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CAMA Handbook for Development in Coastal North Carolina

How to Use This Guide

This handbook is designed to help you understand what types of projects require CAMA development permits, the development regulations you will have to follow, and how following those rules helps protect the natural resources that draw people to North Carolina's coastal counties in the first place.

Although this guide discusses regulations, it is not an official statement of North Carolina coastal development regulations and may not be relied on in lieu of those regulations in undertaking coastal development. All coastal development projects subject to CAMA must be approved by the N.C. Division of Coastal Management.

A list of Coastal Management offices is in Section 9 of this guide. An unofficial version of the development regulations may be found on the Division of Coastal Management Web site at <http://dcm2.enr.state.nc.us>. You may obtain an official copy of the regulations from the [Office of Administrative Hearings](#) at 919-733-2691.

Introduction

The North Carolina coast may seem indestructible, but it's not. Left unmanaged, development around our state's sounds, rivers and beaches can destroy the very ecological, aesthetic and economic features that draw people to our shore.

In 1972, Congress passed the Coastal Zone Management Act, which encouraged states to keep our coasts healthy by establishing programs to manage, protect and promote our country's fragile coastal resources. Two years later, the North Carolina General Assembly passed the landmark Coastal Area Management Act, known as CAMA. CAMA established the Coastal Resources Commission, required local land use planning in 20 coastal counties and provided for a program for regulating development. The North Carolina Coastal Management Program was federally approved in 1978.

As a part of this program, the Coastal Resources Commission (CRC) designated "Areas of Environmental Concern" within the 20 coastal counties and set rules for managing development within these areas. An Area of Environmental Concern, or AEC, is an area of natural importance: It may be easily destroyed by erosion or flooding; or it may have environmental, social, economic or aesthetic values that make it valuable to our state.

The CRC's rules are administered by the North Carolina Division of Coastal Management, a part of the state Department of Environment and Natural Resources.

About This Guide

This handbook is a guide to the permit program set up by the CRC. It is designed for those who want to develop or build in the 20 coastal North Carolina counties. Because rules change, regulations are often more complicated than outlined here and every project is different, you should **always contact the Division of Coastal Management before you begin development** on or near the coast.

Living and building in coastal North Carolina without destroying the natural systems around us or putting our lives in danger is a challenge. By following the standards set by



the Coastal Area Management Act and the CRC, you can protect our coastal resources as well as your own development project.

Section 1: Will Your Project Require a CAMA Permit?

You must obtain a CAMA permit for your project if it meets all of the following conditions:

- It is in one of the 20 counties covered by CAMA.
- It is considered "development" under CAMA.
- It is in, or it affects, an Area of Environmental Concern (AEC) established by the Coastal Resources Commission (CRC).
- It doesn't qualify for an exemption.

What's the CRC?

The Coastal Resources Commission is a 15-member citizen board appointed by the Governor to establish rules and policies for development within the 20 coastal counties.

The CRC receives guidance from a 45-member Coastal Resources Advisory Council, or CRAC. CRAC members represent local governments, state agencies and other areas of technical expertise. Members of the CRAC are responsible for keeping their appointing bodies up-to-date on CRC activities.

What are the 20 coastal counties covered by CAMA?

If your project is in one of the following 20 counties and is located along the state's rivers, sounds or the Atlantic Ocean, you may need a permit:

Beaufort
Bertie
Brunswick
Camden
Carteret
Chowan
Craven
Currituck
Dare
Gates
Hertford
Hyde
New Hanover
Onslow
Pamlico
Pasquotank
Pender
Perquimans
Tyrrell
Washington



Does my project qualify as development?

The Coastal Area Management Act defines development as: "any activity in a duly designated area of

environmental concern ... involving, requiring or consisting of the construction or enlargement of a structure; excavation; dredging; filling; dumping; removal of clay, silt, sand, gravel or minerals; bulkheading; driving of pilings; clearing or alteration of land as an adjunct of construction; alteration or removal of sand dunes; alteration of the shore, bank or bottom of the Atlantic Ocean or any sound, bay, river, creek, stream, lake or canal" {NCGS 113A-103(5)(a)}.

Is my project in an Area of Environmental Concern?

You're probably in an AEC if your project is:

- in, or on the shore of, navigable waters within the 20 CAMA counties;
- on a marsh or wetland;
- within 75 feet of the normal high water line along an estuarine shoreline;
- near the ocean beach;
- within an ocean high hazard flood area;
- near an inlet;
- within 30 feet of the normal high water level of areas designated as inland fishing waters by the N.C. Marine Fisheries Commission and the N.C. Wildlife Resources Commission;
- near a public water supply;
- within 575 feet of Outstanding Resource Waters defined by the Environmental Management Commission.

Areas of Environmental Concern are described in detail in the next section of this manual. If you already know that your project is in an AEC and you want to go straight to the application information, turn to Section 5.

When is my project exempt from the CAMA permit requirements?

Section 103(5)(b) of CAMA exempts the following activities:

- road maintenance within a public right-of-way;
- utility maintenance on projects that already have CAMA permits;
- energy facilities covered by other laws or N.C. Utilities Commission rules;
- agricultural or forestry production that doesn't involve the excavation or filling of estuarine or navigable waters or coastal wetlands (Note: these activities are not exempt from permitting requirements under the state's Dredge and Fill Law.);
- emergency maintenance and repairs when life and property are in danger;
- the construction of an accessory building usually found with an existing structure, if no filling of estuarine or navigable waters or coastal wetlands is involved.

In addition, CAMA allows the CRC to exempt some types of minor maintenance and improvements. These types of projects, outlined in Section 6, are those with successful track records in protecting the resources around them. In all cases, you should check with the Division of Coastal Management *before* you begin work to make sure that your project qualifies for an exemption.

Section 2: Areas of Environmental Concern

Areas of Environmental Concern (AECs) are the foundation of the Coastal Resources Commission's permitting program for coastal development. An AEC is an area of natural importance: It may be easily destroyed by erosion or flooding; or it may have environmental, social, economic or aesthetic values that make it valuable to our state.

The Coastal Resources Commission designates areas as AECs to protect them from uncontrolled development, which may cause irreversible damage to property, public health or the environment, thereby diminishing their value to the entire state. The CRC has set up four categories of AECs:

- A. The Estuarine and Ocean System
- B. The Ocean Hazard System
- C. Public Water Supplies
- D. Natural and Cultural Resource Areas

AECs cover almost all coastal waters and less than 3 percent of the land in the 20 coastal counties. The following descriptions will help you determine if your project is in an AEC and will help you understand the importance of these natural systems.

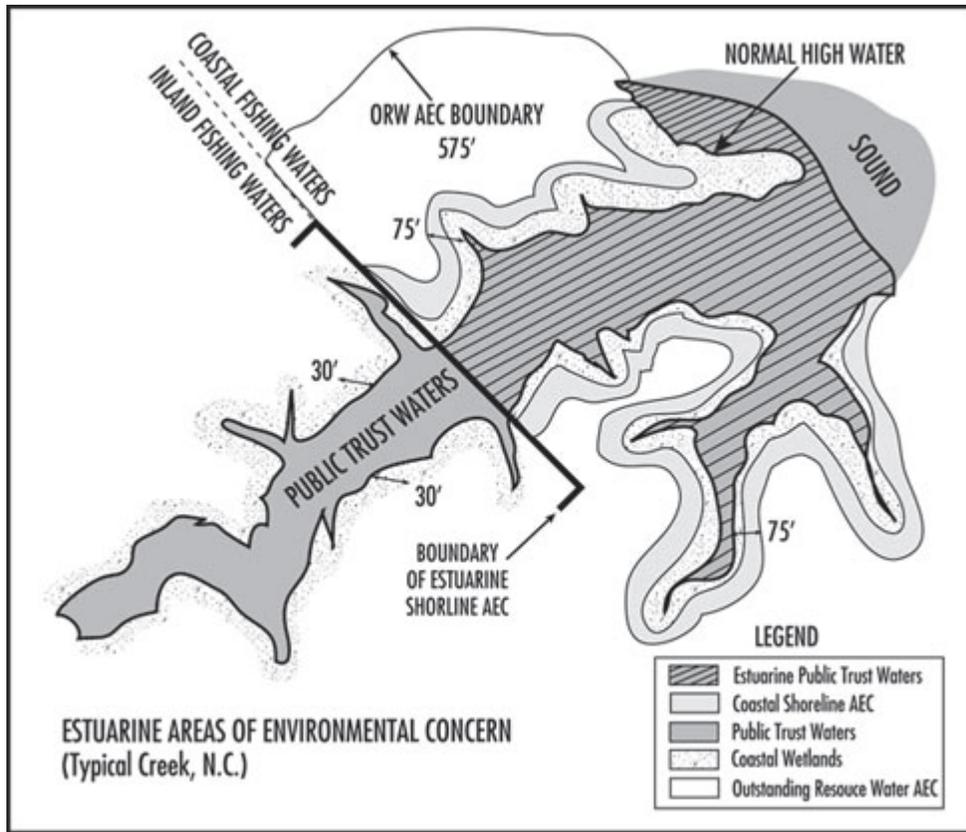
A. The Estuarine and Ocean System AEC

The estuarine and ocean system is the coast's broad network of brackish sounds, marshes and surrounding shores. Normally found where rivers and streams meet the ocean, an estuary is a unique and important part of coastal life – a transitional area where fresh and salt water mix. From broad, shallow sounds like the Albemarle and Pamlico, to narrow bodies of water such as Core and Masonboro sounds, North Carolina has 2.2 million acres of estuarine waters. Cradled behind the state's long string of barrier islands, these shallow sounds, rivers and creeks make up one of the largest estuarine systems in the United States. Permits may be required for development in four components of this system (see Figure 2.1).

1. **Public Trust Areas** are the coastal waters and submerged lands that every North Carolinian has the right to use for activities such as boating, swimming or fishing. These areas often overlap with estuarine waters, but they also include many inland fishing waters. The following lands and waters are considered public trust areas:

- n all waters of the Atlantic Ocean and the lands underneath, from the normal high water mark on shore to the state's official boundary three miles offshore;
- n all navigable natural water bodies and the lands underneath, to the normal high watermark on shore (a body of water is considered navigable if you can float a canoe in it). This does not include privately owned lakes where the public doesn't have access rights;
- n all water in artificially created water bodies that have significant public fishing resources and are accessible to the public from other waters; and
- n all waters in artificially created water bodies where the public has acquired rights by prescription, custom, usage, dedication or any other means.

Figure 2.1



2. **Estuarine Waters** are the state's oceans, sounds, tidal rivers and their tributaries, which stretch across coastal North Carolina and link to the other parts of the estuarine system: public trust areas, coastal wetlands and coastal shorelines.

For regulatory purposes, the inland, or upstream, boundary of estuarine waters is the same line used to separate the jurisdictions of the Division of Marine Fisheries and the Wildlife Resources Commission. However, many of the fish and shellfish that spend parts of their lives in estuaries move between the "official" estuarine and inland waters.

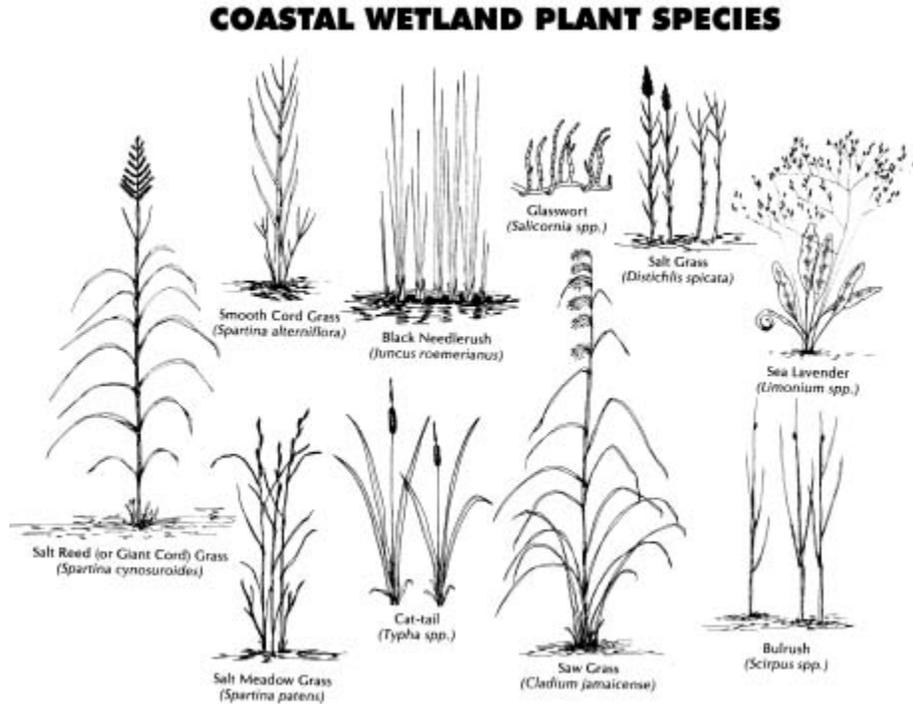
3. **Coastal Shorelines** include all lands within 75 feet of the normal high water level of estuarine waters. This definition also includes lands within 30 feet of the normal high water level of public trust waters located inland of the dividing line between coastal fishing waters and inland fishing waters. Along Outstanding Resource Waters, this definition includes lands within 575 feet of the normal high water level.

4. The Coastal Resources Commission's rules define **Coastal Wetlands** as any marsh in the 20 coastal counties that regularly or occasionally floods by lunar or wind tides, and that includes one or more of 10 plant species (see Figure 2.2)

- Spartina alterniflora*: Salt Marsh (Smooth) Cord Grass
- Juncus roemerianus*: Black Needlerush
- Salicornia spp.*: Glasswort
- Distichlis spicata*: Salt (or Spike) Grass
- Limonium spp.*: Sea Lavender
- Scirpus spp.*: Bulrush
- Cladium jamaicense*: Saw Grass
- Typha spp.*: Cattail
- Spartina patens*: Salt Meadow Grass
- Spartina cynosuroides*: Salt Reed or Giant Cord Grass

Note: Freshwater swamps and inland, non-tidal wetlands are not in the CAMA permit jurisdiction, unless the CRC specifically designates them as AECs. However, these wetlands are protected by the federal Clean Water Act. An Army Corps of Engineers permit may be required for projects taking place in these wetlands.

Figure 2.2



Learn More: Why we should protect the estuarine and ocean system

The lands and waters of the estuarine system are home to fish nursery areas, spawning areas, shellfish beds and other habitats essential to North Carolina's commercial and recreational fishing industries.

More than 90 percent of North Carolina's commercial and recreational seafood species (such as shrimp, flounder and crabs) depend on the protective habitat and nutrients found in coastal wetlands and estuarine waters for much of their lives.¹

The stems, roots and seeds of many coastal wetland plants provide food and nesting materials for waterfowl and other wildlife.

Marsh plants guard against erosion and flood damage: Their leaves and stems dissipate wave energy, and their root systems bind soil. The nutrients and decayed plant material the marsh plants produce also contribute to the productivity of the estuarine system.

Estuarine plants trap debris and excess nutrients and help regulate the flow of fresh water into the estuary, maintaining the system's balance.

Estuarine shorelines act as natural barriers to erosion and flooding. Certain soil formations and plant communities along estuarine shorelines also help slow erosion.

Natural buffers along the shoreline protect the water from excess sediment and pollutants, and they protect

nearby developments from flooding and erosion.

Estuarine waters and public trust areas are important for tourism, because they support commercial and recreational fishing, boating, swimming and other recreational activities.

¹ *NC Division of Marine Fisheries, 1999*

B. The Ocean Hazard System AEC

One of the most notable aspects of North Carolina's coast is the band of narrow barrier islands piecing together the state's eastern border. Many of these islands are home to thriving communities, such as the Outer Banks or the towns of Wrightsville Beach, Carolina Beach and Atlantic Beach. Others, such as Masonboro Island, remain largely untouched by development.

All barrier islands change constantly under the forces of wind and water. These forces create a variety of hazards – such as storms, flooding and dune erosion – that can threaten buildings and other structures located there.

