



A Pathway to a New General Permit for Research Activities

Nov 19, 2020



Background

Major Permit	Applicant	Activity
74-99	NCSU	Offshore platforms in Neuse River
33-08	NCSU	Offshore platform in Pamlico Sound
89-11	NCSU	Temporary fish antennae structure in a tidal creek
13-12	NCSU	Temporary fish antennae structure in a tidal creek
14-12	NCSU	Temporary fish antennae structure in a tidal creek
97-17	ECU-CSI	Temporary excavation for archaeological investigation. Sediment backfilled after investigation.
48-18	UNC-IMS	Temporary installation of plastic mats on the seafloor as artificial seagrass units
41-00	UNCW/ NCCR	Placement of dredged material in coastal wetlands
73-17	UNC-IMS	Installed oyster aquaculture gear (floating bags and bottom cages) to study impacts on seagrass habitats and associated nekton

Background

Major Permit	Applicant	Activity
81-98	NCSU	Pier
145-17	NCSU	Pier
13-02	DUML	Marsh sill and wetland planting
52-14	UNC-IMS	Marsh sill and wetland planting
55-12	UNC-IMS	Dumping of oyster shell cultch to construct oyster reefs
89-10	UNC-IMS	Dumping of oyster shell cultch to construct oyster reefs
78-16	Mid-Atlantic Christian University	Marina

07H.1900 – General Permit for Temporary Structures

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

15A NCAC 07H .1901 PURPOSE

A permit under this Section shall allow for the placement of temporary structures within the estuarine and ocean systems AECS according to the provisions provided in 15A NCAC 07J .1100 and according to the rules in this Section.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. April 1, 2020; August 1, 2000;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1902 APPROVAL PROCEDURES

(a) The applicant shall contact the Division of Coastal Management at the address provided in 15A NCAC 07A .0101 and complete an application requesting approval for development. For temporary structures associated with scientific research, permit applicants shall be lead investigators on behalf of accredited educational institutions, or state or federal agencies.

(b) If a temporary structure is to be located less than 400 feet waterward of normal high water or normal water level, or within the established pier head line as determined by the Division of Coastal Management, the applicant shall provide:

- (1) a written statement signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice should instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within ten days of receipt of the notice, and indicate that no response will be interpreted as no objection. DCM staff will review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If DCM determines that the project exceeds the conditions established by this General Permit, DCM shall notify the applicant that a Major Permit application shall be required.

(c) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative to inspect and mark the site of construction of the proposed development. Temporary structures authorized by this General Permit may remain in place for a maximum of one year from the date of issuance. The project site shall be restored to pre-development conditions and all structures shall be removed within one year of permit issuance, or by the date specified with the General Permit.

History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;
Eff. March 1, 1989;
Amended Eff. April 1, 2020; January 1, 1990;
Readopted Eff. July 1, 2022.

15A NCAC 07H .1903 PERMIT FEE

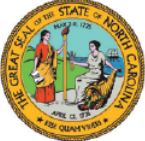
The applicant shall pay a permit fee of four hundred dollars (\$400.00) by check or money order payable to the Department of Environmental Quality.

History Note: Authority G.S. 113-229(c1); 113A-107; 113A-118.1; 113A-118.1; 113A-119; 113A-119.1; 113A-124;
Eff. March 1, 1989;
Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;
Readopted Eff. July 1, 2022;
Amended Eff. January 1, 2024.

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

07H.1900 – General Permit for Temporary Structures

 NORTH CAROLINA Environmental Quality	
ROY COOPER Governor MICHAEL S. REGAN Secretary BRAXTON C. DAVIS Director	
	CRC-19-09
February 5, 2019	
<u>MEMORANDUM</u>	
TO:	Coastal Resources Commission
FROM:	Kevin Hart

“For temporary structures associated with scientific research, permit applicants shall be lead investigators on behalf of accredited education institutions, or state or federal agencies.”

research, regardless of scale. Since there is no General Permit available for the types of “development” activities typically associated with scientific research, DCM has historically requested the scientific research project applications be processed through the CAMA Major Permit process. This has resulted in problems for time-sensitive grant funding, delays and confusion among the research community. The development of General Permit rule language specific to research projects is the result of collaboration between DCM and the research community. The adoption of this rule language would assist in the management of research projects within Areas of Environmental Concern and provide regulatory flexibility to accommodate scientific research projects.

