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CRAC-26-03

January 25, 2026

MEMORANDUM

TO: Coastal Resources Advisory Council
FROM: Jonathan Lucas
SUBJECT: Proposed Rulemaking – 15A NCAC 07H .2800 and 07H .0309(a)

At your Augst 27, 2024 meeting, the Coastal Resources Advisory Council (CRAC) identified challenges in the permitting process for temporary, pre-storm, rapid-deployment instrument towers on the ocean beach. These towers had previously been permitted in 2022 as temporary structures using 15A NCAC 07H .1900. However, from that project CRAC found the adjacent riparian landowner notification requirements to be problematic given the last-minute nature of site selection for an approaching hurricane, and asked staff to research other permitting options.

Staff identified that these structures could not currently be permitted on the beach by minor permit, as they do not meet the requirement in 15A NCAC 07H .0309(a) that all development be located landward of the vegetation line or pre-project vegetation line. Therefore, at your meeting on February 26, 2025, staff presented language for a proposed new rule in Section .0300 that would allow temporary weather monitoring stations to be permitted waterward of the vegetation line or pre-project vegetation line (CRAC-25-01).

Following that meeting, CRAC asked staff to create a General Permit which would authorize temporary weather monitoring stations on the ocean beach, and also be broad enough to encompass other research activities. At the November CRAC meeting, staff gave a presentation on historic research activities that have required CAMA permits, and considerations for using the General Permit process to permit a broad range of research activities. Following this meeting, CRAC asked staff to continue developing a General Permit, but narrow the scope to only temporary weather monitoring structures.

At the February CRAC meeting, staff will present the attached General Permit rule language for discussion. The proposed General Permit authorizes temporary weather monitoring structures to be installed waterward of the vegetation line and removes the requirement for adjacent riparian landowner notification. The proposed rule amendment to 15A NCAC .0309(a) is designed to resolve any conflict between the Use Standards for Ocean Hazard Areas and the proposed General Permit. Staff intend to ask for review of this proposed permit by other relevant resource agencies once CRAC has approved the language. I look forward to discussing this with you at your next meeting.



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

3 **15A NCAC 07H .2801 PURPOSE**

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

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

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12 **15A NCAC 07H .2802 APPROVAL PROCEDURES**

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

15 (b) The applicant shall provide:

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

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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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28 **15A NCAC 07H .2803 PERMIT FEE**

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

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

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34 **15A NCAC 07H .2804 GENERAL CONDITIONS**

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

38 (b) This General Permit shall not be applicable to proposed development where the Division of Coastal
39 Management has determined, based on an initial review of the application, that notice and review
40 pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed
41 activity's impact on adjoining properties or on water quality, air quality, coastal wetlands, cultural or
42 historic sites, wildlife, fisheries resources, or public trust rights.

43 (c) The permittee shall allow the Division of Coastal Management or other representatives of the Coastal
44 Resources Commission to make periodic inspections at any time necessary to ensure that the activity
45 being performed under authority of this General Permit is in accordance with the terms and conditions
46 prescribed herein.

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

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53 *History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(5); 113A-118.1; 113A-126(d)(1)(c);*
54 *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.

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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.

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