



CRC-25-17

April 16, 2025

MEMORANDUM

TO: Coastal Resources Commission
FROM: Cameron Luck, DCM Policy Analyst
SUBJECT: AEC Hazard Notice Form – 15A NCAC 07H .0306(e)

At your February 2025 Commission meeting, Staff reviewed 15A NCAC 07H .0306 following a request by the Commission to identify rules that are not currently being utilized or implemented. Staff also indicated during that meeting that the current AEC Hazard Notice form, which is used to implement a written acknowledgment requirement under 07H .0306(e), was in need of revision. The Commission requested Staff return with proposed changes.

The current AEC Hazard Notice form, last revised in 2010, serves both as an educational tool for property owners and as a compliance mechanism to satisfy 07H .0306(e). The current version of 07H .0306 states

(e) Prior to the issuance of any permit for development in the ocean hazard AECs, there shall be a written acknowledgment from the applicant to the Division of Coastal Management that the applicant is aware of the risks associated with development in this hazardous area and the limited suitability of this area for permanent structures. The acknowledgement shall state that the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development.

The current AEC Hazard Notice form is required to be signed by the property owner and not their CAMA agent, so that the actual property owner receives the important ocean hazard information. The form includes relevant hazard data, including long-term shoreline erosion rates established by DCM, storm surge predictions from the 100-year storm recession, and flood rates derived from FEMA flood map data specific to the property and shoreline where development is proposed. Additionally, the AEC Hazard Notice form outlines development standards and regulatory conditions applicable to projects being permitted in the Ocean Hazard Area AECs and includes language that mirrors 07H .0306(e), stating that the CRC does not guarantee development safety and assumes no liability for future damages. On the back, the section titled “*Before You Build*” supplements the form with broader guidance on setback requirements, risk awareness, and regulatory exceptions. While this form has been widely used and accepted by the public as part of the current permitting processes, it would be appropriate to not only update the form, which was last updated 15 years ago, but to consider its effectiveness as an educational tool by revisiting how risk information and regulatory requirements are currently being communicated.



Staff have reviewed the AEC Hazard Notice form and the associated rule language in 15A NCAC 07H .0306(e) and recommend that the notice be revised to function primarily as an educational tool. The revised draft version is intended to be more informative than the previous document by reorganizing the content into clear, reader-friendly sections using plain language to explain key concepts like setbacks and risk, and to place greater emphasis on why the rules exist and how homeowners can protect their investment. The form also shifts the tone from regulatory compliance to a more informative and supportive resource, helping property owners make educated decisions about development in high-risk coastal areas. This updated approach is designed to improve the notice's overall effectiveness by enhancing transparency, promoting risk awareness, and fostering informed decision-making while still aligning with existing rule provisions.

We look forward to discussing Staff's draft AEC Hazard Notice form at the upcoming meeting.



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400

OCEAN HAZARD AEC NOTICE

Project is in an: X Ocean Erodible Area Inlet Hazard Area

Property Owner: _____

Property Address: _____

Date Lot Was Platted: _____

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is _____ feet per year.

The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as _____ feet landward in a major storm.

The flood waters in a major storm are predicted to be about _____ feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be re-measured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate re-measurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

For more information, contact:

Local Permit Officer

400 Commerce Ave, Morehead City, NC 28557

Address

Locality

Phone Number

Applicant Signature

Date

BEFORE YOU BUILD

Setting Back for Safety: A Guide to Wise Development Along the Oceanfront

When you build along the oceanfront, you take a calculated risk. Natural forces of water and wind collide with tons of force, even on calm days.

Man-made structures cannot be guaranteed to survive the force of a hurricane. Long-term erosion (or barrier island migration) may take from two to ten feet of the beach each year, and, sooner or later, will threaten oceanfront structures. These are the facts of life for oceanfront property owners.

The Coastal Resources Commission (CRC) has adopted rules for building along the oceanfront. The rules are intended to avoid an unreasonable risk to life and property, and to limit public and private losses from storm and long-term erosion. These rules lessen but do not eliminate the element of risk in oceanfront development.

As you consider building along the oceanfront, the CRC wants you to understand the rules and the risks. With this knowledge, you can make a more informed decision about where and how to build in the coastal area.