In 2017, DCM Staff met with researchers from UNC Institute of Marine Sciences, East Carolina University, University of North Carolina at Wilmington, UNC Coastal Studies Institute, NC Sea Grant, and the National Oceanic Atmospheric Administration to discuss the issue and gain insights on typical project sizes, duration, locations, materials, and concerns regarding derelict or abandoned projects.

07H.1900 – General Permit for Temporary Structures

General Conditions

- In OHA: no encroachment oceanward of FLSNV (except for auxiliary structures i.e. signs, fences, pilings)
- No excavation or fill below NHW

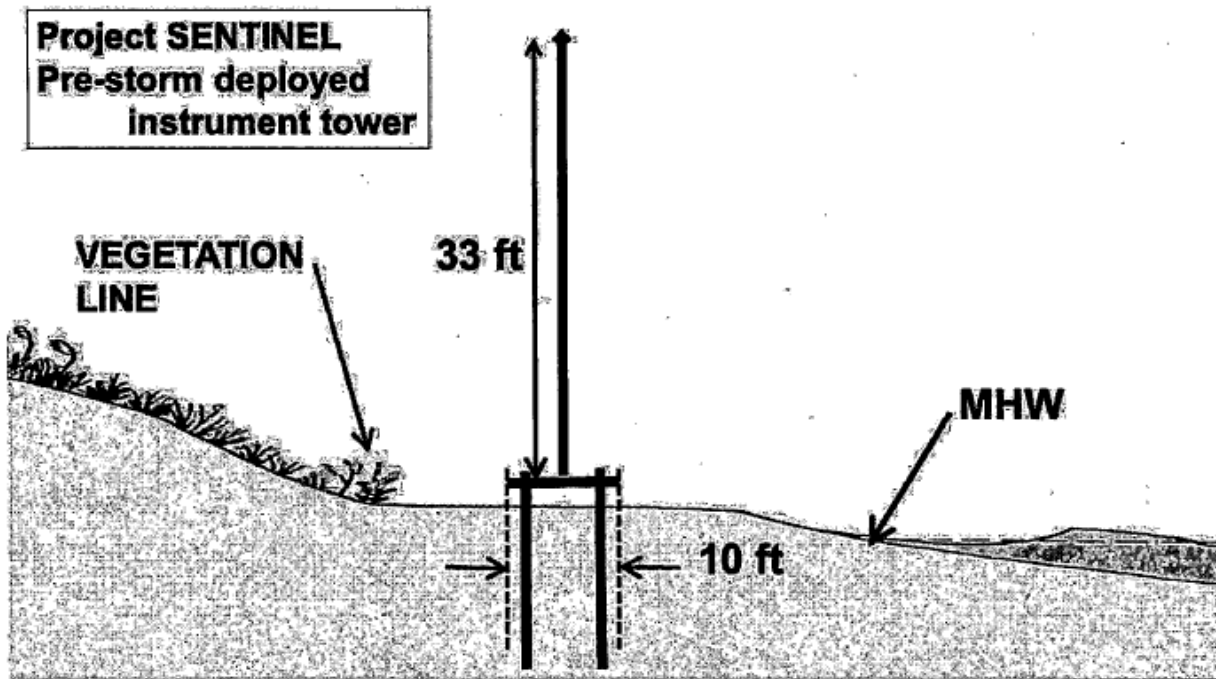
Specific Conditions

- DMF authorization required for work within productive shellfish beds
- No disturbance (including excavation or fill) of wetlands or SAV
- No disturbance of dunes
- Shall not disrupt navigation and shall be marked
- Shall not impede public access/public trust uses
- Shall not be habitable
- 100 square meter size limit
- DMF/WRC approval if in PNA

