

1 15A NCAC 07H .0205 is proposed for amendment as follows:

2
3 **15A NCAC 07H .0205 COASTAL WETLANDS**

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

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

20 The coastal wetlands AEC includes any contiguous lands designated by the Secretary of DEQ pursuant to G.S. 113-
21 230(a). Man-made ditches as defined in G.S. 113A-103(8a) are excluded from the Coastal Wetlands AEC.

22 (b) Significance. The unique productivity of the estuarine and ocean system is supported by detritus (decayed plant
23 material) and nutrients that are exported from the coastal wetlands. Without the wetlands, the high productivity levels
24 and complex food chains typically found in the estuaries could not be maintained. Additionally, coastal wetlands serve
25 as barriers against flood damage and control erosion between the estuary and the uplands.

26 (c) Management Objective. It is the objective of the Coastal Resources Commission to conserve and manage coastal
27 wetlands so as to safeguard and perpetuate their biological, social, economic and aesthetic values, and to coordinate
28 and establish a management system capable of conserving and utilizing coastal wetlands as a natural resource
29 necessary to the functioning of the entire estuarine system.

30 (d) Use Standards. Suitable land uses are those consistent with the management objective in this Rule. First priority
31 of use shall be allocated to the conservation of existing coastal wetlands. Secondary priority of coastal wetland use
32 shall be given to those types of development activities that require water access and cannot function elsewhere.

33 Unacceptable land uses include restaurants, businesses, residences, apartments, motels, hotels, trailer parks, parking
34 lots, private roads, highways, and factories. Acceptable land uses include utility easements, fishing piers, docks,
35 wildlife habitat management activities, and agricultural uses such as farming and forestry drainage as permitted under
36 North Carolina's Dredge and Fill Law, G.S. 113-229, or applicable local, state, and federal laws.

1 In every instance, the particular location, use, and design characteristics shall be in accord with the general use
2 standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

3 (e) Alteration of Coastal Wetlands. Alteration of coastal wetlands includes mowing or cutting of coastal wetlands
4 vegetation whether by mechanized equipment or manual means. Alteration of coastal wetlands by federal or state
5 resource management agencies as a part of planned resource management activities is exempt from the requirements
6 of this Paragraph. Alteration of coastal wetlands shall be governed according to the following provisions:

7 (1) Alteration of coastal wetlands shall be exempt from the permit requirements of the Coastal Area
8 Management Act (CAMA) when conducted in accordance with the following criteria:

9 (A) Coastal wetlands may be mowed or cut to a height of no less than two feet, as measured
10 from the coastal wetland substrate, at any time and at any frequency throughout the year;

11 (B) Coastal wetlands may be mowed or cut to a height of no less than six inches, as measured
12 from the coastal wetland substrate, once between each December 1 and March 31;

13 (C) Alteration of the substrate is not allowed;

14 (D) All cuttings or clippings shall remain in place as they fall;

15 (E) Coastal wetlands may be mowed or cut to a height of no less than six inches, as measured
16 from the coastal wetland substrate, to create an access path four feet wide or less on
17 waterfront lots without a pier access; and

18 (F) Coastal wetlands may be mowed or cut by utility companies as necessary to maintain utility
19 easements.

20 (2) Coastal wetland alteration not meeting the exemption criteria of this Rule shall require a CAMA
21 permit. CAMA permit applications for coastal wetland alterations are subject to review by the North
22 Carolina Wildlife Commission, North Carolina Division of Marine Fisheries, U.S. Fish and Wildlife
23 Service, and National Marine Fisheries Service in order to determine whether or not the proposed
24 activity will have a significant adverse impact on the habitat or fisheries resources.

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26 *History Note: Authority G.S. 113A-107; 113A-113(b)(1); 113A-124;*

27 *Eff. September 9, 1977;*

28 *Amended Eff. September 1, 2016; November 1, 2009; August 1, 1998; October 1, 1993; May 1,*
29 *1990; January 24, 1978;*

30 *Readopted Eff. July 1, 2020;*

31 *Amended Eff. May 1, 2027.*