The Ocean Hazard System is made up of oceanfront lands and the inlets that connect the ocean to the sounds. The Coastal Resources Commission has designated three ocean hazard AECs (see Figure 2.3).

1. **The Ocean Erodible AEC** covers North Carolina's beaches and any other oceanfront lands that are subject to long-term erosion and significant shoreline changes. The seaward boundary of this AEC is the mean low water line.

The landward limit of the AEC is measured from the first line of stable natural vegetation and is determined by adding:

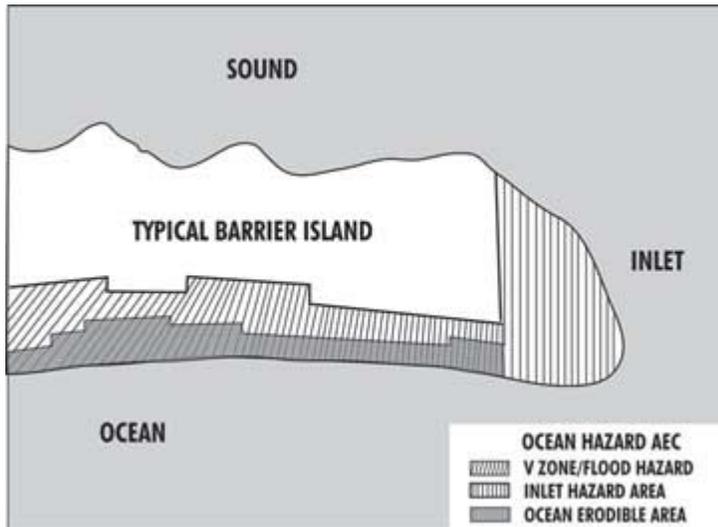
- a distance equal to 60 times the long-term, average annual erosion rate for that stretch of shoreline to
- the distance of erosion expected during a major storm.

The width of the AEC varies from about 145 feet to more than 700 feet.

The CRC updates long-term erosion rates about every five years, using aerial photographs to examine shoreline changes. General maps of erosion rates are available free from the Division of Coastal Management; detailed erosion rate maps are available for inspection at all Coastal Management field and local permitting offices.

Figure 2.3

2. **The High Hazard Flood AEC** covers lands subject to flooding, high waves and heavy water currents during a major storm. These are the lands identified as coastal flood with velocity hazard, or "V zones," on flood insurance rate maps prepared by the Federal Insurance Administration. "V zones" are determined by an engineering analysis of expected flood levels during a storm, expected wave and current patterns, and the existing topography of the land. The high hazard flood AEC often overlaps with the ocean erodible and inlet hazard AECs.



3. **The Inlet Hazard AEC** covers the lands next to ocean inlets. Inlet shorelines are especially vulnerable to erosion and flooding and can shift suddenly and dramatically. For each inlet along the coast, the Division of Coastal Management prepares a hazard area map that is reviewed and approved by the Coastal Resources Commission.

Each area is mapped based on a statistical analysis of inlet migration, previous inlet locations, narrow or low lands near the inlet, and the influence of man-made features, such as jetties and channelization projects.

In each case, the distance the inlet hazard AEC extends inland is estimated to be large enough to encompass those lands where the inlet can be expected to migrate. At a minimum, this distance is the same distance inland as the ocean erodible AEC. Inlet hazard AECs range in width from about 250 feet for a fairly stable inlet to about 4,000 feet for the most dynamic inlets.

Learn More: Why we should protect ocean hazard areas

At the edge of the ocean, ocean hazard AECs get the full force of any storm. Waves, wind and water can quickly change the shape of a shoreline, creating or filling inlets, flattening nearby dunes, eroding beaches and battering nearby structures. No oceanfront development can be absolutely safe from destructive natural forces, but development in ocean hazard areas can be carefully designed and located to minimize the risk to life and property, as well as to reduce the cost of relief aid.

Oceanfront beaches and dunes help protect buildings and environments behind them by absorbing the force of wind and waves, while the dense root networks of dune plants trap and anchor sand. Left uncontrolled, development can destroy these dunes and their vegetation, increasing the risk of damage to structures from erosion, flooding and waves.

C. Public Water Supply AECs

We need fresh water for many aspects of life – drinking, farming, industry – and the protection of these waters is vital to our health and our economy.

As rain runs off pavement and rooftops, it carries pollutants and sediments that can put our waters at risk. The CRC has designated two AECs that protect certain coastal public water supplies from the negative effects of development.

1. The **Small Surface Water Supply Watershed AEC** protects coastal drainage basins that contain a public water supply classified as A-II by the N.C. Environmental Management Commission. This classification means

that the best use of the water is for public drinking water, and this use must be protected by state regulations. To date, two such watersheds have been designated as AECs: the Fresh Pond at the Nags Head and Kill Devil Hills border; and Toomer's Creek near Wilmington.

2. **Public Water Supply Wellfields** are areas of rapidly draining sands extending from the earth's surface to a shallow groundwater table that supplies public drinking water. Currently, one wellfield is designated as an AEC, on Hatteras Island at Buxton.

Learn More: Why we should protect public water supply AECs

Development is rarely proposed in these surface watersheds and wellfields, which are almost entirely in public ownership. But if degraded, these water supplies could threaten public health or force local communities to spend a lot of money to develop alternative water sources. Uncontrolled development within these areas can change runoff patterns or groundwater withdrawal rates, and reduce both the quantity and quality of the raw water supply. Sediment from construction sites and a variety of pollutants from buildings, parking lots and roads also can damage our waters.

D. Natural and Cultural Resource AECs

Natural and cultural resource AECs are specific sites designated to receive protection because they contain environmental or cultural resources that are important to the entire state. They may be important because of their role in maintaining the coastal ecosystem, resources for scientific research and education, historical significance, or aesthetic value. Any person can nominate an area as a natural or cultural resource AEC; the CRC makes the final decision on designation.

There are four types of natural and cultural resource AECs.

1. **Coastal complex natural areas** are lands that support native plants and animal communities, providing habitats essentially unchanged by human activity. These areas are key components of natural biological systems. They provide us with a historical perspective against which to measure the change in coastal habitats; they are a valuable scenic or cultural resource; and they provide an irreplaceable scientific and educational resource. You may be allowed to develop these areas if the development benefits the habitat or enhances the area's biological, scientific or educational values.

2. **Coastal areas that sustain remnant species** provide habitat for native plant or animal species that the N.C. Wildlife Resources Commission or the federal government has determined to be rare, threatened or endangered. Such areas are necessary for the survival of these species within the coastal region and for maintaining the coast's natural diversity. These areas also provide a valuable educational and scientific resource that cannot be duplicated or replaced.

3. **Unique coastal geologic formations** are areas containing especially notable examples of geologic formations or processes found in the coastal area. Such formations are important educational, scientific and scenic resources. Jockey's Ridge in Dare County has been designated because of its unique geologic features.

4. **Significant coastal archaeological resources and significant coastal historical archeological resources** contain objects, features, buildings or sites that:

- yield information important to the state's or the coastal region's history;
- are associated with events that have contributed to the broad patterns of history;
- are associated with the lives of historically important people; or
- embody the distinctive characteristics of a type, period or method of construction.

These areas provide unmatched and irreplaceable scientific, educational and aesthetic resources that commemorate the coastal region's heritage. Permuda Island, located in Onslow County, has been protected for its outstanding archeological resources.

Section 3: Rules Applying to Development in Areas of Environmental Concern

The Coastal Resources Commission has approved development rules for each type of Area of Environmental Concern (AEC). These rules are outlined in this section.

Rules for specific types of development projects are in Section 4. Some projects may be exempted from CAMA permit requirements. These projects are covered in Section 6.

1. Estuarine and Ocean System AECs {15A NCAC 7H .0208 - .0209}

What kinds of projects are allowed in the Estuarine System?

To protect our natural resources and public trust rights, only projects that must be on or near the water should be constructed in the estuarine system. Such projects include navigation channels, docks, piers, bulkheads, boat ramps, groins, breakwaters, culverts and bridges.

Projects such as restaurants, homes, motels, stores, factories, roads and parking lots should be built in upland areas where they are less harmful to public resources. There are some exceptions, for development in a historically urban area. Call the Division of Coastal Management office nearest you if you are interested in building over the water in a historically urban area.

The following requirements apply to all development in the Estuarine Waters, Coastal Wetlands and Public Trust Areas {15A NCAC 7H .0205 - .0208}:

- The location, design and construction of your project must give highest priority to conserving the biological, economic and social values of coastal wetlands, estuarine waters and public trust areas, and protect public rights of navigation and recreation in public trust areas.
- Your project should be designed and located to cause the least possible damage to the productivity and integrity of:
 - coastal wetlands;
 - shellfish beds;
 - submerged grass beds;
 - spawning and nursery areas;
 - important nesting and wintering areas for waterfowl and other wildlife; and
 - important natural barriers to erosion, such as marshes, cypress fringes and clay soils.
- Your project must follow the air and water quality standards set by the N.C. Environmental Management Commission. Generally, development will not be permitted if it lowers water quality for any existing uses of the water (such as shellfishing, swimming or drinking). For more information, contact the N.C. Division of Air Quality or the Division of Water Quality. Telephone numbers are located in Section 9 of this handbook.
- Your project must not significantly increase siltation or erosion, which can smother important habitats, block sunlight from aquatic plants, and choke fish and shellfish.
- Your project must not create a stagnant body of water, which can effect oxygen levels and accumulate sediments and pollutants that threaten fish and shellfish habitats and public health.
- You must time the construction of your project to have the least impact on the life cycles and migration patterns of fish, shellfish, waterfowl and other wildlife. The life cycles of animals that depend on the estuarine system are especially sensitive during certain times of the year. For more information, contact

- the Coastal Management office nearest you.
- Your project must not cause major or irreversible damage to valuable archaeological or historic resources. Archaeological resources, such as the remains of Native and Early American settlements, shipwrecks and Civil or Revolutionary War artifacts, provide valuable information about the history of the coastal region and its people. Information on the location of these sites is available from the N.C. Division of Archives and History in the Department of Cultural Resources.
- Your project must not reduce or prevent the use of, and public access to, estuarine waters and public trust lands and waters.
- Your project must comply with the local land use plan. A land use plan is a "blueprint" developed by local leaders to help guide decisions that affect the growth of the community. CAMA requires each of the 20 coastal counties to prepare a local land use plan and update it according to CRC guidelines. More than 70 cities and towns have adopted their own plans.

The following requirements apply to all development along Coastal Shorelines {15A NCAC 7H. 0209}:

Note: *These rules apply within 30 feet of the normal high water line along public trust waters, 75 feet of the normal high water line along estuarine waters. Along Outstanding Resource Waters, the rules apply within 575 feet of the normal high water line.*

- Your project must not cause significant damage to any estuarine resources.
- Development for non-water-dependent uses shall be located a minimum of 30 feet landward of the normal high water line or normal water level, except along those coastal shorelines where the Environmental Management Commission adopts or has adopted its own buffer standards.
- Your project must not interfere with existing public uses or access to navigable waters or public resources.
- No project paid for (in any part) by public funds will be permitted if it is likely to require extraordinary public expenditures for maintenance and continued use – unless the public benefits of the project will outweigh the expense.
- Your project should preserve, and must not weaken, natural barriers to erosion, such as peat marshland, resistant clay shorelines and cypress-gum fringe areas.
- Hard surfaces, such as buildings, paved parking lots and roads, must cover no more than 30 percent of the project area within the Area of Environmental Concern, unless you can show that the design of your project limits runoff equally well. All projects should limit hard surfaces to the smallest area necessary.
- Redevelopment of areas exceeding the 30 percent limit may be permitted if hard surface areas are not increased and the project meets the rule to the maximum extent feasible.
- If your project is located on the shoreline of an Outstanding Resource Water (ORW), you may build on only 25 percent of the project area located within the AEC, and you may not use a stormwater collection system.
- Throughout the coastal shoreline AEC, projects must comply with applicable rules of the N.C. Sedimentation Pollution Control Act of 1973 and the stormwater management rules of the Environmental Management Commission.
- Your project must not cause major or irreversible damage to valuable archaeological or historic resources, such as the remains of Native and Early American settlements, shipwrecks and Civil War artifacts. Information on the location of these sites is available from the N.C. Division of Archives and History. (See Section 9 for contact information.)
- Your project must comply with the local land use plan.

2. Ocean Hazard AECs {15A NCAC 7H .0306}

Definitions

A primary dune is the first mound of sand (measured from the ocean) that is six feet taller than the mean flood level for the area. Frontal dunes are the first mounds of sand that have enough vegetation, height and continuity to offer protection.

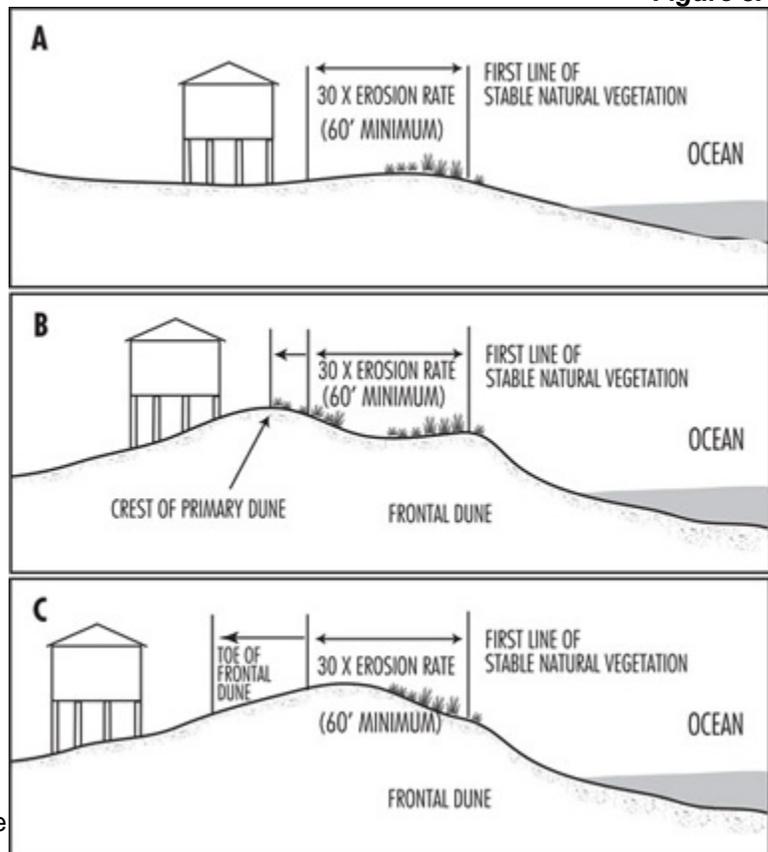
The crest of the primary dune and the landward toe of the frontal dune are determined on a case-by-case basis by the Division of Coastal Management.

The **first line of stable natural vegetation** is the first area on the oceanfront where natural dune-stabilizing plants are present. Such plants include sea oats and American beachgrass.

The following requirements apply to all development in the Ocean Hazard AEC {15A NCAC 7H .0306}:

- Your development must be located and designed to protect human lives and property from storms and erosion, to prevent permanent structures from encroaching on public beaches and reduce the public costs (such as disaster relief aid) that can result from poorly located development.
- Your development must incorporate all reasonable means and methods to avoid damage to the natural environment or public beach accessways. Reasonable means and methods include: limiting the scale of the project and the damage it causes; restoring a damaged site; or providing substitute resources to compensate for damage.
- No growth-inducing development paid for (in any part) by public funds will be permitted if it is likely to require more public funds for maintenance and continued use – unless the benefits of the project will outweigh the required public expenditures.
- Your project should be set as far back from the ocean as possible. At minimum, all building must be located behind the crest of the primary dune, the landward toe of the frontal dune or the erosion setback line - whichever is the farthest from the first line of stable natural vegetation (see Figure 3.1).