The Rules

When you build along the oceanfront, coastal management rules require that the structure be sited to fit safely into the beach environment.

Structures along the oceanfront, less than 5,000 square feet in size, must be behind the frontal dune, landward of the crest of the primary dune, and set back from the first line of stable natural vegetation a distance equal to 30 times the annual erosion rate (a minimum of 60 feet). The setback calculation increases as the size of the structure increases [15A NCAC 7H.0306(a)(2)]. For example: A structure between 5,000 and 10,000 square feet would require a setback from the first line of stable, natural vegetation to a distance equal to 60 times the annual erosion rate (a minimum of 120 feet). The graduated setback continues to increase through structure sizes greater than 100,000 square feet.

The beachfront is an ever-changing landform. The beach and the dunes are natural “shock absorbers,” taking the beating of the wind and waves and protecting the inland areas. By incorporating building setbacks into the regulations, you have a good chance of enjoying the full life of the structure. At first, it seems very inviting to build your dream house as close to the beach as possible, but in five years you could find the dream has become a nightmare as high tides and storm tides threaten your investment.

The Exception

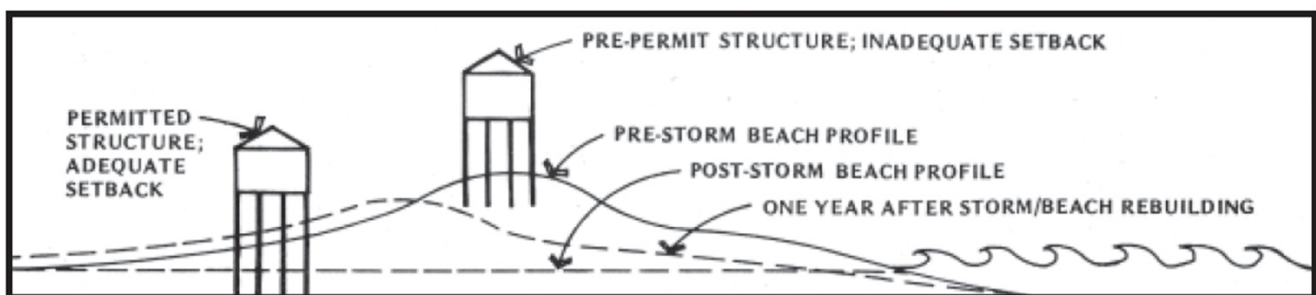
The Coastal Resources Commission recognized that these rules, initially passed in June 1979, might prove a hardship for some property owners. Therefore, they established an exception for lots that cannot meet the setback requirement. The exception allows buildings in front of the current setback, if the following conditions apply:

- 1) the lot must have been platted as of June 1, 1979, and is not capable of being enlarged by combining with adjoining land under the same ownership;
- 2) development must be constructed as far back on the property as possible and in no case less than 60 feet landward of the vegetation line;
- 3) no development can take place on the frontal dune;
- 4) special construction standards on piling depth and square footage must be met; and
- 5) all other CAMA, state and local regulations must be met.

The exception is not available in the Inlet Hazard Area.

To determine eligibility for the exception the Local Permit Officer will make these measurements and observations:

- _____ required setback from vegetation line
- _____ exception setback (maximum feasible)
- _____ rear property line setback
- _____ max. allowable square footage on lowest floor



The Reasons

After the storm, the house on the dune will be gone. The other house has a much better chance of survival.

BUILDING ON THE OCEANFRONT

An Informational Guide for Property Owners Building in Ocean Hazard Areas

Understanding Ocean Hazard Areas

Ocean Hazard Areas are designated due to their high vulnerability to natural forces such as hurricanes, storm surge, long-term erosion, and shifting shorelines. These areas include oceanfronts, inlets, and erosion-prone beaches and are categorized as Ocean Erodeable Areas, Inlet Hazard Areas, Unvegetated Beach Areas, or State Ports Inlet Management Areas of Environmental Concern (AECs) based on location and shoreline characteristics. Building in these AECs requires extra care, guided by well-established rules from the Coastal Resources Commission (CRC) to protect both property and public safety.

