

October 28, 2026

Fiscal Analysis 15A NCAC 07H .0208 & .0209 Upland Basin Marina Rule Changes (CR-26-87)

Cameron Luck, Coastal Policy Analyst



Session Law 2025-48 (S.B. 472)

- Adds language into CAMA, signed by the Governor on July 2, 2025
- Defines an upland basin marina in CAMA as:

  A marina constructed by excavating or dredging lands of elevations above the current mean or ordinary high-water mark and designed to accommodate <u>more than 10 vessels or boat slips.</u>

  - Also confirms that an upland basin marina be considered a water dependent use by the CRC.

- Establishes a new Department review/decision making timeline for permit approval
- Establishes specific environmental criteria for Department approval

NORTH CAROLINA
Department of Environmental Quality

NCAC 07H .0208 – General Use Standards

Navigation Channel or Canal - 07H .0208

- Keeps standard CRC language for navigation channels and canals but adds language specific to those associated with an upland basin
- Points back to the specific guidance now laid out in legislation.

15A NCAC 07H .0208(b)(1)(A)

(A) Navigation channels and canals may not be allowed through regularly and irregularly flooded coastal wetlands if the loss of wetlands will have significant adverse impacts on fishery resources, water quality, or adjacent wetlands. Navigation channels and canals may be allowed if there is no alternative that would avoid the wetland ~~losses~~.losses, or if the navigation channel or canal is associated with an upland basin authorized pursuant to G.S. 113A-129.12(b).

NCAC 07H .0208 – General Use Standards

Stormwater Management Systems in the Buffer- 07H .0208(b)(2)(5)(J)

- Adds allowance for Stormwater Management Systems to be sited within the 30-foot buffer for upland basins and points back directly to CAMA.

15A NCAC 07H 0.0208(b)(5)

(J) Marina design shall comply with all applicable EMC requirements 15A NCAC 02B .0200 for management of stormwater runoff. Stormwater management systems shall not be located within the 30-foot buffer area outlined in 15A NCAC 07H .0209(d). Stormwater management systems shall be located within the 30-buffer area if they are associated with an upland basin marina developed in accordance with G.S. 113A-129.12.

NORTH CAROLINA
Department of Environmental Quality

NCAC 07H .0208 – General Use Standards

Marinas- 07H .0208(b)(5)

- Removes existing requirements for upland basins and points back directly to CAMA

15A NCAC 07H 0.0208(b)(5)

(A) Marinas shall be sited in non-wetland areas or in deep water areas not requiring dredging, and shall not disturb shellfish resources, beds of submerged aquatic vegetation as defined in 15A NCAC 03I .0101(4)(i) by the Marine Fisheries Commission, or wetland habitats, except for dredging necessary for access to high-ground sites. The following alternatives for siting marinas shall be allowed.

(i) an upland basin site that complies with the criteria established within G.S. 113A-129.12; ~~requiring no alteration of wetland or estuarine habitat and providing flushing by tidal or wind generated water circulation or basin design characteristics~~;

~~(ii) an upland basin site requiring dredging for access when the necessary dredging and operation of the marina will not result in significant adverse impacts to existing fishery, shellfish, or wetland resources and the basin design shall provide flushing by tidal or wind generated water circulation;~~

~~(iii)~~(ii) an open water site located outside a primary nursery area which utilizes piers or docks rather than channels or canals to reach deeper water; and

~~(iv)~~(iii) an open water marina requiring excavation of no intertidal habitat, and no dredging greater than the depth of the connecting channel.

NORTH CAROLINA Department of Environmental Quality

NCAC 07H .0209 – Coastal Shorelines

30 ft. Vegetated Buffer- 07H .0209(b)(10)(K)

- Existing .0209 standards generally require new development to be located 30 feet landward of the normal water or normal high-water level.
- Adds upland basin marinas permitted in accordance with CAMA to the existing exceptions from the 30-foot buffer requirement.

15A NCAC 07H .0209(b)(10)(k)

(K) Development occurring along a newly created shoreline associated with an upland basin marina permitted in accordance with G.S.113A-129.

Fiscal Analysis – Impact of Amendments

Overall Impact: Minimal fiscal impacts anticipated, as amendments align CRC rules with statutory requirements already in effect.

State Government: No significant fiscal impact. Minor administrative updates can be handled with existing staff and resources.

Local Government: No anticipated fiscal impact or additional staffing requirements.

Private Sector: Minimal impacts. Potential costs and benefits to marina developers stem from S.L. 2025-48, not the proposed amendments.

<u>Fiscal analysis has been approved by OSBM.</u>

NORTH CAROLINA
Department of Environmental Quality

Next Steps



Questions?

NORTH CAROLINA
Department of Environmental Quality