Figure 3.1



- Your project must not remove or relocate sands or vegetation from primary or frontal dunes. These dunes help protect structures from erosion, flooding and storm waves, and they help maintain North Carolina's barrier islands and beaches.
- If you want to move a building that is in an ocean hazard area, you will need a CAMA permit. Buildings relocated entirely with private funds should be relocated as far landward as possible. Buildings relocated with public funds must meet all AEC standards, including the setback requirement.
- Your project must meet all local minimum lot-size and setback requirements. Counties and towns often require a setback from roads, property lines or dunes. For more information, contact your local building inspector.
- Your project must comply with the local CAMA land use plan. A land use plan contains a community's goals, management policies and a map classifying land according to the types of development allowed.
- You must not place a mobile home within the high hazard flood area unless it is in a mobile home park that existed before June 1, 1979. Not only are mobile homes likely to be damaged by coastal storms, they are also likely to damage other buildings during storms.

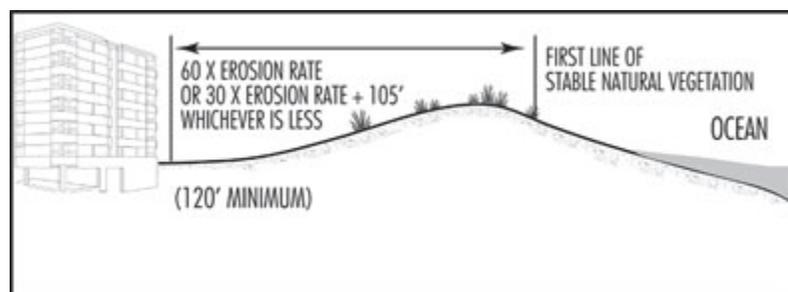
- You may not interfere with or block the public's ability to reach, use and enjoy the resources that belong to all the people of the state. These resources include the wet sand beaches and waters. No development is allowed seaward of the vegetation line, because the public has a right to use the sandy beach. Development also may not block established pathways to the beach.
- Your project must not cause major or irreversible damage to valuable archaeological or historic resources. Information on the location of these sites is available from the N.C. Division of Archives and History in the Department of Cultural Resources.
- The construction of publicly funded projects, such as sewers, water lines, roads, bridges and erosion control works, will be permitted only if they:
 - greatly benefit the public, nation or state;
 - don't promote additional development in ocean hazard AECs;
 - won't damage natural buffers to erosion, wave wash and flooding;
 - won't otherwise increase existing hazards.

Setback Requirements for all development in the Ocean Hazard AEC

Note: The erosion setback line extends inland from the first line of stable natural vegetation.

- For small structures or single family homes, the line extends landward a distance of 30 times the average annual erosion rate at the site. In areas where erosion is less than 2 feet per year, the setback is 60 feet (see Figure 3.1A).
- Any structure of more than 5,000 square feet, such as a motel or condominium, must meet an additional setback requirement because of the unique physical, financial and legal problems posed by relocating these structures.
- For large structures, the erosion setback line extends inland from the first line of stable natural vegetation a distance of 60 times the average annual erosion rate at the site. The minimum setback is 120 feet (see Figure 3.2). *Note: In areas where the erosion rate is more than 3.5 feet a year, the setback line shall be set at a distance of 30 times the annual erosion rate plus 105 feet.*

Figure 3.2

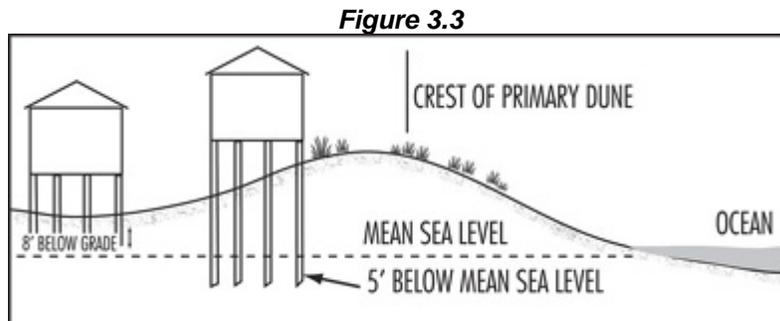


- Coastal Management determines erosion rates for different segments of the state's ocean shoreline by analyzing a time-series of aerial photographs dating back to the 1930s. Erosion rates are updated about every five years and are adopted by the CRC.
- The following types of development may be permitted between the oceanfront setback line and the vegetation line if they don't remove or alter primary or frontal dunes or plants, if overwalks are used to protect dunes, and the projects meet all other AEC general rules:
 - campgrounds with no substantial permanent structures;
 - public fishing piers;
 - parking areas made from clay, packed sand or similar materials;
 - outdoor tennis courts;
 - beach access structures;
 - elevated decks with a footprint of less than 500 square feet;
 - uninhabitable storage sheds;
 - unenclosed, uninhabitable gazebos with a footprint of less than 200 square feet;

- temporary amusement stands;
 - swimming pools.
- When the oceanfront setback requirement will not allow the development of permanent structures on lots that had been platted as of June 1, 1979, single-family homes may be permitted seaward of the setback line in ocean erodible areas if they meet the following conditions:
 - the structure is set back as far as possible from the ocean with the least possible encroachment into the setback area;
 - it is at least 60 feet landward of the vegetation line;
 - it is entirely behind the landward toe of the frontal dune;
 - all pilings used to support the structure are driven at least five feet below normal sea level (see Figure 3.3);
 - the footprint of the structure covers no more than 1,000 square feet or 10 percent of the lot area, whichever is greater; and
 - the project meets all other state and local requirements.

Note: The exceptions listed above do NOT apply to inlet hazard areas.

- If the development is to be served by an onsite waste disposal system, a copy of a valid permit for this system from your county health department must be submitted with the CAMA permit application.



NOTE: If you are applying to build in an Ocean Hazard AEC, you must sign an AEC Hazard Notice to acknowledge that you are aware of the risks and of the area's limited suitability for permanent structures.

The AEC Hazard Notice also states that you are aware that you may not build any permanent erosion protection, such as wooden bulkheads, seawalls and breakwaters. Preferred responses to oceanfront erosion are building relocation or beach nourishment. Temporary erosion protection devices, such as low sandbag structures, may be permitted if certain conditions are met. Those sandbags must be removed by a date set in the permit.

By granting permits for development, the Division of Coastal Management does not guarantee the safety of the development, and the Division and the Coastal Resources Commission do not assume liability for future damage.

Inlet Hazard Areas

In addition to the general rules for ocean hazard AECs, all development in inlet hazard areas must meet the following standards {15A NCAC 7H .0310}:

- All development must be set back from the first line of stable natural vegetation a distance equal to the setback required in the adjacent ocean hazard area.
- You may receive a permit for only one permanent commercial or residential unit per 15,000 square feet

of land area on lots subdivided after July 23, 1981. Mud flats, salt marshes and beach areas seaward of the vegetation line are not included in computing a lot's land area or density for the purposes of this rule.

- Residential buildings of four units or less and non-residential buildings with less than 5,000 square feet of floor area are the only buildings allowed in the inlet hazard area. Access roads to those areas and maintenance or replacement of *existing* bridges may be allowed.
- Development must not encroach on public accessways or restrict their use.
- Small-scale, non-essential development that does not induce further growth, such as single-family piers and bulkheads that do not interfere with natural inlet movement, may be permitted within designated inlet hazard area shorelines that exhibit features characteristic of estuarine shorelines. Features can include the presence of wetland vegetation, low wave energy and lower erosion rates than in the adjoining ocean erodible area. Typically, these areas are on the back side of barrier islands and are not influenced by ocean waves.

3. Public Water Supply AECs {15A NCAC 7H .0405-6}

Definitions

Small surface water supply watersheds protect coastal drainage basins that contain a public water supply classified as WS I - WS V by the N.C. Environmental Management Commission. The Fresh Pond at the Nags Head and Kill Devil Hills border, and Toomer's Creek near Wilmington are classified as AECs.

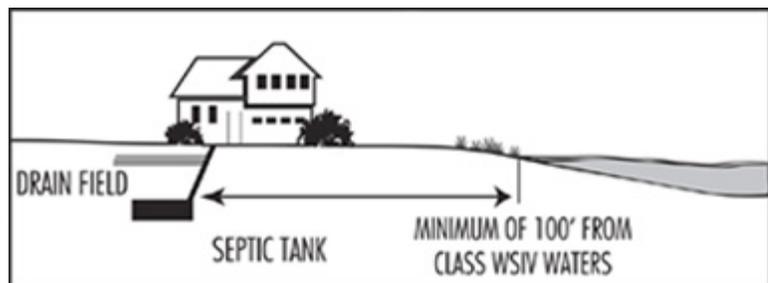
Public water supply wellfields are areas of rapidly draining sands extending from the earth's surface to a shallow groundwater table that supplies public drinking water.

Currently, one wellfield has been designated as an AEC on Hatteras Island at Buxton.

Rules applying to small surface water supply watersheds:

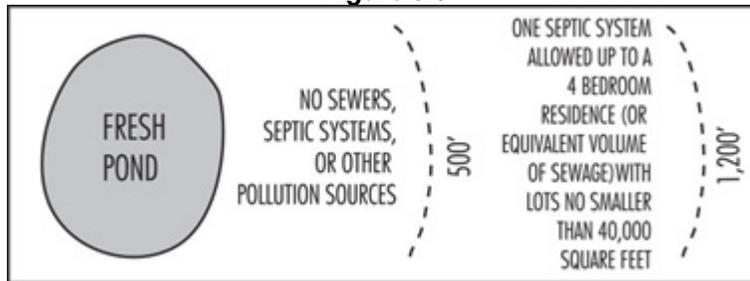
- Septic tanks and drainfields must be located at least 100 feet from waters classified as WS IV by the Environmental Management Commission (see Figure 3.4). (Wastewater from the septic system can migrate through the soil and the water table, polluting a pond or stream.)

Figure 3.4



- Land clearing, grading, surfacing and other land-disturbing activities must comply with the N.C. Sedimentation Pollution Control Act of 1973 (G.S. 113A-57). (Disturbing the soil near a public water supply can send sediment and other pollutants into the water during a rainstorm or high winds.)
- If your project requires a National Pollutant Discharge Elimination System (NPDES) permit, you must obtain the NPDES permit before a CAMA permit may be granted. The Division of Water Quality in the Department of Environment and Natural Resources has more information on NPDES requirements.
- No sewers, septic tank fields or other sources of pollution may be built within 500 feet of the edge of the Fresh Pond in the Nags Head/Kill Devil Hills Fresh Pond watershed. Between 500 feet and 1,200 feet from the pond, septic systems are limited to one system serving a single-family home with no more than four bedrooms (or an equivalent volume of sewage) on a tract of land at least 40,000 square feet in size (see Figure 3.5).

Figure 3.5



Rules applying to public water supply wellfields:

- Your project must not significantly decrease the quality of the water supply or reduce the amount of water available to recharge the wellfield. Your project must not use a septic tank system or other ground absorption system that is located inside designated AEC boundaries.
- Your project must not inject pollutants below ground within the AEC boundaries.
- Your project must not discharge toxic and/or soluble materials that could contaminate the water supply.
- Your project must not let salt water leak into the public water supply.

4. Natural and Cultural Resource AECs

The standards for development in areas designated as a natural or cultural resource AEC are tailored to fit the management and resource protection needs of those particular areas. Management plans for Permuda Island and Jockey's Ridge, the only two natural and cultural AECs to date, are available from the Division of Coastal Management.

Any person may nominate an area as a Natural & Cultural Resource AEC. The area must meet specific criteria to be considered by the Coastal Resources Commission. For nomination information, call the Division of Coastal Management.

Section 4: Rules for Specific Types of Projects

(These projects all require CAMA permits. Types of projects are listed alphabetically, not by AEC category)

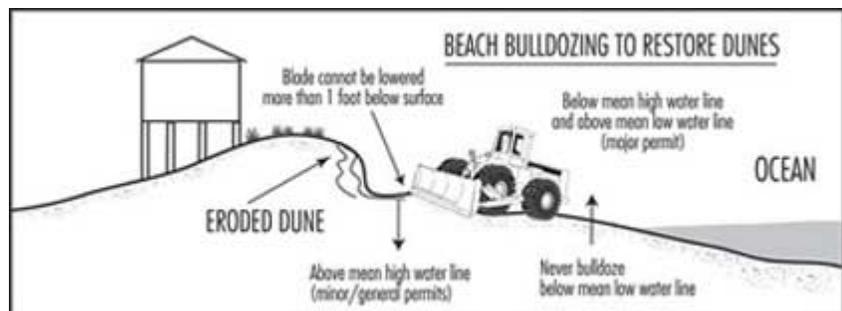
Beach Bulldozing

(Also see Oceanfront Erosion Response)

Beach bulldozing is a common method of erosion management that moves sand, usually to repair storm damage to an existing dune or to create a protective berm if the dune system has been completely washed away. Beach bulldozing may be permitted if you follow the general rules for development within an ocean hazard area of environmental concern, and you follow these specific rules (see Figure 4.1):

Figure 4.1

- If you are bulldozing under a general permit, you must confine sand movement to landward of the normal high water line. Moving sand that is seaward of the low water line requires a CAMA major permit and a state Dredge and Fill permit.



- In order to minimize adverse impacts to nesting sea turtles, no work shall occur within the period of May 1 through Nov. 15 without prior approval from the Division of Coastal Management, in coordination with the N.C. Wildlife Resources Commission, U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers.
- The project should maintain a slope similar to normal conditions. The slope, or grade, of the project must not be so steep that it endangers the public or interferes with public use of the beach.
- Bulldozer blades may not be lowered more than one foot as measured from the existing surface elevation.
- Beach bulldozing must not extend past the lateral boundary of your property, unless you have permission from the neighboring landowner.
- Beach bulldozing must not significantly increase erosion on neighboring properties or adversely affect important natural or cultural resources.

Beach Nourishment (Oceanfront)

(Also see Oceanfront Erosion Response)

Ocean beach nourishment must meet the general rules for development in the Ocean Hazard AEC as well as the following standards:

- Sand used for beach nourishment must be similar in quality and grain size to sand in the area being nourished.
- Sand may not be taken from sensitive natural areas or areas where it will cause more than a minimal environmental effect.
- In order to minimize adverse impacts to nesting sea turtles, no work shall occur within the period of May 1 through Nov. 15 without prior approval from the Division of Coastal Management, in coordination with the N.C. Wildlife Resources Commission, U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers.
- The project should maintain a slope similar to normal conditions. The slope, or grade, of the project must not be so steep that it endangers the public or interferes with public use of the beach.
- Nourishment projects may be subject to the North Carolina Environmental Policy Act (NCEPA), which requires a NCEPA review.

Beach Walkways

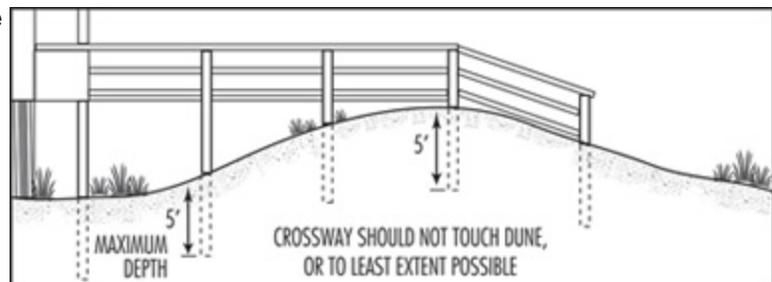
(Also see Oceanfront Construction)

Beach walkways make it easier to get to the beach without damaging dunes, which play a vital role in maintaining the structure and safety of North Carolina's barrier islands and beaches.

To ensure that the dune system is not damaged when a walkway is built, you must follow the following rules in addition to the general use standards for the ocean hazard AEC {15A NCAC 7H .0308}:

Figure 4.2

- Walkways must be for pedestrian use only.
- Walkways must be no wider than 6 feet.
- Walkways wider than 6 feet or not for pedestrian use may be permitted if they meet a public need that cannot be met in other ways. *(Note: This standard does not apply to public fishing piers if they meet all other*



applicable standards.)

