

1 **SECTION .2800 - GENERAL PERMIT TO ALLOW FOR TEMPORARY WEATHER**  
2 **MONITORING STRUCTURES WITHIN THE OCEAN HAZARD AECS**

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4 **15A NCAC 07H .2801 PURPOSE**

5 A permit under this Section shall allow the installation of temporary weather monitoring structures in the  
6 Ocean Hazard Area AECs according to the Rules in this Section. Temporary weather monitoring  
7 structures authorized by this General Permit shall not be subject to the restriction in 15A NCAC 07H  
8 .0309(a) that all exceptions to the setback requirements in 15A NCAC .0306(a)(3) shall occur landward  
9 of the vegetation line or pre-project vegetation line, whichever is applicable.

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11 *History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(6)(b); 113A-118.1*

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13 **15A NCAC 07H .2802 APPROVAL PROCEDURES**

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

16 (b) The applicant shall provide:

- 17 (1) Information on site location, dimensions of the project area, and applicant name and address.  
18 (2) A copy of a deed or other instrument under which the applicant claims title to the property  
19 upon which the development will occur.  
20 (4) Notwithstanding the provisions of 15A NCAC 07J .0204(b)(5), adjacent riparian landowner  
21 notification is not required.

22 (c) No work shall begin until an on-site meeting is held with the applicant, a Division of Coastal  
23 Management representative, and a Wildlife Resources Commission representative to inspect and mark the  
24 site of construction of the proposed development.

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26 *History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(6)(b); 113A-118.1*  
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**15A NCAC 07H .2803 PERMIT FEE**

The applicant shall pay a permit fee of four hundred seventy-four dollars (\$474.00) by check or money order payable to the Department.

*History Note: Authority G.S. 113A-119.1; 143B-279.19*

**15A NCAC 07H .2804 GENERAL CONDITIONS**

(a) Temporary weather monitoring structures for the purpose of this General Permit are structures temporarily installed on the dry sand area of the beach as defined in G.S. 77-20(e), for the specific purpose of collecting meteorological data during approaching storms.

(b) This General Permit shall not be applicable to proposed development 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.

(c) The permittee shall allow the Division of Coastal Management or other representatives of the Coastal Resources Commission 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.

(d) The permit set forth in this Section does not eliminate the need to obtain any other state, local or federal authorization, nor to abide by federal, state, or local laws and ordinances, nor to abide by rules or regulations adopted by any federal, state, or local agency.

*History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(5); 113A-118.1; 113A-126(d)(1)(c); 113A-120(b1)(4);*

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57 **15A NCAC 07H .2805 SPECIFIC CONDITIONS**

58 (a) Temporary weather monitoring structures authorized by this General Permit shall be installed and  
59 removed within one year from the date of issuance, and may remain in place for a maximum total of 14  
60 consecutive days from the date of installation, unless otherwise authorized by the Division of Coastal  
61 Management. All aspects of the structure shall be removed and the site returned to pre-project conditions  
62 no later than 14 days from the date of installation, or at the expiration of this permit, whichever comes  
63 first.

64 (b) In order to minimize adverse impacts to threatened and endangered species, installation of temporary  
65 weather monitoring structures shall not occur inside the Ocean Hazard AEC within the period of April 1  
66 through November 15 of any year, or anytime inside an Inlet Hazard AEC without the prior approval of  
67 the Division of Coastal Management, in coordination with the North Carolina Wildlife Resources  
68 Commission and the U.S. Fish and Wildlife Service.

69 (c) The permittee shall notify the Division upon commencement of installation, and upon removal of the  
70 structure.

71 (d) Vehicle or heavy equipment entry onto the beach shall be restricted to existing public vehicular beach  
72 access points.

73 (e) Installation shall not alter or remove any portion of a primary or frontal dune or the dune vegetation.

74 (f) The structure shall not be installed waterward of normal high water, as determined by the Division of  
75 Coastal Management. Alternatively, a surveyed mean high water line provided by the applicant may serve  
76 as the waterward limit of the structure.

77 (g) There shall be no dredge or fill of material.

78 (h) The proposed structure shall not be habitable.

79 (i) The proposed structure shall not impede beach access or other public trust uses.

80 (j) The footprint of the structure shall not exceed 250 square feet.

81 (k) In the event of damage, the permittee shall be responsible for the removal of all remnants of all  
82 portions of the temporary weather monitoring structure.

