

NC Division of Coastal Management

NC Dept. of Environmental Quality

Division of Coastal Management

*Proposed Amendments to 15A NCAC 07H .0106; .0205; .0206; .0207
Man-Made Ditches*

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Man-Made Ditches



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Man-Made Ditches Petition for Rulemaking



The Commission received a Petition for Rulemaking on November 12, 2025, seeking to incorporate Session Law 2025-48 into rule.

The language of Session Law 2025-48 made three statutory changes:

- CAMA 113A-103 (adds a new definition of “man-made ditches”)
- CAMA 113A-113 (incorporates the man-made ditches definition and states that man-made ditches as defined in 113A-103 may not be designated as an AEC)
- Dredge and Fill Law 113-229 (stating that a “marshland” as defined in Dredge and Fill shall not include a man-made ditch as defined in 113A-103)

Director Response



- Under 15A NCAC 7J .0605(b), the CRC's rules require the Director to prepare a Recommended Response to any Petition for Rulemaking for the Commission's consideration.
- The Director's response was presented at your February meeting and concluded the Division has concerns that the Petitioner's proposed amendments may conflict with the North Carolina Administrative Procedure Act (APA), specifically G.S. 150B-19(4), which prohibits agencies from adopting rules that "repeat the content of a law, a rule, or a federal regulation."
- The Director recommended that the CRC grant the petition but clarify that it does not endorse the Petitioner's specific proposed text due to verbatim language

Man-Made Ditch Rulemaking



On February 25, 2026, the CRC granted the Petition for Rulemaking and directed staff to begin the rulemaking process. Staff have prepared alternative draft rule amendments to implement Session Law 2025-48 for the Commission's consideration. To address the statutory changes, staff recommend the following amendments:

15A NCAC 07H .0106 GENERAL DEFINITIONS



(6) The term “man-made ditches” are defined in G.S. 113A-103(8a).

- SECTION 3.(a) G.S. 113A-103 is amended by adding a new subdivision to read: "(8a) "Man-made ditches" mean constructed, altered, or excavated features used to convey water, including, but not limited to, artificial ponds, culverts, canals, swales, storm channels, minor-drainage features, and roadside ditches. For purposes of this subdivision, the term "altered" does not include the alteration of a natural shoreline, natural stream, or natural wetland, and the term "excavated" does not include submerged lands that have been dredged for the purpose of navigation."

15A NCAC 07H .0205 COASTAL WETLANDS



(a) Definition. "Coastal Wetlands" are defined as any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides, that reach the marshland areas through natural or artificial watercourses, provided this does not include hurricane or tropical storm tides. Regular or occasional flooding shall be established through field indicators, including the observation of tidal water on the site, changes in elevation, presence of periwinkle (*Littoraria* spp.), presence of crab burrows, staining, or wrack lines. Coastal wetlands may contain one or more of the following marsh plant species:

- (1) Cord Grass (*Spartina alterniflora*);
- (2) Black Needlerush (*Juncus roemerianus*);
- (3) Glasswort (*Salicornia* spp.);
- (4) Salt Grass (*Distichlis spicata*);
- (5) Sea Lavender (*Limonium* spp.);
- (6) Bulrush (*Scirpus* spp.);
- (7) Saw Grass (*Cladium jamaicense*);
- (8) Cat-tail (*Typha* spp.);
- (9) Salt Meadow Grass (*Spartina patens*); or
- (10) Salt Reed Grass (*Spartina cynosuroides*).

The coastal wetlands AEC includes any contiguous lands designated by the Secretary of DEQ pursuant to G.S. 113- 230(a). Man-made ditches as defined in G.S. 113A-103(8a) are excluded from the Coastal Wetlands AEC.