- Elevated walkways allow dunes to adjust naturally to wind and wave forces, maintaining the stability of the protective dune system. Walkways must be on posts or pilings embedded to a depth of 5 feet or less, so that when possible, only the posts – not the walkway itself – touch the frontal dune. Walkways may touch the dune only to the extent necessary.
- Walkways won't be allowed if they weaken the dune's protection against flooding and erosion (see Figure 4.2).
- Any vegetation disturbed in the construction and use of a walkway or vehicle accessway must be replanted as quickly as possible.
- Walkways or vehicle accessways may not be considered threatened structures and are not eligible for sandbag protection.

Boat Ramps

Boat ramps provide access to coastal waters. Ramps for private use may be constructed under a CAMA general permit if they meet the general rules for coastal shorelines, estuarine and public trust waters, and the following specific conditions {15A NCAC 7H .1305}:

- Boat ramps must not be wider than 15 feet and must not extend farther than 20 feet below the normal high water level contour in tidal areas or the normal water level contour in nontidal areas.
- Excavation and ground-disturbing activities above and below the normal high water level or normal water level will be limited to that absolutely necessary to establish adequate ramp slope and provide a ramp no greater in size than specified by the general permit.
- Placement of fill materials below the normal high water level, or normal water level contour, will be limited to the ramp structure itself. Boat ramps may be constructed of concrete, wood, steel, clean riprap, marl or any other acceptable materials approved by DCM personnel.
- Coastal wetland vegetation must not be excavated or filled at any time during construction and subsequent use of the ramp.

Construction of larger or commercial boat ramps may require a major permit.

Bulkheads and Estuarine Shoreline Stabilization

Shoreline erosion is common along North Carolina's broad sounds and tidal rivers, and many waterfront property owners look for methods to slow or prevent it. There are three approved methods for stabilizing estuarine shorelines.

1. **Planting vegetation** along the estuarine shoreline is the cheapest and most environmentally sound stabilization method. Plants slow wave energy and trap sediments. They also increase the marsh habitat and provide food for lower organisms such as algae and seaweeds, finfish and shellfish, mammals and shorebirds.

Because of the variety of shoreline types and plant species in North Carolina estuaries, your project should be evaluated for the appropriateness of planting vegetation and for specifics on how to plant properly. If the shoreline does not require preparation – i.e. grading – a permit is not required for planting vegetation. For large projects or for projects on areas that need preparation, contact Coastal Management, and check with the North Carolina Sea Grant Program for information about plantings. (See Section 9 for contact information.)

2. **Stone riprap** or **revetments** also dissipate some wave action, but they often increase erosion along the front and sides of the revetment. Because the stones or rocks of a revetment will settle and readjust with storms or waves, riprap material must be heavy enough or securely tied down to remain in place through storms and normal tidal and wave movement. In fresh water, you can further stabilize riprap sites by planting vegetation in the spaces between the stone using soil bioengineering techniques.

Riprap material must be clean and free of pollutants. Although riprap causes less habitat destruction and loss

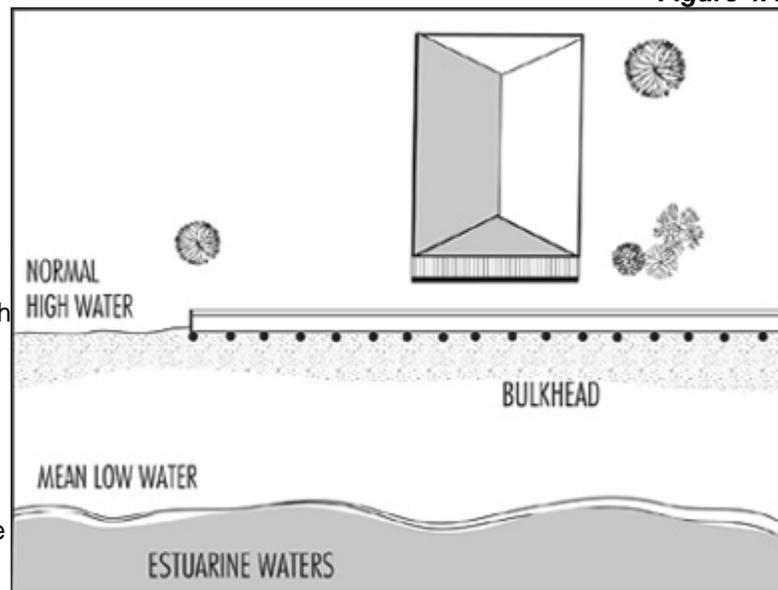
than permanent seawalls, riprap replaces soft bottom habitat with hard bottom habitat, and it changes plant and animal diversity and abundance.

3. **Bulkheads** or vertical retaining walls are not the most desirable method of shoreline stabilization, because they can encroach into estuarine waters or public trust areas and can prevent the natural landward migration of coastal wetlands. Although bulkheads block or reflect wave energy, they also may block normal sand migration, increasing erosion along the front and sides of the wall. In addition, bulkheads can lead to the destruction of shallow-water habitat.

Bulkheads must follow the general CAMA rules for coastal wetlands, estuarine waters and public trust areas, and the following specific guidelines {15A NCAC 7H .0208(b)(7)}:

- Where possible, sloping riprap or vegetation should be used rather than vertical bulkheads (see Figure 4.3). Riprap and vegetation can be less expensive and more effective at slowing erosion than bulkheads, depending on the characteristics of the shoreline. Sloping shoreline structures help dissipate wave energy as a wave strikes the shoreline, reducing the wave's ability to carry away soil. Vertical bulkheads do not dissipate wave energy as well; they can direct that energy to adjacent properties and to the base of the bulkhead, causing additional erosion and damage.
- To keep the shoreline stable, shoreline stabilization measures should be aligned with, or landward of, the normal high water or normal water level (see Figure 4.4). The normal water level is the ordinary extent of high tide, based on the location of the apparent high tide line and site conditions, such as the presence and location of vegetation that is distributed by tides (wrack line). Shoreline stabilization measures located waterward of this line encroach on the public's right of access to those lands and waters.

Figure 4.4

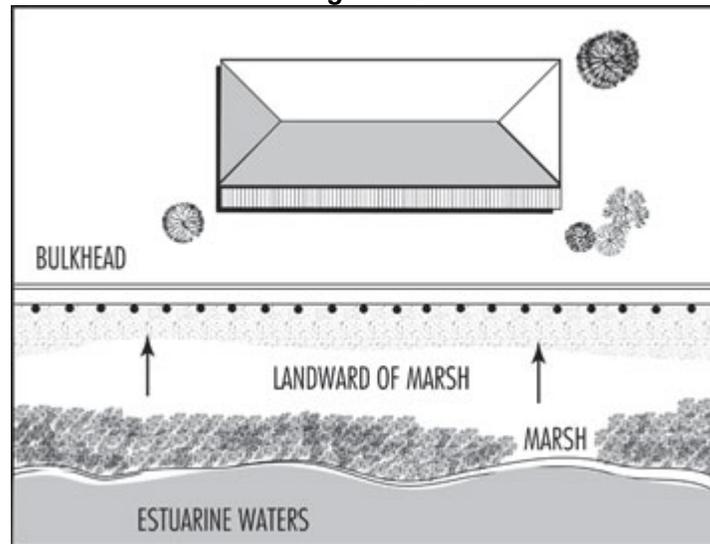


- Bulkheads or other shoreline stabilization structures may be permitted below the normal water level if all of the conditions below are met:
 - The property has an identifiable erosion problem or has unusual features, such as a steep bank;
 - Coastal Management has documented the need for shoreline stabilization below the normal water line;
 - The shoreline stabilization measure extends beyond the normal water line no more than necessary to: resolve the hardship resulting from unusual features; align with adjacent shoreline stabilization measures; or allow backfill of the area eroded in the year before the date of the permit application;
 - The shoreline stabilization measure will not significantly impair public trust rights or damage adjacent waterfront properties; and
 - The property is not on the oceanfront.
- If you are installing a shoreline stabilization measure, you must build the structure landward of marsh areas (see Figure 4.5). In those areas where a shoreline stabilization measure is proposed immediately

waterward of the marsh, it may be allowed if it is placed no more than 6 inches above the elevation of the adjacent marsh substrate, and involves no backfilling or altering of the wetland. Marshes are vital to the health and productivity of fish and shellfish, and they depend on regular flooding for nutrients and for carrying away sediments and pollutants. Bulkheads may block this essential exchange and stimulate the gradual filling of the state's coastal wetlands.

- If you are installing a shoreline stabilization measure with backfill, the fill material must be from an approved upland source – not the state's wetlands, estuarine beaches, or sound and river bottoms. All backfill material must be confined behind the structure.

Figure 4.5



Excavation of Channels, Canals and Boat Basins

Navigation channels, canals and boat basins are common along the coast's sounds, rivers and creeks. Navigation projects enhance our state's coastal waters for boating or fishing. But if they are poorly designed, navigation projects can disturb shellfish beds and fish nursery areas, damage wetlands or accelerate shoreline erosion.

New navigation channels are subject to the North Carolina Environmental Policy Act and must undergo a NCEPA review.

You must meet the following specific development regulations for navigation channels {15A NCAC 7H .0208(b)(1)}, in addition to the general rules for coastal wetlands, estuarine waters and public trust areas:

- Navigation channels, canals and boat basins must avoid primary nursery areas, highly productive shellfish beds, beds of submerged aquatic vegetation and marshes.
- Navigation channels and canals can be allowed through narrow fringes of regularly and irregularly flooded coastal wetlands, provided they do not significantly damage fishery resources, water quality or adjacent wetlands and if no reasonable alternative exists.
- A canal or channel must be the smallest width possible to meet your needs and provide adequate water circulation.
- Canals must not cause water quality problems. This standard ensures that any constructed canal will flow freely, so water won't stagnate and concentrate pollutants.
- Canals should be designed to prevent shoreline erosion on adjoining properties.
- Septic tanks are not allowed on the shores of canals serving more than one residence, unless they meet standards set by the Division of Water Quality and the Division of Environmental Health. Such septic systems may not have point-source discharges, and the development must have stormwater

routing and retention systems, such as grassed swales and settling basins. This reduces the discharge of sewage and other pollutants into canals, where water moves slowly and has a decreased capacity to dissipate harmful materials.

- No canal or boat basin may be deeper than its connecting channels. Canals or boat basins deeper than adjoining channels allow sediment and pollution to build up in the basin.
- Boat basins should be designed with the widest possible opening and the shortest possible entrance to promote flushing and exchange of waters. The depth of a boat basin should decrease from the waterward end to the landward end (see Figure 4.6).

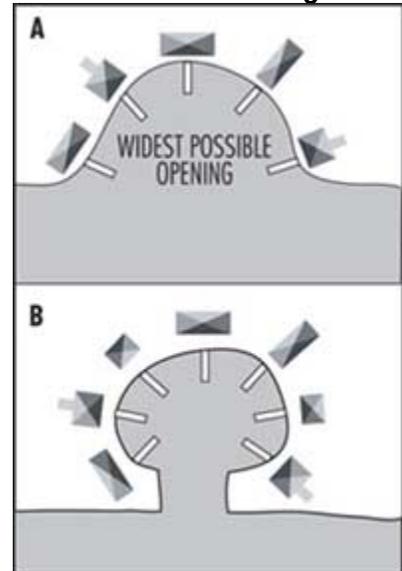
Figure 4.6

There are two common methods of excavating and maintaining navigation channels, canals and boat basins: mechanical dredging and hydraulic dredging.

Mechanical Dredging is used to construct and maintain navigation channels and boat basins, allowing boats to use coastal waters safely. But improperly placed dredged material (spoil) can smother coastal wetlands, shellfish beds and fish spawning and nursery areas, and can release pollutants into estuarine waters.

To qualify for a CAMA permit, your dredging project must meet the general CAMA regulations for coastal wetlands, estuarine waters and public trust areas.

- All dredged material from the construction or maintenance of a canal, channel or basin must be confined inland of regularly or irregularly flooded coastal wetlands and must be stabilized to prevent sediment from entering adjacent marshes or waterways.
- Dredging in primary nursery areas and beds of submerged aquatic vegetation is prohibited, unless maintenance excavation is essential to maintain a traditional and established use in these areas. In order to conduct maintenance excavation in these areas:
 - You must meet certain criteria, and you must present clear evidence that you can meet those criteria when you apply for a permit.
 - You must prove that the project is water-dependent, the channel has been continuously used for a specific purpose, and the disposal of dredged material will not harm coastal resources.



Hydraulic Dredging

Because hydraulic dredging increases the potential for environmental impacts, special rules apply {15A NCAC 7H .0208(b)(2)}:

- Dredged material (spoil) must be confined on high ground by retaining structures or deposited on ocean beaches if the spoil is suitable. Dredged materials confined on high ground must be placed inland of any marshland and should be stabilized to keep sediments from entering adjacent waters or wetlands.
- The end of the dredge pipeline should be set far enough into the disposal area to keep the containment dike from eroding and far enough from the spillway to allow suspended sediments to settle evenly throughout the disposal area. (see Figure 4.7A).
- Effluent from a diked spoil disposal area must be carried by a pipe, trough or similar device to a point in the water past visible vegetation or below the normal low water line. When possible, you must return effluent to the area being dredged (see Figure 4.7B).

- A water control structure must be installed at the intake end of the effluent pipe to allow for the settling of suspended sediments, which restricts the flow of sediment into adjacent marshes and waterways (see Figure 4.8).
- Effluent from diked disposal areas holding spoil from closed shellfish waters must not be returned to open shellfish waters. This practice keeps the contaminants found in closed shellfish waters from reaching non-polluted shellfish beds, spawning and nursery areas, and submerged vegetation beds.

Figure 4.7

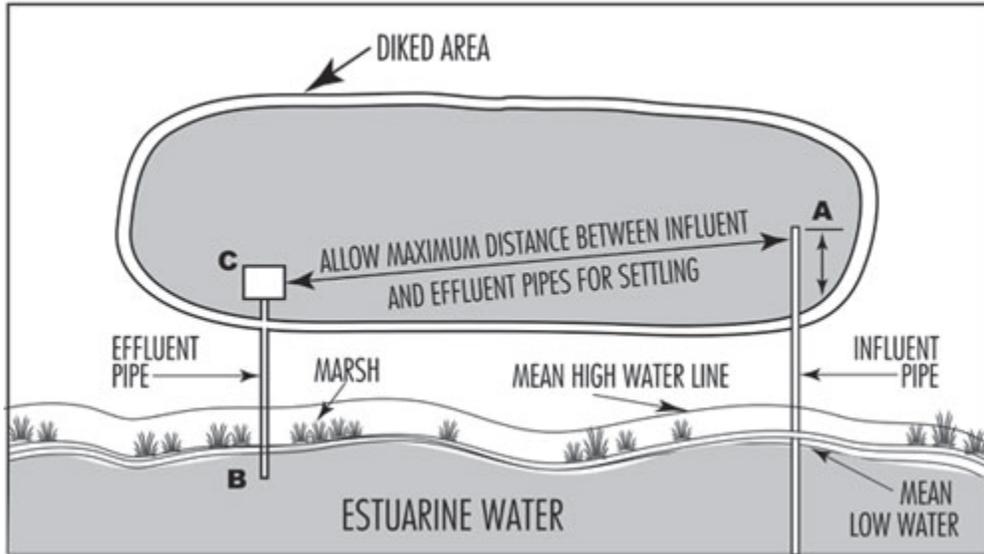
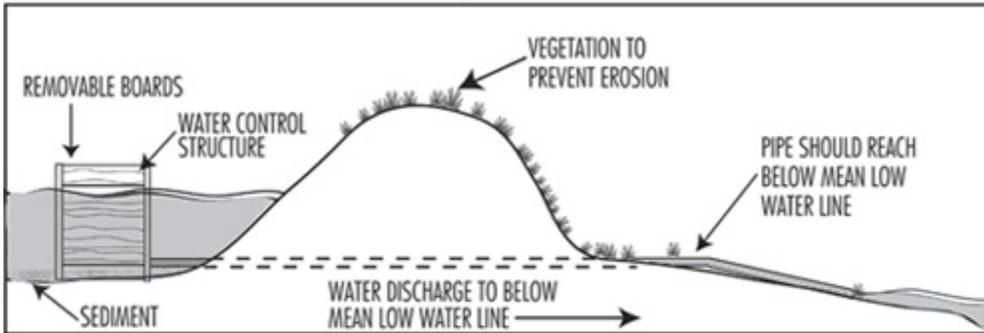


Figure 4.8



Docks and Piers

Docks and piers serve important functions along the coast, allowing access to water for recreational and commercial boating, swimming, diving, fishing and transportation. If poorly designed, however, docks and piers can obstruct navigation and the water circulation that sustains an estuary's natural systems.