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84 *History Note: Authority G.S. 77-20; 113-229(a); 113A-107(a)(b); 113A-113(b)(5); 113A-118.1*

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89 **15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS**

90 (a) The following types of development shall be permitted seaward of the oceanfront setback  
91 requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and  
92 local regulations are met:

- 93 (1) campsites;
- 94 (2) driveways and parking areas with clay, packed sand, or gravel;
- 95 (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a  
96 footprint of 500 square feet may be replaced with no enlargement beyond their original  
97 dimensions;
- 98 (4) beach accessways consistent with Rule .0308(c) of this Section;
- 99 (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- 100 (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay,  
101 packed sand or gravel, and a footprint of 200 square feet or less;
- 102 (7) temporary amusement stands consistent with Section .1900 of this Subchapter;
- 103 (8) sand fences;
- 104 (9) swimming pools; ~~and~~
- 105 (10) fill not associated with dune creation that is obtained from an upland source and is of the same  
106 general characteristics as the sand in the area in which it is to be placed.; ~~and~~
- 107 (11) Temporary weather monitoring structures permitted by General Permit in 15A NCAC 07H  
108 .2800.

Allows it  
in the  
setback

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110 In all cases, With the exception of temporary weather monitoring structures permitted by General Permit  
111 in 15A NCAC 07H .2800, this all development shall be permitted only if it is landward of the vegetation  
112 line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary  
113 or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune  
114 vegetation; is not essential to the continued existence or use of an associated principal development; and  
115 meets all other non-setback requirements of this Subchapter.

... AND ALSO  
allows it  
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# Name the specific types of development?

110 ~~In all cases,~~ With the exception of temporary weather monitoring structures permitted by General Permit  
111 in 15A NCAC 07H .2800, this all development shall be permitted only if it is landward of the vegetation  
112 line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary  
113 or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune  
114 vegetation; is not essential to the continued existence or use of an associated principal development; and  
115 meets all other non-setback requirements of this Subchapter.

- OR -

~~In all cases,~~ With the exception of development siting specifically allowed by another rule in  
this Chapter, this all development shall be permitted only if it is landward of the vegetation  
line or pre-project vegetation line, whichever is applicable; ...

# An additional technical change:

## **15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS**

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
- (4) beach accessways consistent with Rule .0308(c) of this Section;
- (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
- (7) ~~temporary amusement stands~~ consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; **and**
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be placed.; **and**
- (11) **Temporary weather monitoring structures permitted by General Permit in 15A NCAC 07H .2800.**

temporary  
“auxiliary structures”

**SECTION .1900 – GENERAL PERMIT TO ALLOW FOR TEMPORARY STRUCTURES WITHIN THE ESTUARINE AND OCEAN SYSTEMS AECS**

**15A NCAC 07H .1904 GENERAL CONDITIONS**

(a) Temporary structures for the purpose of this general permit are those which are constructed or installed within the estuarine and ocean system AECs and because of their dimensions or functions cannot be authorized by another General Permit within this Subchapter.

(b) There shall be no encroachment oceanward of the first line of stable vegetation within the ocean hazard AEC except for the placement of auxiliary structures such as signs, fences, posts, or pilings.

(c) There shall be no fill or excavation activity below normal high water or normal water level.

(d) This permit shall not be applicable to proposed development where the Division of Coastal Management determines that the proposed activity would endanger adjoining properties or significantly affect historic, cultural, scenic, conservation, or recreation value, identified in G.S. 113A-102 and G.S. 113A-113(b)(4).

(e) Individuals shall allow authorized representatives of the Department of Environmental Quality 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 permit does not eliminate the need to obtain any other state, local or federal authorization, nor, to abide by rules or regulations adopted by any federal, state, or local agency.

(g) Development carried out under this permit shall be consistent with all local requirements and local land use plans current at the time of authorization.

#### **15A NCAC 07J .0204 PROCESSING THE APPLICATION**

(a) On receipt of a CAMA major development and/or dredge and fill permit application by the Department, a letter shall be sent to the applicant acknowledging receipt.

(b) Application processing shall begin when an application is accepted as complete. Before an application will be accepted as complete, the following requirements must be met;

- (1) a current application form must be submitted;
- (2) all questions on the application form must be completed or the letters "N/A" must be placed in each section that does not apply;
- (3) an accurate work plan as described in 15A NCAC 7J .0203 herein must be attached to all CAMA major development and/or dredge and fill permit applications;
- (4) a copy of a deed or other instrument under which the applicant claims title must accompany a CAMA major development and/or dredge and fill permit application;
- (5) notice to adjacent riparian landowners must be given as follows:
  - (A) Certified return mail receipts (or copies thereof) indicating that adjacent riparian landowners (as identified in the permit application) have been sent a copy of the application for the proposed development must be included in a CAMA major development and/or dredge and fill permit application. Said landowners have 30 days from the date of notification in which to comment. Such comments will be considered by the Department in reaching a final decision on the application.
  - (B) For CAMA minor development permits, the applicant must give actual notice of his intention to develop his property and apply for a CAMA minor development permit to all adjacent riparian landowners. Actual notice can be given by sending a certified letter, informing the adjoining property owner in person or by telephone, or by using any other method which satisfies the Local Permit Officers that a good faith effort has been made to provide the required notice;