

1 15A NCAC 07M .0302 is proposed for amendment as follows:

2
3 **15A NCAC 07M .0302 DEFINITIONS**

4 As used in this Section: the Public Beach and Coastal Waterfront Access program is to provide public access to the
5 public trust beaches and waters in the 20 coastal ~~counties.~~ counties as defined in N.C. General Statutes 113A-103(2).

6 (1) "Ocean Beach Access" includes the acquisition and improvement of properties adjacent or
7 proximate to the Atlantic Ocean for parking and public passage to the oceanfront.

8 (2) "Coastal Waterfront Access" includes the acquisition and improvement of properties located in the
9 20 county area under the Coastal Area Management Act (CAMA) jurisdiction that are adjacent or
10 proximate to coastal waterways to which the public has rights of access or public trust rights.

11 ~~(3) "Inlet Beach Access" includes the acquisition and improvement of properties located within Inlet
12 Hazard Areas as defined in 15A NCAC 07H .0304(3).~~

13 ~~(4)~~(3) "Public Trust Waters" is defined in 15A NCAC 07H .0207(a).

14 ~~(5)~~(4) "Beach" is defined as an area adjacent to the ocean extending landward from the mean low water
15 line to a point where either the growth of vegetation occurs or a distinct change in slope or elevation
16 alters the configuration of the landform, whichever is farther landward, or riparian owners have
17 specifically and legally restricted access above the mean high water line. This definition is intended
18 to describe those shorefront areas customarily freely used by the ~~public.~~ public consistent with N.C.
19 General Statutes 77-20.

20 ~~(5)~~ A "Local Waterfront Access Plan" identifies access needs and opportunities, determines access and
21 facility requirements, establishes standards, develops specific project design plans or guidelines,
22 establishes priorities, considers financial resource availability (such as grants, impact fees or
23 occupancy taxes) and construction timing, and provides a system for evaluation of the plan.

24 ~~(6)~~ "Certified CAMA Land Use Plan" is defined in 15A NCAC 07B. A local government may identify
25 access needs, develop a local waterfront access plan, and develop local policies to pursue access
26 funding through its land use plan.

27 ~~(6)~~ "Local Access Sites" include those public access points which offer minimal or no facilities.
28 Generally, these accessways provide only a dune crossover or pier, if needed, litter receptacles and
29 public access signs. Vehicle parking is generally not available at these access sites. However,
30 bicycle racks may be provided.

31 ~~(7)~~ "Neighborhood Access Sites" includes those public access areas offering parking, usually for 5 to
32 25 vehicles, a dune crossover or pier, litter receptacles and public access signs. Restroom facilities
33 may be installed.

34 ~~(8)~~ "Regional Access Sites" are of such size and offer such facilities that they serve the public from
35 throughout an island or community including day visitors. These sites normally provide parking for
36 25 to 80 vehicles, restrooms, a dune crossover, pier, foot showers, litter receptacles and public access
37 signs.

1 ~~(9) "Multi regional Access Sites" are generally larger than regional accessways but smaller than state~~
2 ~~parks. Such facilities may be undertaken and constructed with the involvement and support of state~~
3 ~~and local government agencies. Multi regional accessways provide parking for a minimum of 80~~
4 ~~vehicles, restrooms with indoor showers and changing rooms, and concession stands.~~

5 ~~(10) "Urban Waterfront Access Projects" improve public access to deteriorating or under utilized urban~~
6 ~~waterfronts. Such projects include the establishment or rehabilitation of boardwalk areas, shoreline~~
7 ~~stabilization measures such as the installation or rehabilitation of bulkheads, and the placement or~~
8 ~~removal of pilings for the purpose of public safety and increased access and use of the urban~~
9 ~~waterfront.~~

10 ~~(11) "Improvements" are facilities that are added to promote public access at a designated access site.~~
11 ~~The most common improvements include dune crossovers, piers, boardwalks, litter receptacles,~~
12 ~~parking areas, restrooms, gazebos, boat ramps, canoe/kayak launches, bicycle racks and foot~~
13 ~~showers.~~

14 ~~(12)(7) "Maintenance" is the upkeep and repair of public access sites and their facilities in such a manner~~
15 ~~that public health and safety is ensured. Where the local government uses or has used access funds~~
16 ~~administered by the North Carolina Coastal Management Program (NCCMP), the local government~~
17 ~~shall provide operation and maintenance of the facility for the useful life of that facility. The useful~~
18 ~~life of a facility shall be defined in the individual grant contract.~~

19 ~~(13) "Handicapped Accessible" is defined as meeting the standards of the State Building Code for~~
20 ~~handicapped accessibility.~~

21 ~~(8) "Tier 1 Communities" include Tier 1 counties as determined annually by the North Carolina~~
22 ~~Department of Commerce as outlined in N.C. General Statute 143B-437.08, and the counties~~
23 ~~respective municipalities. The Division shall use the Tier 1 designation to encourage economic~~
24 ~~activity in economically distressed communities.~~

25
26 *History Note: Authority G.S. 113A-124; 113A-134.3;*
27 *Eff. March 1, 1979;*
28 *Amended Eff. September 1, 2021; February 1, 2009; January 1, 1998; March 1, 1988; March 1,*
29 *1985; July 1, 1982.*