15A NCAC 07H .0206 ESTUARINE WATERS

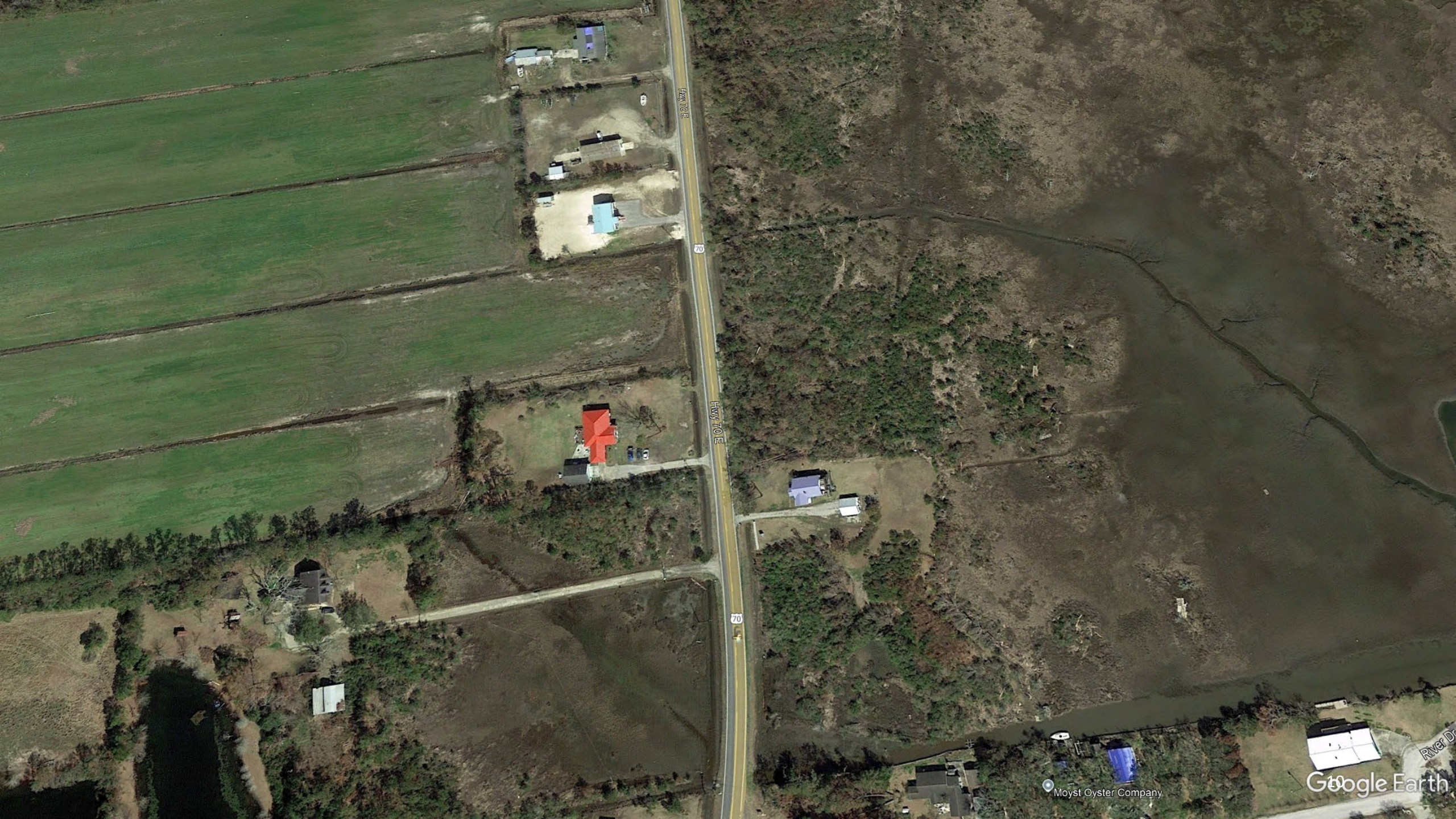


(a) Definition. "Estuarine Waters" are defined in G.S. 113A-113(b)(2) to include all the waters of the Atlantic Ocean within the boundary of North Carolina and all the waters of the bays, sounds, rivers and tributaries, except man-made ditches, as defined in G.S. 113A-103(8a), thereto seaward of the dividing line between coastal fishing waters and inland fishing waters. The boundaries between inland and coastal fishing waters are set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environment and Natural Resources and in the most current revision of the North Carolina Marine Fisheries Regulations for Coastal Waters, codified at 15A

15A NCAC 07H .0207 PUBLIC TRUST AREAS



(a) Definition. "Public trust areas" are all waters of the Atlantic Ocean and the lands thereunder from the mean high water mark to the seaward limit of state jurisdiction; all natural bodies of water subject to measurable lunar tides and lands thereunder to the normal high water or normal water level; all navigable natural bodies of water and lands thereunder to the normal high water or normal water level as the case may be, except privately-owned lakes to which the public has no right of access; all water in artificially created bodies of water containing public fishing resources or other public resources which are accessible to the public by navigation from bodies of water, except man-made ditches, as defined in G.S. 113A-103(8a), in which the public has rights of navigation; and all waters in artificially created bodies of water in which the public has acquired rights by prescription, custom, usage, dedication, or any other means.



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