Fiscal Analysis

Proposed General Permit and Rule Changes to Allow Temporary Weather Monitoring Structures on the Beach
15A NCAC 07H .2800 and 15A NCAC 07H .0309

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Summary

Agency	DEQ, Division of Coastal Management (DCM) Coastal Resources Commission (CRC)
Title of Proposed Rules	15A NCAC 07H SECTION .2800 - GENERAL PERMIT TO ALLOW FOR TEMPORARY WEATHER MONITORING STRUCTURES WITHIN THE OCEAN HAZARD AECS -and- 15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS
Description of the Proposed Rules	CRC is proposing to create a new general permit to allow installation of temporary structures on the beach to collect meteorological data during approaching storms.
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Authority	G.S. 113A-102; G.S. 113A-107; G.S. 113A-118; G.S. 113A-124
Necessity	The CRC proposes this rule to address limitations in existing CAMA permitting procedures, which are not designed to accommodate the rapid, location-uncertain deployment of temporary weather monitoring structures needed to collect time-sensitive data at hurricane landfall.
Impact Summary	State government: Yes Local government: No Substantial impact: No Federal government: No Private citizens: No

Introduction and Purpose

The Coastal Area Management Act (CAMA) required North Carolina to establish a management system capable of preserving and managing the natural ecological conditions of the coast. To provide the best information necessary to accomplish this, one of the stated goals of CAMA is enhancement of the scientific understanding of the coastal area. This is reflected in several places in CAMA, such as a requirement for the CRC to include members with coastal engineering or marine science experience, and consideration of the scientific value of a site as one criteria for designating an area of environmental concern (AEC). Additionally, when CAMA established the Coastal Reserve system, it named research as a primary use.

To support the goals of CAMA, 15A NCAC 07M .0202 states that the State of North Carolina will consider innovative scientific research to provide for the management of coastal shorelines, to lessen the effects of erosion and thus protect private and public property. In 15A NCAC 07H .1900, the CRC established conditions for the permitting of some temporary structures to specifically facilitate scientific research projects.

Tropical cyclones pose a significant threat to North Carolina's counties every year, causing a loss of life and billions of dollars in property damage. Since 2023, North Carolina Sea Grant has partnered with the University of Florida to pioneer new data collection equipment to increase researchers' abilities to understand the nature of these storms. These researchers utilize a structure engineered to be anchored into the beach at the point of hurricane landfall, housing sensors that collect meteorological data on the approaching storm. The intent is that the data collected will allow researchers to hone their ability to predict the characteristics of storms and thus better protect the coast. The researchers received a CAMA permit in 2023 and 2025 under 15A NCAC 07H .1900, but did not end up deploying the equipment in North Carolina, opting for states that had higher hurricane activity those years.

Based on challenges experienced by North Carolina Sea Grant and the University of Florida during their permitting process, CRC has determined temporary weather monitoring structures on the beach are a unique type of development that require a different set of permitting conditions than currently exist in 15A NCAC 07H .1900. This is because the specific location for the structure is not known until only a few days before hurricane landfall, thus requiring an unfeasibly rapid permit submission and approval process, or a situation where a large number of possible sites across the coast are permitted well in advance of hurricane season.

Due to these unique circumstances, the Commission is proposing the creation of a general permit specific to temporary weather monitoring structures on the beach. Each issued permit will remain valid for a longer period of time than a typical CAMA general permit, and the rule change specifically focuses on eliminating the adjacent riparian landowner notification process, which often is the most time-consuming step in CAMA permitting. While this notification is sometimes accomplished in as few as 5 days, difficulties in contacting absentee landowners has resulted in notification taking as many as 50 days.

Due to the protections required for sea turtle nests during the time of year hurricanes are active, this permit requires close coordination with the North Carolina Wildlife Resources Commission (WRC), and through WRC to the U.S. Fish and Wildlife Service.

To accommodate the conditions of this new general permit and ensure consistency between all its rules, CRC is also proposing to amend the Ocean Hazard Area exceptions in 15A NCAC 07H .0309(a).

DCM anticipates the effective date of these rule amendments to be April 1, 2027.

Description of Proposed Rules

The proposed rules would streamline the permitting process for meteorological data collection at the point of storm landfall. Considering that the point of landfall is not known until only a few days prior to the event, the proposed rule language allows the permit applicant flexibility to either have a large number of sites across the coast pre-approved for installation, or more quickly receive a permit for a site in face of changing weather conditions. The temporary weather monitoring structures that could be permitted are technologically advanced systems that are expensive, specialized, and likely only available to universities, government agencies, or private companies that specialize in meteorological research.