Why Special Rules Exist

Structures in these AECs are at significantly higher risk of damage or destruction due to natural events. To reduce this risk, North Carolina's Coastal Area Management Act (CAMA) requires careful placement of buildings through regulated setbacks and other development standards.

Setbacks and Why They Matter

A setback is the minimum distance a structure must be located from the oceanfront (usually measured from the vegetation line). It is calculated using the long-term average annual erosion rate at your location, multiplied by a factor based on the size of your structure. The minimum setback is 60 feet.

These setbacks help reduce risk by placing buildings further away from erosion zones, protecting your property from loss.

Why You Should Care

Barrier islands are constantly shifting, and in some cases, the shoreline can erode many feet landward during a single storm. Building further inland offers better protection for your investment, as many structures constructed too close to the shore have been lost to the ocean before reaching their expected lifespan.

Permit Conditions & Requirements

When you're issued a CAMA permit to build along the oceanfront, be aware that:

- There is no guarantee of structure safety.
- The CRC assumes no liability for future storm or erosion damage.
- If imminently threatened, structures must be relocated or dismantled, or may be eligible for temporary protection using sandbags.

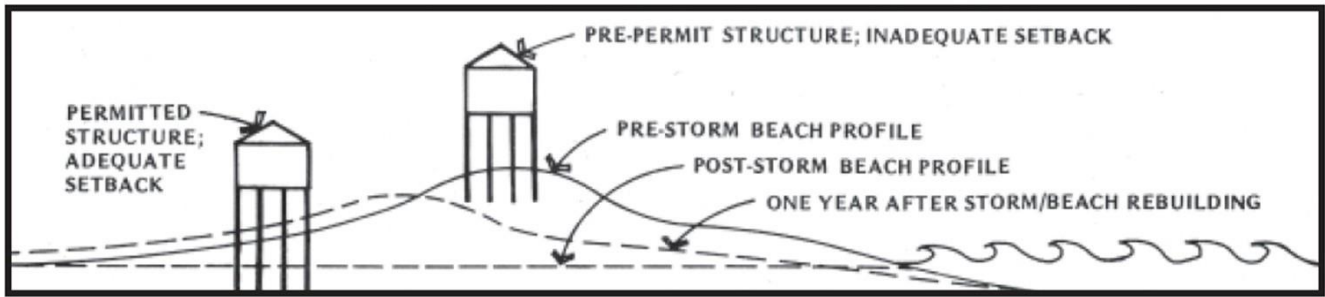
When Must Setbacks Be Re-Measured?

If construction is delayed or a major storm significantly alters the shoreline before development begins, setbacks may need to be re-verified before building can begin. It is important to consult CRC rules and either your CAMA Local Permitting Officer or DCM Representative to ensure all setback requirements are met.

How Can You Protect Your Investment?

Shoreline protection rules largely prohibit the use of measures like seawalls, jetties, groins, bulkheads, and revetments. However, certain methods such as beach nourishment, temporary sandbags, sand fencing, beach bulldozing and structure relocation may be permissible under specific conditions.

AEC HAZARD NOTICE



Before you build, know your property and its specific risk characteristics:

1. The long-term average annual erosion rate where your property is located is _____ feet per year and requires a _____ foot setback for your _____ square foot structure. This rate is updated every 5 years and established using a combination of aerial imagery, mean high water data, and statistical analysis.
2. Erosion rates are a measure of historic erosion and are not a prediction of future erosion.
3. Ocean shorelines can erode suddenly due to storms, or chronically due to natural processes. Erosion can be minor or severe and may be temporary or permanent.
4. This location may be subject to storm surge and ocean overwash with wave action.

Permit Officer Contact and Property Information

CAMA Local Permit Officer

Property Owner Name

Locality

Property Address

Email

Date Lot was Platted

Phone Number

By signing below, you acknowledge that you've read this notice and reviewed the relevant CRC guidance. It's important to confirm current erosion rates and setbacks with the Local Permit Officer (LPO) and to remember that permits are valid for three years. Before beginning construction, take time to recheck site conditions, and be aware that work should not begin or continue if the permit has expired. This helps ensure your project stays compliant and protects your investment.

Property Owner Signature

Date