200](#) - General Permit for Construction of Freestanding Moorings and Bird Nesting Poles in Estuarine Waters and Public Trust Areas and Ocean Hazard Areas

[15A NCAC 07H .2300](#) - General Permit for Replacement of Existing Bridges and Culverts in Estuarine Waters, Estuarine and Public Trust Shorelines, Public Trust Areas, and Coastal Wetlands

[15A NCAC 07H .2400](#) - General Permit for Placement of Riprap Revetments for Wetland Protection in Estuarine and Public Trust Waters

[15A NCAC 07H .2500](#) - Emergency General Permit, to be Initiated at the Discretion of the Secretary of the Department of Environmental Quality for Replacement of Structures, the Reconstruction of Primary or Frontal Dune Systems, and the Maintenance Excavation of Existing Canals, Basins, Channels, or Ditches, Damaged, Destroyed, or Filled in by Hurricanes or Tropical Storms, Provided All Replacement, Reconstruction and Maintenance Excavation Activities Conform to All Current Standards

[15A NCAC 07H .2600](#) - General Permit for Construction of Mitigation Banks and In Lieu Fee Mitigation Projects

[15A NCAC 07H .2700](#) - General Permit for the Construction of Marsh Sills

**<https://www.deq.nc.gov/about/divisions/coastal-management/coastal-management-rules-regulations/coastal-resources-commission-rules>**



## General Permit for Living Shorelines

- Limited to 30' past normal high water or 5' past existing wetlands.
- Cannot exceed 12" above normal high water (NHW)
- Slope cannot exceed 1.5' horizontal distance over a 1' vertical rise
- Max length 500' with a 5' openings every 100'
- Max base width of 12'
- Must be marked for navigational purposes every 50'
- Cannot construct over existing SAV or oyster beds
- **NO ASSOCIATED BACKFILL**



## General Permit for Living Shorelines

- USACE Regional General Permit for Marsh Sills became effective March 2019
- In turn, the DCM Living Shoreline GP became effective April 1, 2019

**\*\* Cannot interfere with navigation,  
submerged land claims or existing shellfish  
leases\*\***



# General Permit Application

## SECTION .2700 – GENERAL PERMIT FOR THE CONSTRUCTION MARSH SILLS

### 15A NCAC 07H .2701 PURPOSE

A general permit under this Section shall allow for the construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100 and according to the rules in this Section. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands. This general permit shall not apply within the Ocean Hazard System AECs or waters adjacent to these AECs with the exception of those portions of shoreline within the Inlet Hazard Area AEC that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodeable Area.

*History Note:* Authority G.S. 113A-107; 113A-118.1;  
Temporary Adoption Eff. June 15, 2004;  
Eff. April 1, 2005;  
Temporary Amendment Eff. April 1, 2019;  
Amended Eff. July 1, 2019.

### 15A NCAC 07H .2702 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and applicant name and address.

(b) The applicant shall 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. 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 will be interpreted as no objection.

(c) DCM 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.

(d) 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. Written authorization 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 shall be completed within 120 days of the issuance of the general authorization or the authorization shall expire and it shall be necessary to re-examine the proposed development to determine if the general authorization may be reissued.

*History Note:* Authority G.S. 113A-107; 113A-118.1;  
Temporary Adoption Eff. June 15, 2004;  
Eff. April 1, 2005;  
Amended Eff. October 1, 2007.

- GP application
  - Drawing (NHW/CW)
  - Adjacent Riparian Neighbor notifications  
(Do not need a waiver if less than 25 ft. below NHW)
  - Permit fee (\$400)



## Major Permit

*\* used for Living Shorelines that don't meet GP\**

- Reviewed by 10 state & 4 federal agencies
- Permit issuance averages 75 days
- Application Requirements:

*Adjacent Property owner notification via certified mail*

*Deed (or other legal instrument)*

*Scaled Top view drawing*

*Scaled Cross section drawing*

*Applicable application forms filled out*

*\$400.00 permit fee*

**\*\* NEW E-Permitting \*\***



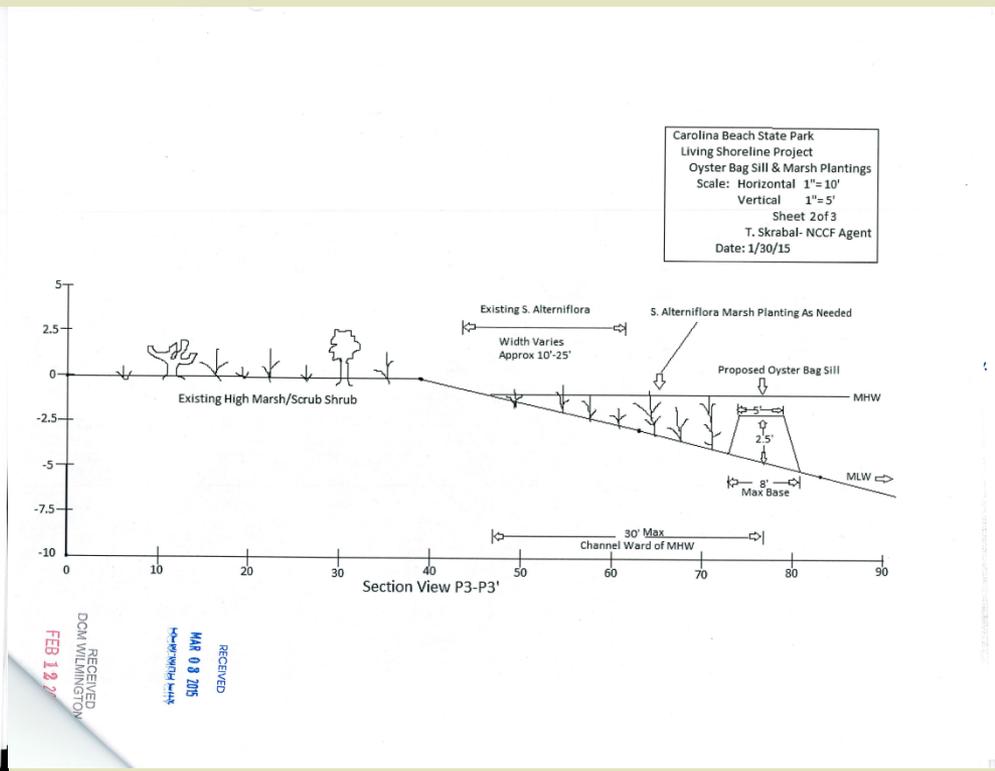
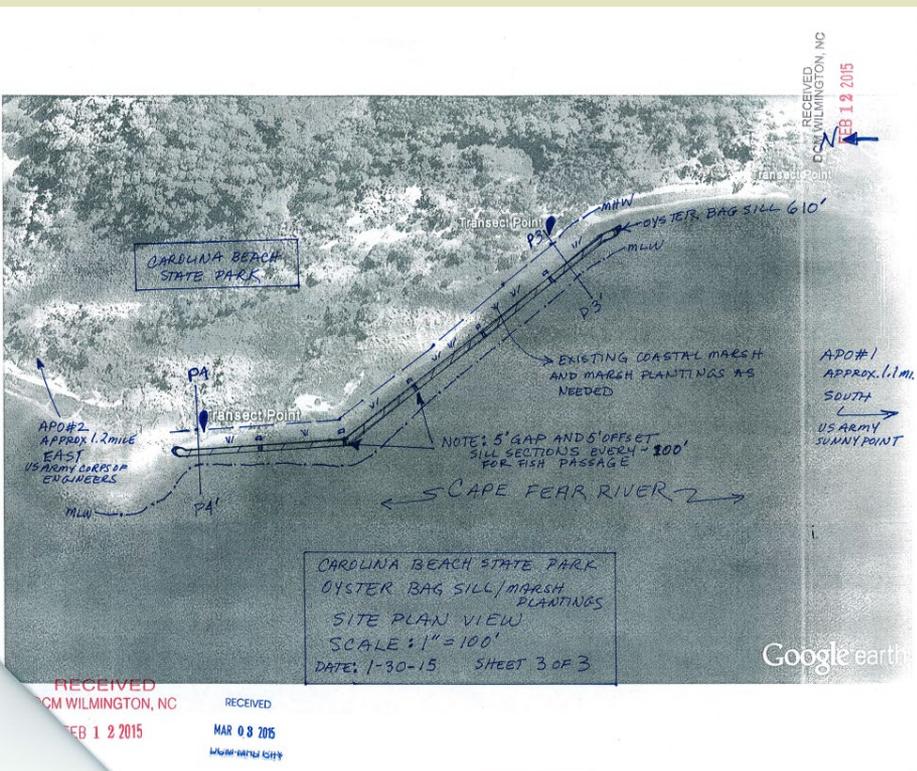
# “Umbrella Permitting”

<b>Federal Agencies</b>	<b>State Agencies</b>
U.S. Army Corps of Engineers	Division of Water Quality
U.S. Fish and Wildlife Service	Division of Marine Fisheries
Environmental Protection Agency	Division of Transportation
National Marine Fisheries Service	Division of Land Resources
	Wildlife Resources Commission
	Department of Cultural Resources
	Division of Public Health
	State Property Office
<b>+ Local Government</b>	Community Assistance



# Major Permit Drawings

- Do not require surveyed or engineered drawings and can be hand drawn but must be to **SCALE!**





## **Quick tips for expedited applications**

- Discuss Navigational impacts
- Propose Marking (reflectors)
- Review possible submerged aquatic vegetation (SAV) impacts
- Discuss oyster growing potential
- Review if area is Open or Closed to shellfish
- Determine bottom type (mud or sand bottom)
- Propose gaps for marine animal movement



## Find a Field Rep Locator Tool



The Division of Coastal Management has launched a new interactive mapping tool to assist the public in identifying the appropriate field representative in the 20 coastal counties to start the CAMA permit application process in your area. The tool provides this information in a simple map format. The location query will generate a pop-up box with contact information to “Find a Field Rep”.

Landowners, contractors, and others can use the tool to identify the Division of Coastal Management field staff serving as the first point of contact for permitting inquiries and processes.

Click the [here](#)  to Find a Field Rep in your CAMA region.

<https://www.deq.nc.gov/about/divisions/coastal-management/about-coastal-management/dcm-offices-program-areas>



## Questions?



**DCM- Wilmington  
DEQ Regional Office  
910-796-7215**