Fish Antenna



Sentinels



- Permitted via general permit (07H .1900) in 2022
- New permitting pathway requested in 2024
 - ARPO notifications
 - Flexibility in site location
- Minor permit → new general permit

2025 Polling of Research Institutions

- In the fall of 2025, DCM solicited the names of researchers
 - Two estuarine ecology UNC-IMS researchers
- Estuarine ecology work
 - Shellfish beds
 - Marsh
 - Seagrass
- Other possibilities



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Difficulties using 07H.1900 for Research

- No encroachment seaward of FLSNV
- No disturbance of dunes
- No fill or excavation below NHW or NWL
- No disturbance of marsh or wetlands
- No disturbance of SAV

Marine Fisheries

Scientific and Educational Collecting Permit

What Activities Require This Permit? The collection of regulated fisheries resources for scientific and educational use by educational institutions, and environmental consultant organizations.

What Is The Purpose of This Permit? To identify and restrict the collection of regulated fisheries resources in quantities, sizes, areas or with gears that may be illegal in joint and coastal fishing waters.

Who Issues This Permit? N.C. Division of Marine Fisheries (DMF), Fisheries Management Section.

How Much Will This Permit Cost? No cost.

What Are My Payment Options for Permit Application Fees? Not applicable.

If Paying by Check, Who do I Make the Check Payable to and Where Do I Send the Check? Not applicable.

Where Can I Get The Application For This Permit? N.C. Division of Marine Fisheries, Fisheries Management Office in Morehead City; phone: 1-800-682-2632.

How Long Will It Take To Review My Application? It may take up to 30 days for staff to review the proposed collection activities and approve, deny or recommend conditions to be applied.

Where Do I Submit My Application? North Carolina Division of Marine Fisheries, Fisheries Management Office, 3441 Arendell St. PO Box 769, Morehead City, NC 28557.

How Long Is My Permit or License or Certificate Valid? Permits are valid for one year from Jan. 1 to Dec. 31.

Notes/Comments: Contact NCDMF Fisheries Management staff at the Morehead City office for details.

Legal Authority/Statute Reference: General Statute 113-169.1, 113-169.3 and 113-170.2, NC Fisheries Rules for Coastal Waters 15A NCAC 30.0501 and 30.0503(g).

Link: <http://deq.nc.gov/about/divisions/marine-fisheries>

Statewide Contact Information:

NC Division of Marine Fisheries
License and Statistics Section
3441 Arendell Street
Morehead City, NC 28557
Telephone: (252) 726-7021 or 1-800-682-2632

