



August 6, 2026

MEMORANDUM

CRC-26-76

TO: Coastal Resources Commission
FROM: Cameron Luck
SUBJECT: Proposed Amendments to 15A NCAC 7J .0210 – Replacement of Docks and Piers in Accordance with Amendments to G.S. 113A-118

Session Law 2024-45 amended the Coastal Area Management Act (CAMA) by creating G.S. 113A-118(g), which establishes new statutory exemptions from CAMA permitting requirements for the repair and replacement of certain fixed docks, floating docks, fixed piers, floating piers, and walkways that have been damaged or destroyed by natural elements, fire, or normal deterioration. Under the new statute, eligible structures may be rebuilt to their pre-damage condition without requiring a CAMA permit, regardless of the percentage of framing or structural components that must be replaced. At the time of repair, the width and length of an eligible dock, pier, or walkway may be enlarged by no more than five feet or five percent (5%), whichever is less, and the structure may also be heightened without requiring a permit. Property owners remain responsible for complying with all other applicable State, Local and federal laws. These statutory exemptions do not apply to docks or piers that are greater than six feet in width, have greater than 800 square feet of platform area, or adjacent to a federal navigation channel. The legislation also directs the Department to make maps and other information available on its website to assist property owners in determining whether their property is adjacent to a federal navigation channel.

Consistent with the Commission's previous direction, Division staff have prepared amendments to 15A NCAC 07J .0210, Repair and Replacement of Structures, to incorporate these statutory changes into the Commission's rules. During previous discussions regarding this legislation, Commissioners expressed a preference that the statutory amendments be reflected in the Commission's rules rather than relying solely on the statutory language. Staff concurs that incorporating these provisions into 07J .0210 provides greater clarity for applicants, consultants, local permit officers and building inspectors, and Division staff by presenting the applicable repair and replacement requirements and relevant General Statute citation. The proposed amendments ensure the Commission's rules accurately reflect current State law.

To fulfill the statutory requirement regarding federal navigation channels, the U.S. Army Corps of Engineers (USACE) has provided DCM with a Google Earth layer identifying the locations of federal navigation channels throughout coastal North Carolina. USACE generated and provided these maps for the Department's use, and the Division has made them available on its website to assist property owners in determining whether their property is adjacent to a federal navigation



channel. The proposed rule amendments also include a reference web link directing applicants to these mapping resources.

Staff look forward to discussing this topic and the proposed rule language at the upcoming Commission meeting.



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15A NCAC 07J .0210 REPLACEMENT OF EXISTING STRUCTURES

Replacement of structures damaged or destroyed by natural elements, fire or normal deterioration is considered development and requires CAMA permits. Replacement of structures shall be permitted if the replacement is consistent with current CRC rules. Repair of structures damaged by natural elements, fire or normal deterioration is not considered development and shall not require CAMA permits. The CRC shall use the following criteria to determine whether proposed work is considered repair or replacement.

- (1) **NON-WATER DEPENDENT STRUCTURES.** Proposed work is considered replacement if the Department determines that the cost to do the work exceeds 50 percent of the market value of an existing structure either prior to a catastrophic event such as a fire or hurricane or if there is no catastrophic event, at the time of the request market value and costs are determined as follows:
 - (a) The market value of the structure shall be determined by the Division based on information provided by the applicant that is no more than one year old as of the date the request is made. The market value of the structure shall not include the value of the land or value resulting from the location of the property, the value of accessory structures, or the value of other improvements located on the property. The information provided by the applicant may include any of the following:
 - (i) an appraisal;
 - (ii) the replacement cost with depreciation for age of the structure and quality of construction;
 - (iii) or the tax assessed value.
 - (b) The cost to do the work is the cost to return the structure to its pre-damaged condition, using labor and materials obtained at market prices, regardless of the actual cost incurred by the owner to restore the structure. It shall include the costs of construction necessary to comply with local and state building codes. The cost shall be determined by the Division utilizing any or all of the following provided by the applicant:
 - (i) an estimate provided by a North Carolina licensed contractor qualified by license to provide an estimate or bid with respect to the proposed work;
 - (ii) an insurance company's report itemizing the cost, excluding contents and accessory structures;
 - (iii) or an estimate provided by the local building inspections office.
- (2) **WATER DEPENDENT STRUCTURES.** The proposed work is considered replacement if it enlarges the existing structure in any dimension, **except where G.S. 113A-118(g) applies for dock and pier replacement.** The proposed work is also considered replacement if:
 - (a) ~~in~~**In** the case of fixed docks, piers, platforms, boathouses, boatlifts, and free standing ~~moorings, moorings that do not meet G.S. 113A-118(g).~~ more than 50 percent of the framing and structural components (beams, girders, joists, stringers, or pilings) must be rebuilt in order to restore the structure to its pre-damage condition. Water dependent structures that are

structurally independent from the principal pier or dock, such as boatlifts or boathouses, are considered as separate structures for the purpose of this Rule; Rule. Maps for determining whether a property is adjacent to a federal navigation channel can be found at XXXX;

- (b) ~~in~~In the case of boat ramps, ramps and floating structures such as docks, piers, platforms, and modular floating systems, more than 50 percent of the square feet area of the structure must be rebuilt in order to restore the structure to its pre-damage condition;
- (c) ~~in~~In the case of bulkheads, seawalls, groins, breakwaters, and revetments, more than 50 percent of the linear footage of the structure must be rebuilt in order to restore the structure to its pre-damage condition.

History Note:

*Authority G.S. 113A-103(5)b.5.; 113A-107(a),(b);
Eff. July 1, 1990;
Amended Eff. August 1, 2007;
Readopted Eff. January 1, 2023.*





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