

1 15A NCAC 07H .0304 is proposed for amendment as follows:

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3 **15A NCAC 07H .0304 AECs WITHIN OCEAN HAZARD AREAS**

4 The ocean hazard AECs contain all of the following areas:

- 5 (1) Ocean Erodible Area. This is the area where there exists a substantial possibility of excessive erosion
6 and significant shoreline fluctuation. The oceanward boundary of this area is the mean low water
7 line. The landward extent of this area is the distance landward from the first line of stable and natural
8 vegetation as defined in 15A NCAC 07H .0305(a)(5) to the recession line established by multiplying
9 the long-term annual erosion rate times 90; provided that, where there has been no long-term erosion
10 or the rate is less than two feet per year, this distance shall be set at 180 feet landward from the first
11 line of stable and natural vegetation. For the purposes of this Rule, the erosion rates are the long-
12 term average based on available historical data. The current long-term average erosion rate data for
13 each segment of the North Carolina coast is depicted on maps entitled "North Carolina 2019
14 Oceanfront Setback Factors & Long-Term Average Annual Erosion Rate Update Study" and
15 approved by the Coastal Resources Commission on February 28, 2019 (except as such rates may be
16 varied in individual contested cases or in declaratory or interpretive rulings). In all cases, the rate of
17 shoreline change shall be no less than two feet of erosion per year. The maps are available without
18 cost from any Local Permit Officer or the Division of Coastal Management on the internet at
19 <http://www.nccoastalmanagement.net>.
- 20 (2) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to
21 erosion, flooding, and other adverse effects of sand, wind, and water because of their proximity to
22 dynamic ocean inlets. This area extends landward from the mean low water line a distance
23 encompassing that area within which the inlet migrates, based on statistical analysis, and shall
24 consider such factors as previous inlet territory, structurally weak areas near the inlet, and external
25 influences such as jetties, terminal groins, and channelization. The areas on the maps identified as
26 Inlet Hazard Areas included in the report entitled INLET HAZARD AREAS, The Final Report and
27 Recommendations to the Coastal Resources Commission, 1978, as amended in 1981, by Loie J.
28 Priddy and Rick Carraway are incorporated by reference and are hereby designated as Inlet Hazard
29 Areas, except for:
- 30 (a) the location of a former inlet which has been closed for at least 15 years;
- 31 (b) inlets that due to shoreline migration, no longer include the current location of the inlet;
- 32 and
- 33 (c) inlets providing access to a State Port via a channel maintained by the United States Army
34 Corps of Engineers.

35 In all cases, the Inlet Hazard Area shall be an extension of the adjacent ocean erodible areas
36 and in no case shall the width of the inlet hazard area be less than the width of the adjacent
37 ocean erodible area. This report is available for inspection at the Department of

1 Environmental Quality, Division of Coastal Management, 400 Commerce Avenue,
2 Morehead City, North Carolina or at the website referenced in Item (1) of this Rule.

3 (3) Unvegetated Beach Area. Beach areas within the Ocean Hazard Area where no stable and natural
4 vegetation is present may be designated as Unvegetated Beach Areas on either a permanent or
5 temporary basis as follows:

6 (a) An area appropriate for permanent designation as an Unvegetated Beach Area is a dynamic
7 area that is subject to rapid unpredictable landform change due to wind and wave action.
8 The areas in this category shall be designated following studies by the Division of Coastal
9 Management. These areas shall be designated on maps approved by the Coastal Resources
10 Commission and available without cost from any Local Permit Officer or the Division of
11 Coastal Management on the internet at the website referenced in Item (1) of this Rule.

12 (b) An area that is unvegetated as a result of a hurricane or other major storm event may be
13 designated by the Coastal Resources Commission as an Unvegetated Beach Area for a
14 specific period of time, or until the vegetation has re-established in accordance with 15A
15 NCAC 07H .0305(a)(5). At the expiration of the time specified or the re-establishment of
16 the vegetation, the area shall return to its pre-storm designation.

17 The Commission designates as temporary unvegetated beach areas those oceanfront areas ~~of~~ of:
18 1)Surf City and North Topsail Beach in which the vegetation line as shown on the United States
19 National Oceanic and Atmospheric Administration imagery dated September 17, 2018 was
20 destroyed as a result of Hurricane Florence in September 2018, 2018, and 2)Oak Island in which the
21 vegetation line as shown on the United States National Oceanic and Atmospheric Administration
22 and Geological Survey imagery dated August 4, 2020 was destroyed as a result of Hurricane Isaias
23 in August 2020. The designation AEC boundaries can be found on the Division's website at
24 https://files.nc.gov/ncdeq/Coastal%20Management/GIS/unvegetated_beach_acc.pdf.
25 https://files.nc.gov/ncdeq/Coastal%20Management/GIS/unvegetated_beach_acc.pdf and
26 https://files.nc.gov/ncdeq/Coastal%20Management/GIS/unveg_beachAEC_Oak_Island.zip. This
27 designation shall continue until such time as the stable and natural vegetation has reestablished, or
28 until the area is permanently designated as an unvegetated beach area pursuant to Sub-Item (3)(a)
29 of this Rule.

30 (4) State Ports Inlet Management Area. These are areas adjacent to and within Beaufort Inlet and the
31 mouth of the Cape Fear River, providing access to a State Port via a channel maintained by the
32 Unites States Army Corps of Engineers. These areas are unique due to the influence of federally-
33 maintained channels, and the critical nature of maintaining shipping access to North Carolina's State
34 Ports. These areas may require specific management strategies not warranted at other inlets to
35 address erosion and shoreline stabilization. State Ports Inlet Management Areas shall extend from
36 the mean low water line landward as designated on maps approved by the Coastal Resources

1 Commission and available without cost from the Division of Coastal Management, and on the
2 internet at the website at
3 https://files.nc.gov/ncdeq/Coastal%20Management/GIS/state_port_aec.pdf.

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5 *History Note: Authority G.S. 113A-107; 113A-107.1; 113A-113; 113A-124;*
6 *Eff. September 9, 1977;*
7 *Amended Eff. December 1, 1993; November 1, 1988; September 1, 1986; December 1, 1985;*
8 *Temporary Amendment Eff. October 10, 1996;*
9 *Amended Eff. April 1, 1997;*
10 *Temporary Amendment Eff. October 10, 1996 Expired on July 29, 1997;*
11 *Temporary Amendment Eff. October 22, 1997;*
12 *Amended Eff. April 1, 2021; April 1, 2020; July 1, 2016; September 1, 2015; May 1, 2014; February*
13 *1, 2013; January 1, 2010; February 1, 2006; October 1, 2004; April 1, 2004; August 1, 1998.*