Potential Pathway to a Permit

1. Initial discussion

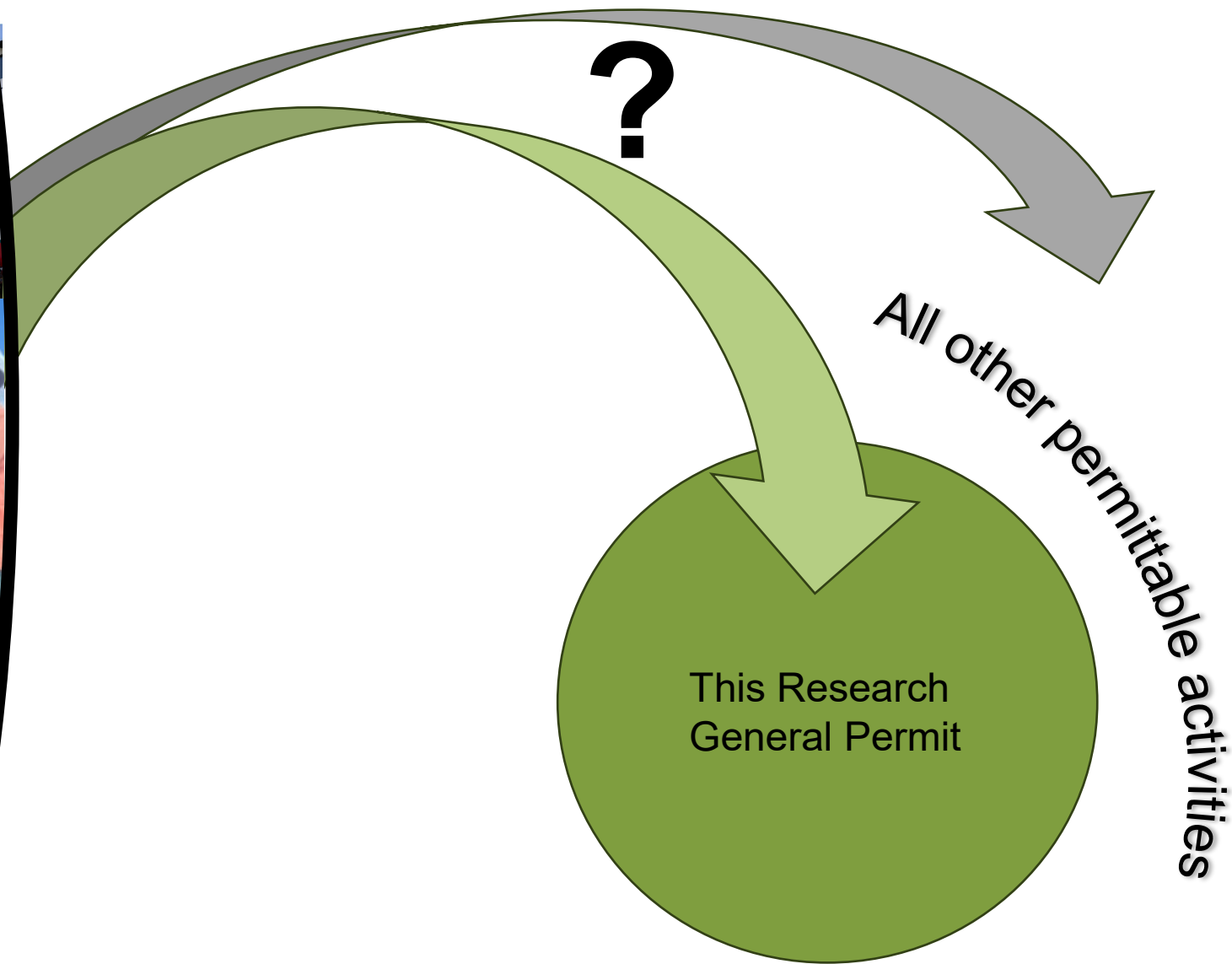
- Review of limitations in the current GP (07H .1900) that need to be addressed
- Audience, definition of research purposes
- Solicitation of common projects from the North Carolina coastal research community
 - Compile list of relevant researchers
 - Complete list of potential research activities

2. Category establishment requirements per 07J .1103

- Generic statement of the development
- Anticipated cumulative impacts
- Projected number of individual projects
- Permit histories

Potential Pathway

3. Resource agency input on proposed activities.
4. Drafting and editing rule language. University and agency feedback. Follow requirements in 07J .1103:
 - A clear and accurate description of the development to be authorized
 - Implementation or processing procedures
 - General conditions
 - Special conditions
5. Present draft GP language to the CRAC. Would not be until mid 2026.



Friction Points

- What activities are “substantially similar in nature?” (07J .1103)
 - Purpose of the development vs. nature of the development
- Research structures only?
- Specific to an AEC? Or name specific project types?
- Ecological restoration

Applicability of Restoration Projects?

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Friction Points

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 - Purpose of the development vs. nature of the development
- Research structures only?
- Specific to an AEC? Or name specific project types?
- Ecological restoration
- Temporary vs. Permanent development