DCM currently issues general permits for temporary structures pursuant to use standards described in 15A NCAC 07H .1900. The Commission is proposing to improve its permitting procedures by adding a new

general permit specifically for temporary weather monitoring structures on the beach, subject to the following:

New General Permit (15A NCAC 07H .2800)	Existing General Permit (15A NCAC 07H .1900)
Permits the installation of temporary structures on the ocean beach specifically for the purpose of collecting meteorological data during approaching storms.	Permits a broad variety of temporary structures across most coastal areas of CRC jurisdiction.
Does not require notification of adjacent riparian landowners.	Requires notification of adjacent riparian landowners.
Permit is valid for 5 years.	Permit is valid for 1 year.
Temporary weather monitoring structures shall remain in place for a maximum of 14 days from the date of installation.	No additional restriction on time length.
Installations between April 1 – Nov 15, or in an inlet hazard area, shall be approved by and coordinated with the NC Wildlife Resources Commission and the U.S. Fish and Wildlife Service.	No requirement for projects on the beach.
The permittee shall notify the Division upon installation and removal of the structure.	No requirement.
Vehicles and heavy equipment entry onto the beach for installation shall be restricted to existing vehicle access points.	No requirement.
No alteration or removal of a primary or frontal dune or dune vegetation.	Has an equivalent permit condition.
The structure shall be installed above normal high water.	No requirement.
There shall be no dredge or fill of material	No requirement for projects on the beach.
The footprint of the structure shall not exceed 250 square feet.	Maximum footprint of 100 square meters.
The structure shall not be habitable, and shall not impede beach access or other public trust uses.	Has equivalent permit conditions.
In the event of damage, the permittee shall be responsible for the removal of all remnants of all portions of the structure.	Has equivalent permit condition upon expiration of the permit.

Proposed changes to 15A NCAC 07H .0309(a) are only those necessary to ensure consistency between this new general permit and CRC's existing rules for oceanfront development. The changes clarify that temporary weather monitoring structures are approved exceptions to the ocean hazard setback requirements, and may be installed waterward of the first line of stable natural vegetation (i.e. on the beach).

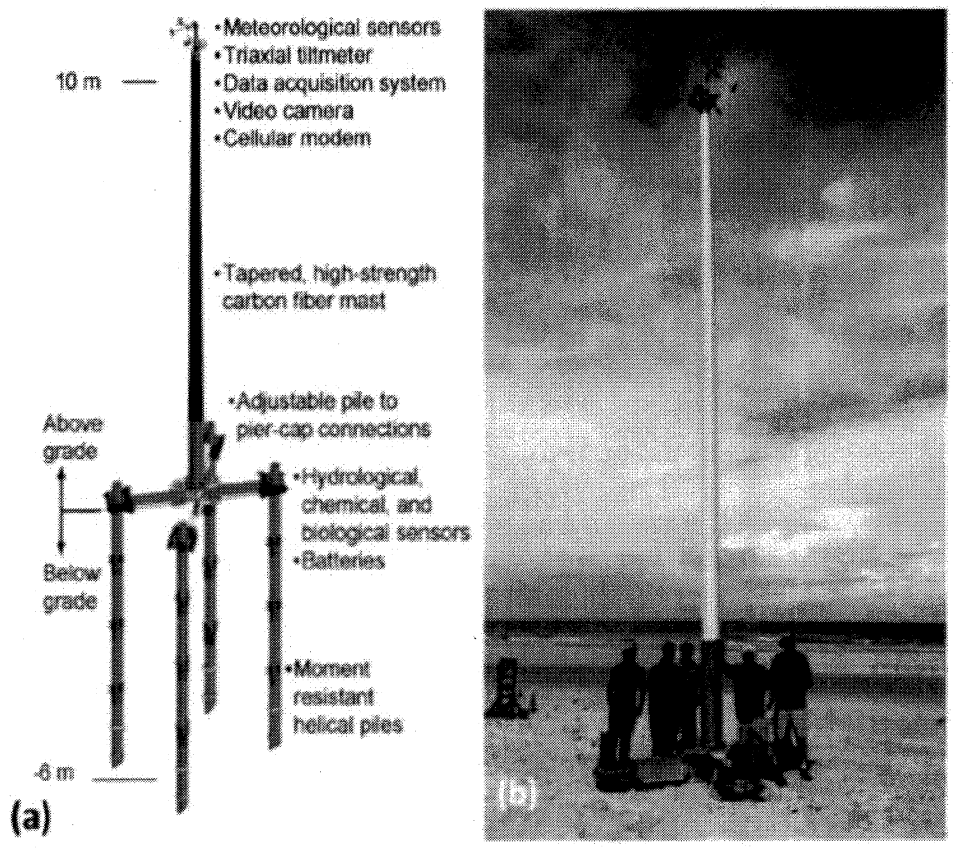

Image Source: Brian Phillips, University of Florida

COSTS OR NEUTRAL IMPACTS

Department of Transportation

Pursuant to G.S. 150B-21.4, the agency does not expect the proposed addition of 15A NCAC 07H .2800 and amendments to 15A NCAC 07H .0309(a) to significantly affect environmental permitting for NC DOT. No cost or benefit applicable to NCDOT is anticipated as a result of these rule amendments. NCDOT is not expected to be a permit applicant as it does not conduct meteorological research. NCDOT is not expected to be impacted by others' permit applications, as the temporary structures can only be installed on the public beach and not on any NCDOT maintained roads or rights of way.

