

1 15A NCAC 07K .0207 is proposed for amendment as follows:

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3 **15A NCAC 07K .0207 STRUCTURAL ACCESSWAYS OVER FRONTAL DUNES EXEMPTED**

4 (a) The North Carolina Coastal Resources Commission exempts from the CAMA permit requirement all structural
5 pedestrian accessways, including beach matting ~~installed by a local, State, or federal government~~ to provide public or
6 private access over primary and frontal dunes when such accessways can be shown to meet the following criteria:

7 (1) The accessway shall not exceed six feet in width and shall be for private residential or for public
8 access to an ocean beach. This exemption does not apply to accessways for commercial use or for
9 motor-powered vehicular use.

10 (2) The accessway shall be constructed so as to make no alterations to the frontal dunes that are not
11 necessary to construct the accessway. This means that the accessway shall be constructed over the
12 frontal dune without any alteration of the dunes. In no case shall the dune be altered so as to diminish
13 its capacity as a protective barrier against flooding and by not reducing the volume of the dune.
14 Driving of pilings into the dune or a local, State, or federal government's use of beach matting for
15 public access that is installed at grade and involves no excavation or fill shall not be considered
16 alteration of a frontal dune for the purposes of this Rule.

17 (3) The accessway shall conform with any applicable local or State building code standards.

18 (4) Structural accessways may be constructed no more than six feet seaward of the waterward toe of the
19 frontal or primary dune, provided they do not interfere with public trust rights and emergency access
20 along the beach. Structural accessways are not restricted by the requirement to be landward of the
21 First Line of Stable and Natural Vegetation as described in 15A NCAC 07H .0309(a).

22 (5) Damaged, non-functioning, or portions of accessways that become non-compliant with
23 Subparagraph (4) of this Paragraph shall be removed by the property owner.

24 (b) Before beginning any work under this exemption the CAMA local permit officer or Department of Environmental
25 Quality representative shall be notified of the proposed activity to allow on-site review of the proposed accessway.
26 Notification can be by telephone, in person, or in writing and must include:

27 (1) name, address, and telephone number of landowner and location of work including county and
28 nearest community; and

29 (2) the dimensions of the proposed structural accessway.

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31 *History Note: Authority G.S. 113A-103(5)c;*
32 *Eff. November 1, 1984;*
33 *Amended Eff. December 1, 1991; May 1, 1990;*
34 *Readopted Eff. August 1, 2021;*
35 *Amended Eff. July 1, 2023; December 1, 2021.*