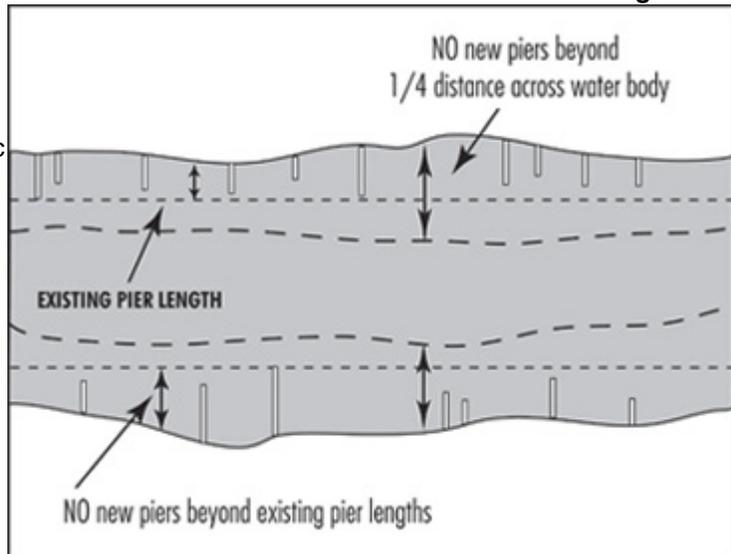
The type of permit you will need for a dock or pier varies with the size of the structure. See the tables in Appendix A to help you determine the type of permit you may need.

All docks and piers must meet the general CAMA rules for coastal wetlands, estuarine waters and public trust

areas and the following specific regulations {15A NCAC 7H .0208(b)(6)}:

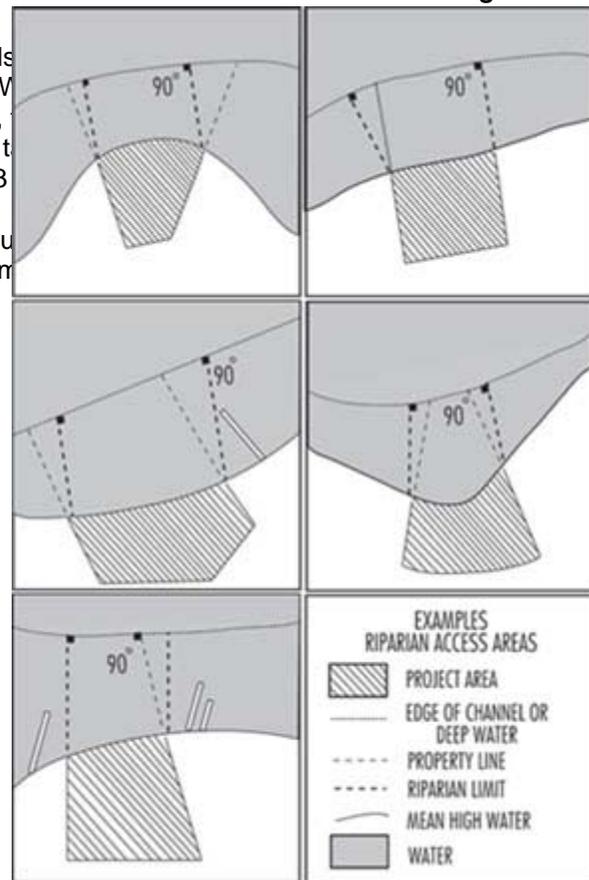
Figure 4.9

- Docks and piers cannot be wider than 6 feet. Wider docks and piers may be permitted *only* if the greater width is necessary for safe use, to improve public access, or to support a water-dependent use that cannot otherwise occur.
- Piers extending more than 100 feet past the marsh vegetation or the shoreline must not extend beyond the length of existing piers used for similar purposes along the same shoreline.
- Piers must not extend into the channel portion of the water body.
- Piers must not extend more than one-fourth the width of a natural water body or man-made canal or basin (see Figure 4.9), except in cases where there is a federally established pier-head line or if the pier is located between longer piers within 200 feet of your property. However, if you qualify for one of these exceptions, your pier cannot be longer than adjacent piers and cannot in any case extend more than one-third the width of the water body.



- Pier alignments along federally maintained channels guidelines, available from the Corps' district office in V
- There are limits on the combined area of all T-heads, vary based on the type of permit you obtain. See the t
- Docks, piers and T-heads must be elevated at least 3 measured from the bottom of the decking.
- Boathouses may not be larger than 400 square feet, u boathouse. (A larger boathouse requires a major perm
- Boathouse walls may cover only the top half of the boathouse (from the roofline). The bottom half must remain open.
- Boathouses are not allowed on lots with less than 75 linear feet of shoreline.
- The total area of a boat lift cannot be larger than 400 square feet.
- Piers, docks, decks, platforms and boathouses must be single-story. They may have roofs, but must not be designed for second-story use.
- Piers must not interfere with access to any riparian property and shall have a setback of at least 15 feet between any part of the pier and the adjacent property owners' areas of riparian access. The dividing line for areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge (see Figure 4.10). The 15-foot setback requirement may be

Figure 4.10



property owners' areas of riparian access. The dividing line for areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge (see Figure 4.10). The 15-foot setback requirement may be waived by a written agreement of the adjacent riparian property owners or when owners apply for a CAMA permit together.

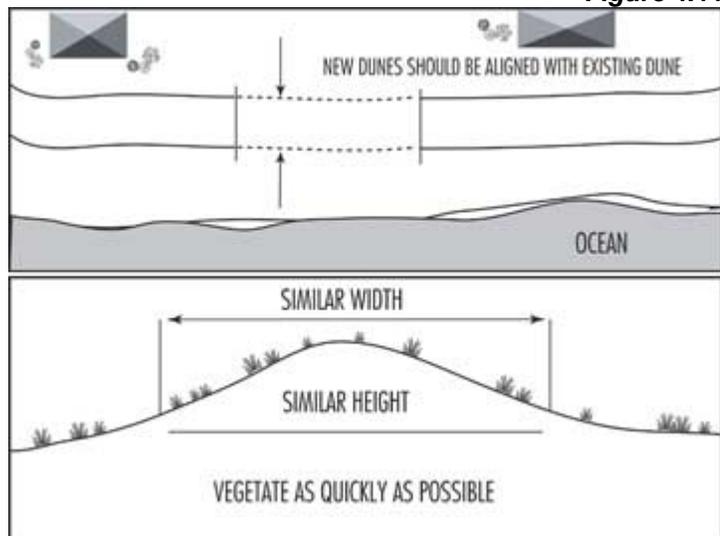
- In areas where the shoreline is irregular, such as the end of a canal, DCM field representatives are responsible for determining the projection of the riparian property lines into the water, and will assist property owners in determining pier alignment.
- Docks and piers must not significantly interfere with water flows, which could lead to the accumulation of pollutants along the shoreline or accelerate shoreline erosion. Docks or piers with open-spaced pilings allow water to circulate freely.
- Docks and piers must not interfere with shellfish leases or franchises. You must provide notice of the permit application or exemption request for a dock or pier to the owner of any part of a shellfish franchise or lease that the proposed dock or pier would cover. The Division of Marine Fisheries has information on the location of these shellfish beds and leaseholders.

Dune Creation and Stabilization (Ocean Hazard Area only)

Sand dunes provide a natural buffer against the erosive forces of wind, water and waves. Sometimes it's necessary to stabilize or strengthen existing sand dunes or build new ones to protect oceanfront buildings and roads. Dune establishment and stabilization projects must be thoughtfully planned and carried out to avoid damaging the beach and dune system.

Dune creation and stabilization projects must meet the general rules for ocean hazard AECs as well as the following standards {15A NCAC 7H Section .0308(b)}:

Figure 4.11



- Man-made dunes must be aligned with existing adjacent dune ridges and be of similar shape (see Figure 4.11).
- Existing primary and frontal dunes may not be broadened or extended oceanward, except during beach nourishment projects or emergency situations authorized by the Division of Coastal Management.
- Dune building must not damage existing vegetation. You must immediately replant or otherwise stabilize the dunes if vegetation is harmed.
- Sand used to create dunes must be similar in quality and grain size to existing sand, so it will improve potential stability of the existing sand and build stable dunes and be compatible with the existing environment.
- Dunes may not be created in inlet hazard areas.
- Sand in any dune other than the frontal or primary dune may be redistributed within the AEC if it is not placed farther oceanward than the crest of the primary dune or landward of the toe of the frontal dune.

Groins

A groin is an erosion-control structure built perpendicular to the shoreline. Often used on a small scale along the shores of North Carolina's sounds and tidal rivers to protect individual properties, wooden and riprap groins offer protection from gradual erosion by slowing wave action and trapping sand. (Groins are not authorized

along the oceanfront.)

However, the effectiveness of groins for reducing erosion is limited. While they do trap sand under normal conditions, groins also may accelerate erosion of nearby shorelines. And they provide little protection from erosion during a major storm. In addition, groins can impede navigation and threaten water quality unless they are properly designed, located and maintained.

To receive a CAMA permit for your wooden and riprap groin projects, you must meet the general CAMA rules for coastal wetlands, estuarine waters and public trust areas as well as the following specific regulations {15A NCAC 7H .0208(b)(9)}:

- Groins must not impede boat traffic.
- Groins may not extend more than 25 feet waterward of the normal high water or normal water level unless a longer structure can be justified by site-specific conditions and with sound engineering and design principles (see Figure 4.12A).
- Groins must be at least 15 feet from the adjoining property lines (see Figure 4.12B). The 15-foot setback requirement may be waived by a written agreement of the adjacent property owners or when adjoining owners apply for a CAMA permit together.
- You may not construct more than two groins per 100 feet of shoreline unless you can provide evidence that more structures are needed for shoreline stabilization (see Figure 4.12C). Generally, groins should be set apart a distance at least four times their length in order to interrupt water currents and trap sand.
- The height of a groin must not exceed one foot above the normal high water or normal water level (see Figure 4.13). The purpose of a groin is to trap sand, which happens at the water bottom — not the surface. In addition, if a groin is built too high above the water level, storm waves won't wash over it, and the groin could be damaged or could collapse.
- "L" and "T" sections are not allowed at the end of groins, because they can impede navigation and accumulate pollutants and debris.
- Riprap material used to build a groin must be free from harmful quantities of loose dirt and other pollutants, and should be large enough to withstand waves or currents.

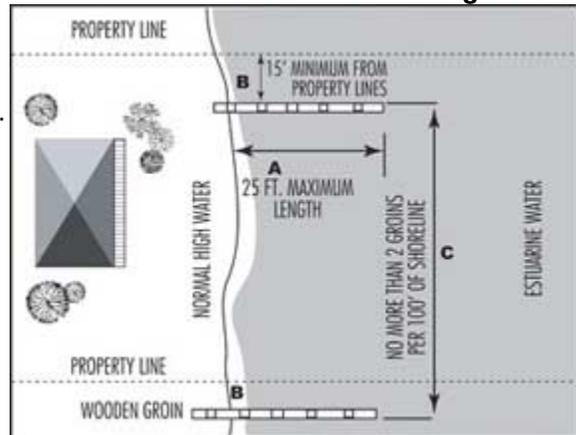
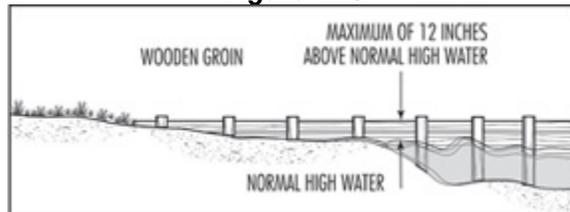


Figure 4.12

Figure 4.13



Marinas

Marinas provide many boaters with a place for fuel, repairs, docking and storage. But the construction of a marina can involve significant alteration of shorelines and wetlands, as well as destruction of underwater habitat.

Under CRC rules, a marina is any publicly or privately owned dock, basin or wet boat storage facility built to accommodate more than 10 boats and providing permanent or temporary docking space, dry stack storage, haul-out facilities or repair services.

To receive a CAMA permit, your marina must meet the general CAMA rules for coastal wetlands, estuarine waters and public trust areas as well as the specific rules below. [Boat ramps are exempt from these standards if they allow only access to the water (temporary docking) and offer none of the services above.] See {15A NCAC 7H .0208(b)(5)}:

- Marinas should be built in non-wetland sites or in deep waters that don't require dredging. They must not disturb valuable shallow-water or wetland habitats, except for dredging necessary for access to high-ground sites. Marinas should be designed to protect the environment as much as possible. The following are four alternatives for siting marinas, ranked in order of Coastal Resources Commission preference:
 1. An upland site that requires no alteration of wetlands or other estuarine habitats and has adequate water circulation to prevent the accumulation of sediment and pollutants in boat basins and channels;
 2. An upland site that causes no significant damage to fisheries or wetlands and requires dredging for access only;
 3. An open water site that doesn't require dredging or wetland alteration and is not a primary nursery area; and
 4. An open water site that requires dredging in less productive habitat, but not deeper than any connecting channels.

- Marinas that require dredging may not be in primary nursery areas or in areas that require dredging a channel through nearby primary nursery areas to deeper waters. DCM will consider maintenance dredging in primary nursery areas for existing marinas on a case-by-case basis.
- Marinas that require dredging must provide acceptable disposal areas to accommodate future maintenance dredging.
- Marinas may not be enclosed within breakwaters that hinder the water circulation needed to maintain water quality. Breakwaters that obstruct or alter the circulation of estuarine waters can accumulate sediment and pollutants and accelerate erosion on nearby shorelines. This could threaten marine life and public health, and it requires more frequent maintenance dredging.
- Marinas serving residential developments and built in public trust waters must be limited to 27 square feet of public trust area for every one linear foot of adjacent shoreline. The square-footage limit shall not apply to fairways between parallel piers or any portion of the pier used only for access from land to the docking spaces.
- Marinas may not be located within areas where shellfish harvest for human consumption is a significant use, or in adjacent areas, if the proposed marina will cause closure of the harvest areas. Construction or enlargement of a marina must not lead to the closure of an open shellfishing area.
- Marinas should minimize interference with public waters by using a mixture of dry storage areas, public launching facilities and docking spaces.
- Marinas may not be built without written confirmation that the proposed location is not subject to a submerged lands lease or deed. (*State law requires that marina owners receive an easement from the State Property Office.*)
- Marina basins must be designed to promote flushing: Basin and channel depths should gradually increase toward open water and must not be deeper than connecting waters. When possible, an opening shall be provided at opposite ends of the basin to promote flow-through circulation.
- Marinas must be designed to minimize adverse effects on boat traffic, federally maintained channels and public rights to use and enjoy state waters.
- Marinas must meet all applicable requirements for stormwater management.
- Boat maintenance areas must be designed so that all scraping, sandblasting and painting is over dry land and so that pollutants such as grease, oil, paint and sediments do not flush into estuarine waters. Grease and sediment traps can protect water quality at the marina and throughout the estuarine system.
- Marinas shall post a notice prohibiting the discharge of waste from boat toilets and explaining the availability of information on pumpout services. If dumped overboard, marine sewage can present a threat to marine life and public health.

- Marinas must comply with all other applicable standards for docks and piers, bulkheading, dredging and spoil disposal.
- Marina replacement may be allowed if all rules are met to the maximum extent practicable.
- New marinas over public trust bottoms are subject to the North Carolina Environmental Policy Act and must undergo a NCEPA review.
- Upland development associated with marinas must comply with coastal shoreline rules, which require that structures with non-water-dependent uses be located at least 30 feet from the water, unless the structures are located in a designated urban waterfront.