Local Government

Local governments are not expected to be permit applicants. Under this permit, structures may be installed on beaches owned or maintained by local government for public access, and equipment used for

installation will access the beach using on-ramps that are owned or maintained by local governments. DCM does not anticipate that this will result in any additional costs to local governments.
This permit only authorizes structures to be installed in the face of an incoming storm, when tourism activity will be suppressed and the area may even be under an evacuation order, therefore DCM does not anticipate any impact on tourism related economic activity or tax revenue for local governments from these structures.

State Government

DCM anticipates that the proposed rule changes will result in a slight increase to the State's operating costs over what is currently required for authorizing, inspecting, and ensuring compliance of temporary structures under 15A NCAC 07H .1900.

DCM anticipates the rule change to result in an additional one to four permits to be issued per year, for a total increase in permitting receipts between $474 and $1,896. Additional staff hours will be required to process these new permits, while DCM's staff workload on a per-permit basis will decrease due to the elimination of adjacent landowner notifications. An additional one permit per year will result in an additional six hours of DCM staff time, which translates to $249.00 in salary and fringe benefits plus $30 in travel for site visits. An additional four permits per year will result in an increase of 36 hours of DCM staff time, translating to $1,492.00 in salary and fringe benefits and $120 in travel for site visits. A similarly paid NC Wildlife Resources Commission (WRC) staff member currently dedicates 9 hours of staff time to one permit under 15A NCAC 07H .1900, which will remain the same under the proposed rule changes. An increase of 1 to 4 permits per year will result in an additional 9 to 36 hours of WRC staff time, translating to between $373.00 and $1492.00 in salary and fringe benefits, plus $25 to $95 in travel expenses for site visits.

The increase in permit receipts will not compensate for the increased costs to the State in staff time and travel, although the expected impact of $200 - $1300 to the state is not substantial.

Private Entities

Private property owners of beach homes are not expected to be permit applicants. DCM does not expect the proposed rule changes to affect the rental usage of adjacent beachfront property, as installation is temporary and will only occur in the face of an incoming major storm, when tourism activity will be suppressed and the area may even be under an evacuation order. Although the only entity to apply for a CAMA permit for these structures previously under 15A NCAC 07H .1900 was the public NC Sea Grant/University of Florida partnership, under the proposed rule changes CAMA permits may also be issued to private entities, provided that the applicant can meet the permit conditions, including demonstrating that they conduct legitimate meteorological research.

Natural Resources

The new permit conditions prohibit dune disturbance or dredge and fill of material on the beach. While structures on the beach generally could potentially impact shorebird habitat or nesting sea turtles, the conditions for this permit require that the site be reviewed and approved by the NC Wildlife Resources Commission and the U.S. Fish and Wildlife Service to prevent impacts. Additionally, the structures are temporary in nature, being in place for no more than 14 days. These structures are highly engineered to withstand hurricane force winds, so the likelihood of the structure being destroyed and contaminating the beach with debris is minimal. The structure's footprint under this rule change will be less than is currently authorized under 15A NCAC 07H .1900. In years that no tropical cyclones make direct landfall on North

Carolina's coast, no structures will be installed at all. DCM anticipates that the proposed action will have insignificant impacts on coastal natural resources.

COST/BENEFIT SUMMARY

The overall financial impacts of these rule changes are mixed, not having a substantial impact on the State or other stakeholders. The streamlined permitting timeline will benefit permit applicants, and DCM predicts a small increase in permits under the proposed rule changes, producing a minor increase in receipts. DCM incurs costs in staff time for processing permits, and its per-permit processing time will decrease under the rule changes. Still, an increase in total permits issued will increase cumulative staff time both for DCM and WRC, resulting in a slight increase in overall costs to the State. The rule changes should not impose any required costs or negatively impact private property owners and local governments who receive revenue from tourism or vacation rentals. Impacts to natural resources are negligible. The research that will be permitted will add to scientists' understanding of the major storm systems that impact North Carolina, and are intended to lead to increased accuracy of storm forecasts, translating to a more prepared and resilient coast.

SECTION .2800 - GENERAL PERMIT TO ALLOW FOR TEMPORARY WEATHER MONITORING STRUCTURES WITHIN THE OCEAN HAZARD AECS

15A NCAC 07H .2801 PURPOSE

A permit under this Section shall allow the installation of temporary weather monitoring structures in the Ocean Hazard Area AECs according to the Rules in this Section. Temporary weather monitoring structures authorized by this General Permit shall not be subject to the restriction in 15A NCAC 07H .0309(a) that all exceptions to the setback requirements in 15A NCAC .0306(a)(3) shall occur landward of the vegetation line or pre-project vegetation line, whichever is applicable.

