

1 15A NCAC 07H .0206 is proposed for amendment as follows:

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3 **15A NCAC 07H .0206 ESTUARINE WATERS**

4 (a) Definition. "Estuarine Waters" are defined in G.S. 113A-113(b)(2) to include all the waters of the Atlantic Ocean
5 within the boundary of North Carolina and all the waters of the bays, sounds, rivers and ~~tributaries~~ tributaries, except
6 man-made ditches, as defined in G.S. 113A 103(8a), thereto seaward of the dividing line between coastal fishing
7 waters and inland fishing waters. The boundaries between inland and coastal fishing waters are set forth in an
8 agreement adopted by the Wildlife Resources Commission and the Department of Environment and Natural Resources
9 and in the most current revision of the North Carolina Marine Fisheries Regulations for Coastal Waters, codified at
10 15A NCAC 3Q .0200.

11 (b) Significance. Estuarine waters are the dominant component and bonding element of the entire estuarine and ocean
12 system, integrating aquatic influences from both the land and the sea. Estuaries are among the most productive natural
13 environments of North Carolina. They support the valuable commercial and sports fisheries of the coastal area which
14 are comprised of estuarine dependent species such as menhaden, flounder, shrimp, crabs, and oysters. These species
15 must spend all or some part of their life cycle within the estuarine waters to mature and reproduce. Of the 10 leading
16 species in the commercial catch, all but one are dependent on the estuary.

17 This high productivity associated with the estuary results from its unique circulation patterns caused by tidal energy,
18 fresh water flow, and shallow depth; nutrient trapping mechanisms; and protection to the many organisms. The
19 circulation of estuarine waters transports nutrients, propels plankton, spreads seed stages of fish and shellfish, flushes
20 wastes from animal and plant life, cleanses the system of pollutants, controls salinity, shifts sediments, and mixes the
21 water to create a multitude of habitats. Some important features of the estuary include mud and sand flats, eel grass
22 beds, salt marshes, submerged vegetation flats, clam and oyster beds, and important nursery areas.

23 Secondary benefits include the stimulation of the coastal economy from the spin off operations required to service
24 commercial and sports fisheries, waterfowl hunting, marinas, boatyards, repairs and supplies, processing operations,
25 and tourist related industries. In addition, there is considerable nonmonetary value associated with aesthetics,
26 recreation, and education.

27 (c) Management Objective. To conserve and manage the important features of estuarine waters so as to safeguard and
28 perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system
29 capable of conserving and utilizing estuarine waters so as to maximize their benefits to man and the estuarine and
30 ocean system.

31 (d) Use Standards. Suitable land and water uses shall be those consistent with the management objectives in this Rule.
32 Highest priority of use shall be allocated to the conservation of estuarine waters and their vital components. Second
33 priority of estuarine waters use shall be given to those types of development activities that require water access and
34 use which cannot function elsewhere such as simple access channels; structures to prevent erosion; navigation
35 channels; boat docks, marinas, piers, wharfs, and mooring pilings.

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

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History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(2); 113A-124;
Eff. September 9, 1977;
Amended Eff. August 1, 1998; October 1, 1993; November 1, 1991; May 1, 1990; October 1, 1988;
Readopted Eff. July 1, 2020;
Amended Eff. May 1, 2027.