Moorings

A freestanding mooring is a stationary device used for attaching a boat, ship, floating structure or other water craft. Freestanding moorings include mooring buoys, buoyed anchors and pilings that are not part of a pier, dock or boathouse.

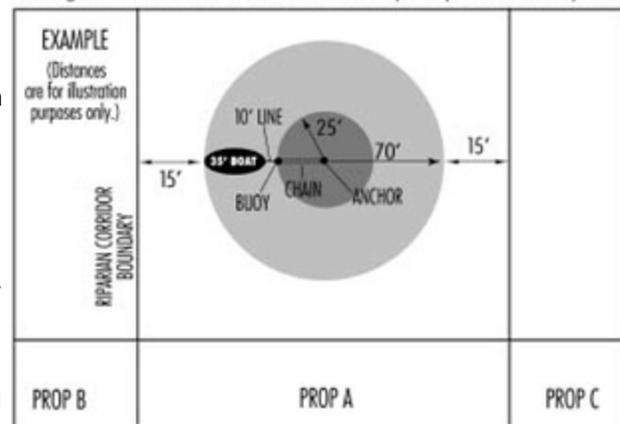
To qualify for a mooring permit, you must either own the waterfront property in front of the mooring location (general permit or major permit), or you must be planning to install the mooring buoy in a designated mooring area that meets the requirements of a local water use plan (requires major permit).

If you plan to install a mooring, you must meet the following standards {15A NCAC 7H.0208 (b) (10) or 7H.2200}:

- Moorings must not interfere with navigation or with public use of the waters.
- Moorings may be located up to a maximum of 400 feet from the normal high water line, or the normal water line, whichever is applicable.
- You may have up to four moorings, if you do not have other docking space in front of your property. If you do have other docking space, the combined docking spaces and moorings must not total more than four.
- Freestanding moorings along federally maintained channels must meet Corps of Engineers guidelines.
- When you plan the location of your mooring, you must consider the boat as well. The space for a mooring must include a radius around the mooring that could be occupied by the boat at any time (see Figure 4.14).
- Moorings and associated boats must be located at least 15 feet from adjacent riparian property lines, as extended into the water – unless the adjoining property owner waives this setback.
- Moorings must not significantly interfere with shellfish franchises or leases. You must notify all owners of a shellfish franchise or lease over which your mooring would extend.
- Moorings must be marked in accordance with US Coast Guard and NC Wildlife Resources Commission requirements, and they must bear the owner's name, state vessel registration numbers and/or US Customs documentation numbers. Mooring buoys must be a minimum of 12 inches in diameter.
- If a mooring is not used for 12 months or more, it must be removed.

Figure 4.14

Because boats move around moorings, the space for your mooring must include a radius that could be occupied by the boat at any time.



Mooring Fields

In addition to the standards for private freestanding moorings, the following standards apply to mooring fields {15A NCAC 7H. 0208 (b) (10)}:

- All mooring fields must provide suitable access areas to moorings and land-based operations, including

- wastewater pumpout, trash disposal and parking.
- Mooring fields may not be located within areas where shellfish harvesting is a significant use, or adjacent to shellfish areas if the mooring field could lead to a shellfish closure.
- If the state has leased or deeded submerged lands where the mooring field is to be located, you must obtain the permission of the person/people controlling the submerged lands.
- Open water moorings may not be enclosed within breakwaters that prevent water from circulating.
- Moorings and associated land-based operations must meet all applicable stormwater management requirements.
- Mooring fields must post a notice prohibiting the discharge of waste from boat toilets and explaining the availability of pumpouts and waste disposal.
- Moorings associated with commercial shipping, public service, or temporary construction/salvage operations will be evaluated on a case-by-case basis.

Oceanfront Construction

New construction or substantial improvements to existing structures (an increase of 50 percent or more in the value of existing square footage) must meet the following standards in addition to the general rules for ocean hazard AECs {15A NCAC 7H.0308(d)}:

- All development must be designed and located to avoid unreasonable dangers to humans and property and to minimize damage caused by changes in ground elevation and wave action in a 100-year storm.
- Structures built in the ocean hazard area must comply with the N.C. Building Code, including the Coastal and Flood Plain Construction Standards and local flood damage prevention ordinances required by the National Flood Insurance Program. *If any provision of the building code or flood ordinance is not consistent with CAMA standards, the more restrictive provisions apply.* Your local building inspector can explain the requirements of the State Building Code and local ordinances.
- All structures must be on pilings at least 8 inches in diameter or, if the pilings are square, 8 inches per side.
- All pilings must be driven more than 8 feet below the lowest ground elevation under the structure. Pilings on the primary dune or nearer the ocean must extend at least 5 feet below normal sea level (see Figure 4.15).
- Foundations must be designed to withstand changes in ground elevation and wave forces during a 100-year storm (see Figure 4.16). Cantilevered decks and walkways must meet this standard or be designed to break away.

Figure 4.15

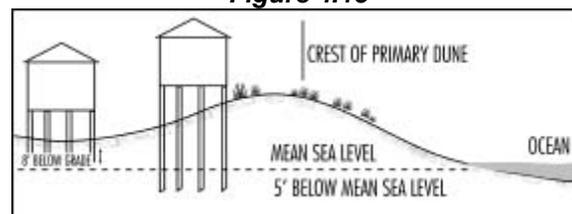
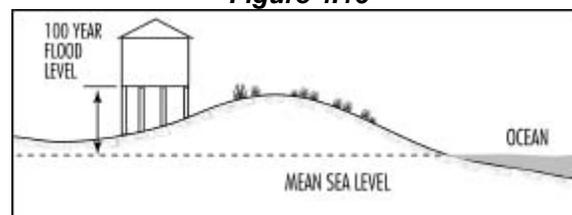


Figure 4.16



Oceanfront Erosion Response

Erosion is a fact of life in North Carolina's oceanfront communities: Nothing can prevent it. To protect your

development from erosion, you should place your new buildings or developments as far back from the beach as possible.

But new buildings aren't the only ones at risk. Many existing buildings may become threatened by the forces of wind and water. Recognizing that people cannot prevent erosion – they can only respond to it – the Coastal Resources Commission allows two methods of erosion response: moving buildings out of the way, or replenishing the beach's supply of sand.

The CRC does not allow permanent stabilization of the ocean shoreline, because structures such as bulkheads, seawalls, jetties and groins interrupt natural sand migration patterns and can increase erosion at nearby properties.

Any oceanfront erosion protection measure must meet CAMA's general rules for development in ocean hazard AECs as well as the following specific standards {15A NCAC 7H Section .0308(a)}:

- Permanent erosion-control structures, such as seawalls, groins and revetments, are prohibited.
- Building relocation and beach nourishment are preferred responses to erosion.
- Comprehensive shoreline management is preferred over small-scale projects. Erosion management measures are more successful when coordinated over a large stretch of shoreline rather than at scattered, individual sites.
- Rules governing erosion response apply to all oceanfront property.
- Erosion-control measures that interfere with public beach access are prohibited.
- All erosion-response projects must demonstrate sound engineering practices.
- Unless appropriate mitigation is incorporated into your project plan, erosion-response projects will not be permitted in areas that provide substantial habitat for important wildlife.
- Your project must be timed to cause the least possible damage to biological processes. Certain times of year and day are important for breeding, spawning, nesting and feeding cycles of shorebirds, sea turtles and other species. Your project must accommodate these cycles in order to protect North Carolina's wildlife.
- You must notify all adjacent property owners of your proposed project. No permit will be issued until the property owners have signed the notice form or until a reasonable effort has been made to contact them by certified mail.
- All exposed remnants and debris from failed erosion-control structures must be removed before beginning any erosion-response project.

Permanent erosion-control structures that normally are prohibited **may** be permitted in certain cases for public projects, for example: to protect a bridge that provides the only existing road access to a substantial barrier island population, is vital to public safety and is threatened by erosion.

Sandbags for Temporary Erosion Control

Sandbags are allowed (with the proper permit) to temporarily protect imminently threatened oceanfront structures. A structure is considered threatened when the erosion escarpment is less than 20 feet from a building's foundation (see Figure 4.17A).

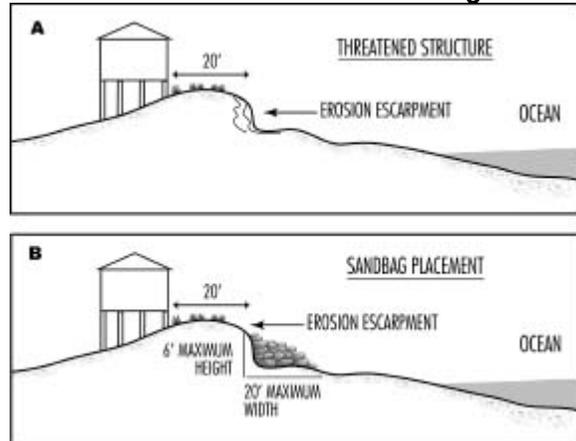
Most sandbag installation can be authorized with a general permit.

Dune crossovers, pools, parking lots, decks, tennis courts and similar structures don't qualify as threatened structures. Roads are considered structures, and septic systems that currently are serving a building also qualify for sandbag protection.

Figure 4.17

Sandbags are allowed only on a temporary basis. If left in place permanently, sandbags act as hard structures, and can cause the same types of damage to the beach as seawalls. To prevent that damage, the Coastal Resources Commission sets specific limits on sandbag use:

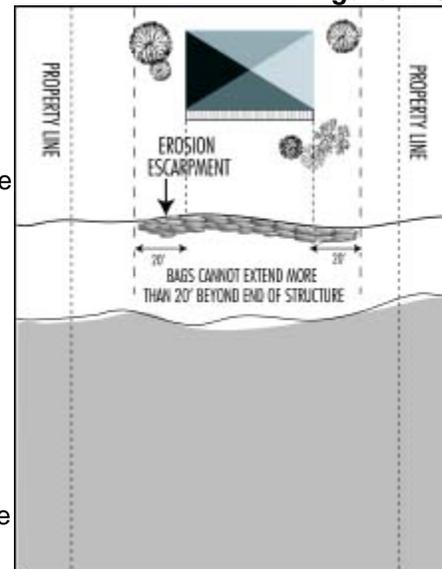
- Two years for buildings 5,000 square feet or smaller;
- Five years for buildings larger than 5,000 square feet; and
- Five years or May 1, 2008, whichever is later, for buildings in communities that are deemed to be actively pursuing beach nourishment projects as of Oct. 1, 2001. Some other restrictions apply. Contact your local DCM office for information.



Only one sandbag permit may be issued in the life of your property, even if that property changes ownership. Sandbags and other temporary oceanfront erosion controls must meet CAMA's general rules for the ocean hazard AEC, as well as the following standards {15A NCAC 7H Section .0308(a)}:

Figure 4.18

- Sandbags must be placed above the normal high water mark and parallel to the shore.
- Sandbag structures can't extend more than 20 feet past the sides of the protected structure (see Figure 4.18).
- Sandbag structures cannot be more than 6 feet tall, and their base width (measured from the oceanward side to the landward side) cannot be greater than 20 feet (see Figure 4.17B).
- The landward side of the sandbag structure must not be more than 20 feet seaward of the structure it protects.
- Sandbags used to construct temporary erosion-control structures must be tan. Each bag must be 3 to 5 feet wide and 7 to 15 feet long when measured flat.
- You may maintain your sandbag structure for the life of your permit provided you don't make the structure any larger.
- If your sandbags are determined to be unnecessary because of the relocation or removal of the threatened structure, they must be removed within 30 days.
- If sandbags are buried and covered with vegetation that has spread enough to be considered natural, the sandbags may remain in place.



Section 5: Applying for a CAMA Permit

CAMA permits are designed to protect the resources of the coast and human lives and property. This section will explain:

- the types of permits the Division of Coastal Management issues;
- how to apply for permits;
- how to appeal a permit decision;
- how permits are enforced;
- consistency reviews for certain types of projects in or affecting the 20 CAMA coastal counties.

What types of permits does DCM issue?

The CAMA permit system is divided into major and minor permits, based on the size and possible impacts of your project.

There are three types of CAMA permits:

Major Permits, which 10 state and four federal agencies must review before a decision is made.

General Permits, which are used for routine projects that usually pose little or no threat to the environment.

Minor Permits, which are used for projects – such as single-family houses – that don't require major permits or general permits. They are reviewed, issued and administered to CRC standards by local governments under contract with the Division of Coastal Management.

MAJOR PERMITS

You will need a major development permit if your project involves development in an Area of Environmental Concern and any of the following:

- another state or federal permit, license or authorization, such as for dredging and filling, wetlands fill, stormwater management, sedimentation control, wastewater discharge or mining;
- excavation or drilling for natural resources on land or under water;
- construction of one or more buildings that cover more than 60,000 square feet on a single parcel of land;
- alteration of more than 20 acres of land or water.

A major permit is usually required if there is any dredging or filling of water or marsh.

How to Apply

1. **Contact the DCM office** in the district where your project is located.
2. A **field representative will visit** your project site, discuss the proposed project with you and give you a copy of the permit application. Before you submit the application, ask the field representative to meet you on site and suggest any changes or alternatives to help you meet the CRC's guidelines. You should also ask how your local land use plan and local ordinances might affect your project.
3. The **CAMA major permit application** serves as an application for several other state and federal permits, to reduce confusion about the application process and the time needed to review permit applications. These permits are:
 - **Dredge and Fill**: Required by the N.C. Dredge and Fill Act for any project involving excavation or filling in estuarine waters, tidelands, marshlands or state-owned lakes.
 - **Easement to Fill**: Required by the N.C. Department of Administration for any filling project in navigable waters to raise lands normally submerged at high tide to above the mean high water mark or to place certain structures on state-owned bottoms.
 - **Water Quality Certification**: Required by the N.C. Division of Water Quality for any activity that may discharge fill into waters or wetlands and that requires a federal permit.
 - **Section 10 of the Rivers and Harbors Act**: Required by the U.S. Army Corps of Engineers for dredging, filling and other work in navigable waters.*
 - **Section 404 of the Clean Water Act**: Required by the U.S. Army Corps of Engineers for discharge into waters or wetlands.*

**In 1981, the Corps of Engineers began joint processing of Section 10 and Section 404 permits with the State of North Carolina for projects requiring a CAMA Major Development Permit and/or a state Dredge and Fill permit. Under this arrangement, the state receives comments on each project from federal agencies, although the Corps retains the authority to conduct a separate federal review if necessary. Most projects that previously needed separate state and federal reviews now only need a CAMA permit and Corps approval letter before work may begin.*

4. The permit application asks for **basic information** about the project and the property. This includes:

- the applicant's name, address and telephone number;
- the location, nature and purpose of the project;
- the type of land to be excavated or filled;
- the type of equipment to be used;
- the intended use of the project.

5. A **completed application and fee** must be returned to the DCM field office before the application review can begin. *Note: Major permit fees range from \$250 to \$475; see Appendix B for listing.* DCM submits a report on the application to the U.S. Army Corps of Engineers' Wilmington District Office. This ensures that state and federal reviews will begin at the same time.

6. A **copy of the deed** or other document showing title to the land must be attached to your application. Deeds can be obtained from the county Register of Deeds office. If you aren't the owner of the property, you must submit written permission from the property owner along with a copy of the deed.

7. The application package must include a **list of the names and addresses of the owners of adjacent waterfront properties**. These can be obtained from the county tax office.

You must notify the adjacent waterfront owners by sending them a copy of the completed application by certified mail, return receipt requested. The postal receipt must be attached to your application form. DCM also publishes a notice of your application in the local newspaper. Coastal Resources Commission rules generally give any person who is affected by a proposed project 30 days after the date of notification to make comments. Objections don't necessarily mean a permit will be denied, but reasonable objections will be considered in DCM's application review.