History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(6)(b); 113A-118.1

15A NCAC 07H .2802 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development.
(b) The applicant shall provide:

(1) Information on site location, dimensions of the project area, and applicant name and address.
(2) A copy of a deed or other instrument under which the applicant claims title to the property upon which the development will occur, or other evidence of the ownership of the property or lawful authority to make use of the property. If the applicant is not the owner, the applicant must provide written permission from the owner to carry out the project on the property.
(3) Notwithstanding the provisions of 15A NCAC 07J .0204(b)(5), adjacent riparian landowner notification is not required.

(c) No work shall begin until an on-site meeting is held with the applicant, a Division of Coastal Management representative, and a Wildlife Resources Commission representative to inspect and mark the site of construction of the proposed development.

History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(6)(b); 113A-118.1

15A NCAC 07H .2803 PERMIT FEE

The applicant shall pay a permit fee of four hundred seventy-four dollars ($474.00) by check or money order payable to the Department.

History Note: Authority G.S. 113A-119.1; 143B-279.19

15A NCAC 07H .2804 GENERAL CONDITIONS

(a) Temporary weather monitoring structures for the purpose of this General Permit are structures temporarily installed on the dry sand area of the beach as defined in G.S. 77-20(e), for the specific purpose of collecting meteorological data during approaching storms.
(b) This General Permit shall not be applicable to proposed development where the Division of Coastal Management has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality, air quality, coastal wetlands, cultural or historic sites, wildlife, fisheries resources, or public trust rights.
(c) The permittee shall allow the Division of Coastal Management or other representatives of the Coastal Resources Commission to make periodic inspections at any time necessary to ensure that the activity being performed under authority of this General Permit is in accordance with the terms and conditions prescribed herein.

(d) The permit set forth in this Section does not eliminate the need to obtain any other state, local or federal authorization, nor to abide by federal, state, or local laws and ordinances, nor to abide by rules or regulations adopted by any federal, state, or local agency.

History Note: Authority G.S. 113A-107(a)(b); 113A-113(b)(5); 113A-118.1; 113A-126(d)(1)(c); 113A-120(b1)(4);

15A NCAC 07H .2805 SPECIFIC CONDITIONS

(a) Temporary weather monitoring structures authorized by this General Permit shall be installed and removed within five years from the date of issuance, and may remain in place for a maximum total of 14 consecutive days from the date of installation, unless otherwise authorized by the Division of Coastal Management. All aspects of the structure shall be removed and the site returned to pre-project conditions no later than 14 days from the date of installation, or at the expiration of this permit, whichever comes first.

(b) In order to minimize adverse impacts to threatened and endangered species, installation of temporary weather monitoring structures shall not occur inside the Ocean Hazard AEC within the period of April 1 through November 15 of any year, or anytime inside an Inlet Hazard AEC without the prior approval of the Division of Coastal Management, in coordination with the North Carolina Wildlife Resources Commission and the U.S. Fish and Wildlife Service.

(c) The permittee shall notify the Division upon commencement of installation, and upon removal of the structure.

(d) Vehicle or heavy equipment entry onto the beach shall be restricted to existing public vehicular beach access points.

(e) Installation shall not alter or remove any portion of a primary or frontal dune or the dune vegetation.

(f) The structure shall not be installed waterward of normal high water, as determined by the Division of Coastal Management. Alternatively, a surveyed mean high water line provided by the applicant may serve as the waterward limit of the structure.

(g) There shall be no dredge or fill of material.

(h) The proposed structure shall not be habitable.

(i) The proposed structure shall not impede beach access or other public trust uses.

(j) The footprint of the structure shall not exceed 250 square feet.

(k) In the event of damage, the permittee shall be responsible for the removal of all remnants of all portions of the temporary weather monitoring structure.

History Note: Authority G.S. 77-20; 113-229(a); 113A-107(a)(b); 113A-113(b)(5); 113A-118.1

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15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

(1) campsites;
(2) driveways and parking areas with clay, packed sand, or gravel;
(3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
(4) beach accessways consistent with Rule .0308(c) of this Section;
(5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;

(6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
(7) temporary ~~amusement stands~~ structures consistent with Section .1900 of this Subchapter;
(8) sand fences;
(9) swimming pools; ~~and~~
(10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be ~~placed~~placed.; and
(11) Temporary weather monitoring structures permitted by General Permit in 15A NCAC 07H .2800.

~~In all cases,~~ With the exception of development specifically allowed by another rule in this Chapter, ~~this~~ all development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.