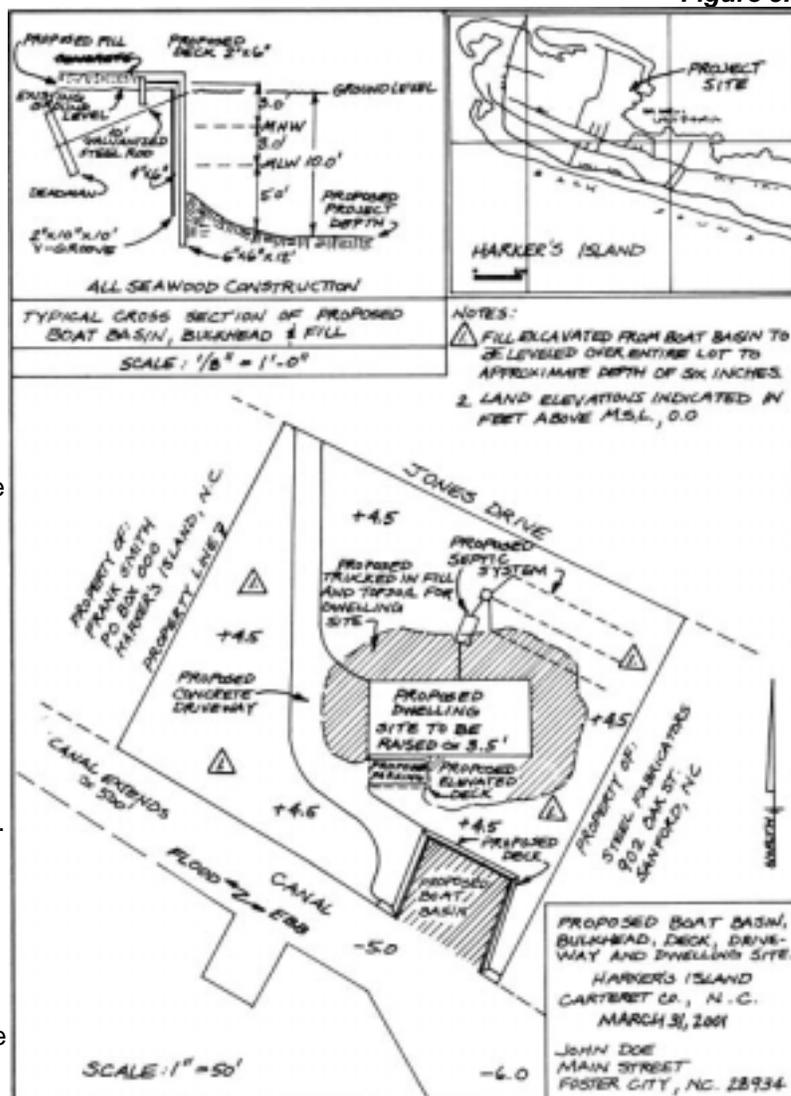
8. If your project is located in an ocean hazard Area of Environmental Concern (AEC), you must fill out and sign an **AEC Hazard Notice**. This notice states that you recognize the natural hazards of building on the site, that the Coastal Resources Commission (CRC) does not guarantee the safety of your project and that the CRC assumes no liability for future damage to the project.

The notice also states that no hardened structures may be used to protect your building or other project, and that the development must be relocated if it becomes threatened by erosion and the shoreline doesn't recover within two years – either naturally or through nourishment.

9. The permit application must be accompanied by a **vicinity map** and **work plats** (see Figure 5.1). These drawings, prepared by you or by a surveyor, engineer or architect, are part of the permit application and must be prepared as described below:

Figure 5.1

- Use as few sheets as necessary to show the proposed work.
- A complete set of maps and plans must be attached to each application.
- Originals are preferred.
- Drawings should be in black pencil or india ink on clean, white, 8 1/2" x 11" or 11" x 17" paper, with a margin of at least 1" along the left edge for binding and at least a 2" margin along the other three sides.
- The drawings must be neat and clear enough for photographic reproduction. If blue-line copies are used, you must submit 26 sets of prints with your application.
- Each drawing must include a title block that identifies the project, the name of the applicant, the date the plat was prepared, who prepared the drawing and the project scale (see Figure 5.1).
- All maps and plans must include a north arrow (see Figure 5.1). North should be at the top of the drawing. The **vicinity map** is a small-scale map showing the location of the work site. You may use a U.S. Geological Survey chart, a survey map or a county road map. An aerial photo is helpful but not required. The map should show the project's location (see Figure 5.1) and should identify the source and title of the map. *The map must contain enough detail that someone unfamiliar with the area can find the project site.*



- The **work plat** (top view), or project plan, must indicate the approximate mean low water line (MLW), the mean high water line (MHW) or the normal water line (NWL) and the extent of any marshland or other wetlands that are in or near the proposed work site. All coves, creeks and other water bodies should be included in the shoreline sketch.
- Arrows must indicate the directions of ebb and flood tides and the flow directions of streams (see Figure 5.1). The work plat must show property boundaries as they appear on the deed and the names of adjacent property owners.
- The work plat should show existing and proposed man-made structures, such as docks, bulkheads and houses, and indicate what exists and what is proposed.
- All work plans should be drawn to a scale of 1" = 200' or less.
- The work plat must also clearly indicate and describe any areas to be excavated or filled, including the exact location of spoil disposal sites (see Figure 5.1).
- When fill is to be placed behind a bulkhead or dike, the plan must show that the structure will be adequate to confine the fill (see Figure 5.1). The depth of excavation below the mean low water mark or normal water level and the cubic yards of material to be removed also must be indicated.

10. A cross-section diagram is required for each proposed excavation, fill or structure, including bulkheads, dikes and spoil retention works. The cross-section diagram should show the depth of the excavation (or the elevation of the fill) relative to the existing ground level, the mean high water level and the mean low water level (see Figure 5.1). The mean low water line should be the reference for other water depths and land elevations shown on the plat.

11. **Additional forms** may be required with the application for certain projects: excavation and fill (form DCM-MP-2); upland development (form DCM-MP-3); structures within public trust areas (form DCM-MP-4); bridges and culverts (form DCM-MP-5); and marinas (form DCM-MP-6). All forms must be signed and dated.

Note: if the N.C. Division of Water Quality determines that a stormwater plan is required under its rules, you must submit an additional form to that Division. See Section 9 for contact information.

12. You must pay an **application fee** (\$250-\$475; see Appendix B) when you submit your application. Contact your nearest DCM office for the amount. Payment should be in the form of a check made payable to the Department of Environment and Natural Resources or DENR.

13. Activities requiring a major development permit are often part of a larger development project that takes place outside of an Area of Environmental Concern. **The Division of Coastal Management may require information on the entire project to determine the effect on coastal resources.** If DCM needs more information about the project during its review of the application, you will be notified by mail.

14. **Once DCM has received all of your application materials:**

- A field representative will visit your project site to make sure that the **site maps and work plats are accurate**. The representative will consider any conditions you may have to meet in order to comply with development standards.
- In conjunction with the site visit, the field representative will **check to make sure that your proposed project complies with all AEC standards**. The field representative can explain the standards and how they affect your particular project.
- During the review, DCM will determine if your project **complies with the local CAMA land use plan**. Your project will be denied a CAMA permit if it is inconsistent with the policies and land categories or classifications of this plan.
- Your project also will be reviewed for **compliance with the local zoning ordinance, subdivision ordinance and other development regulations**. The permit will be denied if the proposed project violates any of these local ordinances.

15. After the field representative receives your application and determines that it is complete, **DCM will publish a legal notice in a local newspaper** to inform the community that your project is being considered for a major development permit. The public may examine the application file for compliance with the CRC's development standards, the local land use plan and local development ordinances. You will be notified when the application is deemed complete and will be given a projected time when the permit decision should be made. **You also will be asked to post a notice that you have applied for a permit.**

16. The field representative prepares a **field investigation report** that summarizes your project and any anticipated effects on the environment. That report, along with a copy of your completed application, is sent to the permit staff at DCM's Raleigh office.

17. Because of the broad scope of the CAMA Major Development Permit, the **complete application package is circulated to 10 state and four federal agencies**. Both the DCM field report and agency comments are public documents and are available for public review.

State Review Agencies

- Department of Administration, State Property Office
- Department of Cultural Resources, Division of Archives and History

- Department of Commerce, Division of Community Assistance
- Department of Transportation, Division of Highways
- Department of Environment and Natural Resources
- Division of Environmental Health
- Division of Water Quality
- Division of Land Resources
- Division of Marine Fisheries
- Division of Water Resources
- Wildlife Resources Commission

Federal Review Agencies

- Army Corps of Engineers
- Environmental Protection Agency
- National Marine Fisheries Service
- Fish and Wildlife Service

18. The Coastal Area Management Act allows the Division of Coastal Management **75 days** from the date the field representative accepts the application as complete to take action on a major development permit. *This period can be extended for **an additional 75 days** if more time is needed to review the proposed project.* **DCM can place a project on hold** if more information is needed to complete the file. When DCM receives that information, the review clock starts where it was stopped: For example, if DCM places a project on hold 15 days into the review, the clock will restart with 60 days remaining. **A permit applicant also can place a project on hold for any reason.**

Here's how DCM uses the review period (see Appendix C):

- After visiting the project site and examining the application file, the field representative submits a field report to state agencies, the Corps of Engineers and a permit coordinator at the DCM's Raleigh office.
- The coordinator uses state and federal review agency comments, along with any comments from the public, to make a recommendation to DCM's director. The director will then decide to issue or deny the permit.

Permit Decisions

DCM will issue a CAMA major permit if the project complies with the CRC's rules, the local land use plan and local development regulations. Most permits contain conditions to ensure that resources are protected. **It is your responsibility to meet all conditions listed on the permit.**

If a permit is issued for your project, DCM will mail you an original permit, a copy and a postcard. Sign both the original permit and the copy immediately, and return the copy to DCM in the envelope provided. Before you begin work, complete the postcard and return it to the DCM district office in your area.

DCM **must deny** a permit if the project violates the CRC's standards for development in an Area of Environmental Concern, the local CAMA land use plan or a local development regulation. If the application for a major development permit is also an application for a state Dredge and Fill permit, both permits can be denied if it is found that:

- The proposed dredging and filling will obstruct or damage public use of waterways.
- The project will diminish the value and enjoyment of adjacent property owners.
- The project will damage or threaten public health, safety and general welfare.
- The project will threaten the quality or quantity of public and private water supplies.
- The project will have a significant adverse impact on wildlife or fisheries.

If your major development permit is denied, the Division of Coastal Management will send you a denial letter by certified or registered mail. You have the right to appeal a permit denial or to request a variance from the Coastal Resources Commission. See Section 8 for more information.

GENERAL PERMITS

A general permit is issued for certain types of projects with little or no impact on the environment. The following types of projects may qualify for a general permit if they meet certain criteria:

- construction of private piers, docks and boathouses;
- protection of the coastal shoreline with bulkheads and riprap that don't extend more than five feet into the water;
- construction of wooden groins in the estuarine shoreline and public trust Areas of Environmental Concern;
- construction and maintenance of boat ramps along the estuarine shoreline and into public trust waters;
- maintenance dredging of channels, canals, boat basins and ditches in estuarine waters, public trust areas and estuarine shorelines, as long as the maintenance doesn't remove more than 1,000 cubic yards of material;
- installation of aerial and underwater utility lines in the estuarine system Areas of Environmental Concern;
- emergency work requiring a CAMA and/or state Dredge and Fill permit, such as placing sandbags to protect threatened oceanfront structures;
- beach bulldozing landward of the mean high water line in the ocean hazard Area of Environmental Concern;
- construction of temporary structures in estuarine and ocean hazard AECs;
- modifications or repair of boat docks if there isn't a change in the facility's use or an increase in the number or size of slips in public trust waters;
- use of riprap to protect coastal wetlands in estuarine and public trust waters;
- construction of marsh enhancement breakwaters for shoreline protection in estuarine and public trust shorelines;
- construction of freestanding moorings in estuarine and public trust AECs;
- replacement of existing bridges and culverts in estuarine system AEC;
- emergency work for hurricane damage.

How to Apply

1. Contact the DCM field office that serves your area.
2. You must **document** that the adjacent riparian property owners have agreed in writing that they do not object to your proposed project, or that they have been notified by certified mail with return receipt, and that they have been given the opportunity to comment to DCM and note objections about the project.
3. A field representative will visit the project site to determine if your project is eligible for a general permit. If it is, the representative will help you complete a permit form with your name and address, the location and description of the proposed project and a project sketch. The **fee** for most general permits is \$100 (see Appendix B for listing).
4. **Each general permit contains rules** that must be met before a project can be approved. These rules can be explained in detail by DCM.
5. You must pay an **application fee** to cover the costs of processing the application when you apply for a general permit. This should be paid with a check made out to the Department of Environment and Natural Resources or DENR.
6. Most general permits are issued on site.

7. If your project is not eligible for a general permit, the field representative will advise you on applying for either a major or minor permit.

MINOR PERMITS

Your project may require a **minor permit** if it is a single-family home or other project that does not require a major permit.

How to Apply

1. **Contact the CAMA local permit officer** for the community where your project is located. Local permit officers (LPOs) are local government employees – often building inspectors, zoning administrators or planners – who have been trained by the Division of Coastal Management to administer minor permits for their localities. If your local government does not have a CAMA local permit officer, contact your DCM district office.

2. The local permit officer or DCM field representative will discuss the proposed project and give you an **application**. The LPO can help you fill out the application and suggest ways to better meet the CRC's guidelines. It's also a good idea to ask how the land use plan and local development regulations might affect your project.

3. You must pay a \$100 application fee to cover the costs of processing the application. This should be paid with a check made out to the local government and must be paid when you submit your application to the local permit officer.

4. The **minor development permit application** asks for basic information about the project and the property involved. This information includes:

- the names, addresses and telephone numbers of the landowners and authorized agents;
- the location, scale and nature of the project;
- a statement of property ownership, found on the deed to the property;
- a list of adjacent riparian property owners and their addresses, available from the local tax office;
- a signed statement allowing the local permit officer to enter the property.

5. You must **notify all riparian property owners** of your project either in person or by mail, or as required by your local government.

6. If your project is located in an ocean hazard Area of Environmental Concern, you must fill out and sign an **AEC Hazard Notice**, which states that you recognize the natural hazards of building on the site, that the CRC does not guarantee the safety of your project and that the CRC assumes no liability for future damage to the project.

The notice also states that no hardened structures may be used to protect your building or other project, and that you will relocate or dismantle your structure if it becomes threatened by erosion and the shoreline does not recover within two years, either naturally or through nourishment.

7. Your permit application must be accompanied by a site drawing that shows the dimensions and characteristics of the property, plus the location and nature of the project. The permit application form lists specific information that must appear on the site drawing. The local permit officer can make suggestions on how to prepare the drawing and where to obtain the necessary information.

To make the application easy to understand and review, the site drawing should be clear and simple (see Figure 5.2). It should be done on white paper in black ink or dark pencil. The drawing does not need to be to scale, but significant dimensions must be indicated. It does not have to be prepared by an engineer or architect,

but it must provide clear and complete information. Drawings also should comply with local requirements.

Figure 5.2

8. After receiving all of your application materials:

- The **local permit officer will visit the project site** to make sure that the site drawing is accurate. He or she will look for conditions such as a marsh or an eroding shoreline – that could affect the construction or placement of your project. The permit officer may post a notice that an application has been filed for a minor development permit, or mail the notice to you for posting.
- The **LPO will check to make sure your proposed project complies with the CRC's standards** for development. The LPO can explain the standards and how they affect a particular project.
- The LPO will check to make sure that your **project complies with the local land use plan** before a CAMA permit can be issued. The local permit officer also will check to make sure your project complies with the local zoning ordinance. If it does not, the LPO will have to deny the permit.

9. Most minor permits can be reviewed in 25 days, the time allowed under the Coastal Area Management Act. If the local permit officer needs more information to review the application, you will be notified by certified or registered mail.

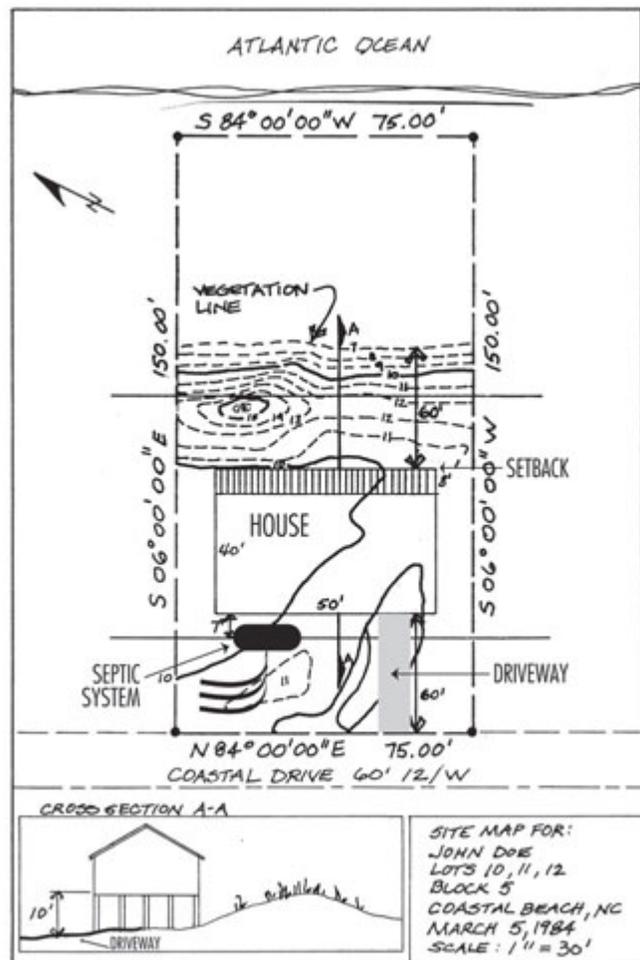
If the review will take longer than 25 days, the LPO will send you a notice extending the review time for an additional 25 days. The 25-day period, which begins when the LPO deems the application complete, can be extended only once.

10. After receiving your completed application, the LPO will publish a **legal notice** in the local newspaper. This notice lets other people in the community know that the project is being considered for a minor development permit. Anyone may examine the application file to see if the project complies with the CRC's development standards, the local land use plan and local development ordinances.

11. Based on the review of the application, the LPO will either issue or deny the permit.

Minor Permit Issuance

A minor permit will be issued if the project complies with the CRC's development standards, the local land use plan and local development regulations. Your permit may include specific conditions to ensure that you comply with the CRC's regulations and protect resources. **You are responsible for meeting all requirements or conditions of the permit.**



Minor Permit Denial

The permit will be denied if the proposed project violates the CRC's standards for development in areas of environmental concern, the local land use plan or a local development regulation.

After the LPO makes a decision, you will be sent an official CAMA permit decision.

If your permit application is denied, you have the right to appeal or to request a variance from the Coastal Resources Commission (see Section 8).

Section 6: Permit Exemptions

The Coastal Area Management Act (CAMA) excludes certain activities, such as highway maintenance, agriculture and silviculture from permit requirements {GS 113A-103 (5)}.

In addition, the Coastal Resources Commission has defined certain types of minor maintenance and improvement work that do not require a CAMA permit. However, you must receive an exemption certificate before you perform this work {15A NCAC 7K}.

Is My Work Exempt?

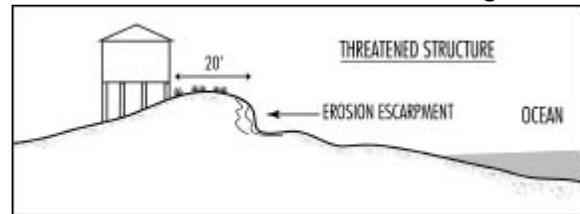
The following categories of work may qualify for an exemption:

- **Additions and Modifications to Simple Structures** – The CRC exempts simple additions or modifications to existing bulkheads, piers, docks, boathouses and boat ramps that already have permits. This exemption is intended to allow simple modifications for private use. However, the project must still meet specific rules to qualify for the exemption.
- **Shoreline Stabilization** – The CRC exempts certain bulkheading or riprap projects in the estuarine system Area of Environmental Concern (AEC) that prevent property loss due to erosion {15A NCAC 7K .0203}. To qualify for this exemption, the project must:
 - prevent the loss of private, residential property caused by erosion;
 - be no more than an average of two feet waterward of the normal high water line;
 - not exceed 200 feet in length;
 - be built before any backfilling;
 - be structurally tight and prevent the seepage of backfill material;
 - bring all backfill from an upland source;
 - not excavate or fill any marsh or wetlands;
 - have statements of "no objection" from adjacent riparian property owners.

This exemption does not apply to commercial properties or multi-unit residential properties {15A NCAC 7K .0203}.

- **Maintenance and Expansion** – The Coastal Resources Commission exempts the maintenance and expansion of certain projects that have state easements and/or state Dredge-and-Fill permits. These projects qualify for the exemption if:
 - the dimensions don't exceed 20 percent of the dimensions originally permitted;
 - the project's purpose or primary use does not change;
 - the maintenance or expansion will not damage the natural environment and/or adjacent property owners.

Figure 6.1



- **Emergency Maintenance and Repairs –** "Emergency maintenance and repairs" includes any activity that is a response to a sudden, unexpected event (such as a hurricane or other major storm) that significantly threatens life or property.

A structure in the ocean hazard area is considered imminently threatened when its foundation is less than 20 feet from the toe of the erosion scarp (see Figure 6.1). This exemption is limited to actions that will prevent further danger or restore the property to its condition prior to the emergency. It does not cover additions or expansions to the property.

Check with the Division of Coastal Management to determine if your project qualifies for an exemption **before** you begin work.

- **Single-Family Residences –** The CRC has exempted single-family residences built within the estuarine shoreline AEC, if the structure is built more than 40 feet landward of the normal water level. To qualify for this exemption, no land-disturbing activities may take place between your house and the water.
 - You may build a walkway from the house to the water, if the walkway is no wider than 6 feet. However, in eroding areas, this exemption applies only when Coastal Management determines that the house has been placed as far landward as possible on the lot (it must be at least 40 feet from the shoreline).
 - In all cases, the building must meet all other applicable CAMA permit standards and comply with all applicable local land use plans and ordinances. Before beginning any work under this exemption, you must notify Coastal Management of the dimensions of the building, its location and the landowner's name, address and telephone number.
- **Accessory Uses –** The CRC also exempts accessory uses or structures related to the main use of the site, provided those structures do not exceed 200 square feet of floor area and don't require electricity, plumbing or other service connections.

To qualify for this exemption, your project:

- must not disturb more than 200 square feet of land area on a slope greater than 10 percent;
 - must not remove, damage or destroy threatened or endangered plants or animals;
 - must not alter surface drainage channels;
 - must not alter the form or vegetation of a frontal dune;
 - must have statements of "no objection" from adjacent riparian property owners;
 - must not be within 30 feet of any permanent surface waters; and
 - must comply with all applicable CAMA standards and local land use plans in effect at the time.
- **Structural Maintenance and Repair –** CAMA exempts the maintenance and repair (but not replacement) of any damaged structure, provided the repair is less than 50 percent of the value of the structure, as determined by a local building inspector.

How to Apply for an Exemption

To receive an exemption certificate, contact your Coastal Management district office. There currently is no fee

for exemptions.

Section 7: Enforcement & Monitoring

How are regulations enforced?

CAMA permits are intended to protect the environment, public trust rights and the economy of the North Carolina coast.

To ensure that CRC regulations are followed, the Division of Coastal Management employs a number of compliance and enforcement tools. Coastal Management staff and local permit officers monitor permitted projects on site to make certain they are being carried out correctly. DCM staff also make regular enforcement flights to look for other CAMA violations.

You are in violation of CAMA when you begin development in an Area of Environmental Concern without a valid CAMA permit, or if any of your CAMA-permitted work does not comply with the issued permit.

When a violation occurs, Coastal Management staff or the local permit officer can issue a violation notice, order you to stop work, require restoration of the site and assess a penalty for the violation.

In all violations, Coastal Management's and local government's first priority is to seek resource recovery through prompt, voluntary restoration of the damaged area. If you do not voluntarily restore damage, Coastal Management may ask a judge to issue an injunction and may impose criminal penalties for willful permit violations.

Under CRC rules, you may be fined up to \$2,500 per day for violations. Such fines are known as "civil penalties."

Civil penalty amounts are based on a schedule set by the CRC, and the amount of the civil penalty can be appealed to the CRC. If you appeal a civil penalty, a formal hearing will be held before an administrative law judge in the Office of Administrative Hearings. That judge makes a recommendation to the CRC. The recommendation and the transcript of the hearing are presented to the CRC in regular session. The CRC then determines whether the penalty is appropriate.

You can avoid penalties by making sure your project complies with the CRC's development standards and all permit conditions. When you are issued a CAMA permit, you should consult with the Coastal Management field representative or local permit officer **before** beginning work to make sure that your work will meet all requirements. A Coastal Management field representative or a local permit officer will periodically monitor work at your project site.

Section 8: Variances & Appeals

If your application for a CAMA permit is denied, or if you find the conditions on a permit unacceptable, you may petition the Coastal Resources Commission (CRC) for a variance, or you may appeal the permit decision. If other parties find a permit or its conditions objectionable, they may request from the CRC Chairman an opportunity to appeal the permit decision.

Variances

You may petition the CRC for a **variance** to undertake a project that is prohibited by CAMA or the CRC's development standards. Applying for a variance means that you recognize the legal restrictions as valid, but request an exception to the restrictions because of hardships resulting from unusual conditions. Variance petitions may be considered only after a permit action has been taken. In other words, you must have received a permit decision **before** you can seek a variance.

To apply for a variance, contact your Division of Coastal Management District Manager or Raleigh headquarters. A petition for a variance must be filed with the DCM Director and the state Attorney General's Office on a standard form and must be accompanied by additional information on the nature of the project and the reasons for requesting a variance. The petition must be received 30 days before the next scheduled CRC meeting for it to be eligible to be heard at that meeting. However, the CRC may wait until the second meeting following the variance request before hearing it.

To be granted a variance, you must show that:

- Strict application of the CRC's development standards results in practical difficulties and/or unnecessary hardship.
- These difficulties or hardships result from conditions peculiar to the property.
- The CRC could not have anticipated these conditions when it adopted the development standards.
- The proposed development is consistent with the spirit, purpose and intent of the CRC's development standards.

How They're Considered:

There are two procedures for consideration of variances. In both instances, a notice of the variance petition is published in the newspaper and members of the public have the opportunity to comment.

If the facts are undisputed, an attorney from the Attorney General's Office will work with you in developing a set of stipulated facts. Your variance petition, the stipulated facts and a recommendation developed by DCM and the Attorney General's Office summarizing the positions of each party and recommending grant or denial of the variance request are submitted directly to the CRC for a decision. An attorney from the Attorney General's Office represents the DCM staff before the CRC at the hearing. Petitioners may represent themselves or be represented by counsel.

If the facts are disputed, the variance request goes to a contested case hearing before an administrative law judge in the Office of Administrative Hearings. The administrative law judge (ALJ) determines the facts in the case and recommends a decision to the CRC. The CRC then holds a variance hearing, during which it reviews the facts and ALJ's recommendation and makes a decision.

The CRC may deny a variance, grant the variance as requested, or grant the variance with a set of specific conditions {15A NCAC 7J .0700}. The decision will be set out in a formal order signed by the Chairman, which will be sent to you following the hearing. After the CRC grants a variance, you may present the order to DCM or the local permit officer, who will issue a permit. You must receive that permit before you can begin work on your project.

If the CRC denies the variance, you may appeal the decision to Superior Court within 30 days of receipt of the CRC's Order.

*Note: The CRC is not allowed to discuss specific variances or other contested cases before it makes a decision. **Do not attempt to contact CRC members to discuss your case.***

Appeals

The Coastal Area Management Act and the N.C. Dredge and Fill Act grant an automatic right of appeal to the permit applicant and to the Secretary of the Department of Environment and Natural Resources. You must notify the DCM director and the Office of Administrative Hearings on an approved form within 20 days of the permit decision if you plan to appeal. No development is allowed while the appeal is being considered. The permit in question is suspended until the matter is settled.

Other directly affected people or agencies may request a hearing on the permit decision. This petition for a

third-party hearing must be filed with the director of DCM within 20 days of the permit decision. Within 15 days of receiving the request, the chairman of the CRC will decide if a petitioner is entitled to a third-party hearing. To get a hearing, a petitioner must show that:

- The permit decision is contrary to a statute or rule.
- The petitioner is directly affected by the permit decision.
- The appeal is not frivolous.

If the CRC chairman grants a hearing, you may file a Petition for a Contested Case Hearing in the Office of Administrative Hearings. You must carefully follow detailed procedures and forms required by the state Administrative Procedure Act. Further information on filing appeals is available from the Office of Administrative Hearings or DCM. Parties to the hearing may be represented by attorneys, but such representation is not required. After the hearing, the judge *recommends* a decision to the CRC. During a regularly scheduled meeting, the CRC will then make a final agency decision on the appeal.

You may appeal a CRC final agency decision to Superior Court within 30 days of the decision.

*Note: The CRC is not allowed to discuss specific appeals or other contested cases before it makes a decision. **Do not attempt to contact CRC members to discuss your case.***

Section 9: Contact Information

<p>Division of Coastal Management Parker-Lincoln Building 1638 Mail Service Center Raleigh, NC 27699-1638 TEL: 919/733-2293 FAX: 919/733-1495</p> <p>Elizabeth City 1367 U.S. 17 South Elizabeth City, NC 27909 TEL: 252/264-3901 FAX: 252/264-3723</p> <p>Morehead City 151-B Highway 24 Hestron Plaza II Morehead City, NC 28557 TEL: 252/808-2808 FAX: 252/247-3330</p> <p>Washington 943 Washington Square Mall Washington, NC 27889 TEL: 252/946-6481 FAX: 252/975-3716</p> <p>Wilmington 127 Cardinal Drive Extension Wilmington, NC 28405-3845 TEL: 910/395-3900 FAX: 910/350-2004</p>	<p>U.S. Army Corps of Engineers Washington Office P.O. Box 1000 Washington, NC 27889 TEL: 252/975-1616 FAX: 252/975-1399</p> <p>U.S. Army Corps of Engineers Wilmington Office P.O. Box 1890 Wilmington, NC 28402 TEL: 910-251-4511 FAX: 910/251-4025</p> <p>N.C. Department of Administration State Property Office Administration Building 1321 Mail Service Center Raleigh, NC 27699-1321 TEL: 919/733-6887 FAX: 919/733-9571</p> <p>N.C. Department of Commerce Division of Community Assistance 4313 Mail Service Center Raleigh, NC 27699-4313 TEL: 919/733-2850 FAX: 919/715-5262</p> <p>N.C. Department of Cultural Resources Division of Archives and History</p>
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FAX: 910/350-2004

N.C. Department of Environment and Natural Resources

Division of Environmental Health

Parker-Lincoln Building
1630 Mail Service Center
Raleigh, NC 27699-1630
TEL: 919/733-2352
FAX: 919/714-3242

Division of Water Quality

Archdale Building
1617 Mail Service Center
Raleigh, NC 27699-1617
TEL: 919/733-1786
FAX: 919/733-9959

Division of Land Resources

Archdale Building
1612 Mail Service Center
Raleigh, NC 27699-1612
TEL: 919/733-3833
FAX: 919/715-8801

Division of Marine Fisheries

3441 Arendell Street
P.O. Box 769
Morehead City, NC 28557-0769
TEL: 252/726-7021 or 1-800/682-2632
FAX: 252/726-0254

Division of Water Resources

Archdale Building
1611 Mail Service Center
Raleigh, NC 27699-1611
TEL: 919/733-4064
FAX: 919/733-3558

Wildlife Resources Commission

Archdale Building
512 N. Salisbury St.
Raleigh, NC 27604-1148
TEL: 919/733-3391
FAX: 919/733-7083

Division of Archives and History

State Library Building
4610 Mail Service Center
Raleigh, NC 27699-4610
TEL: 919/733-7305
FAX: 919/733-8807

**N.C. Department of Transportation
Division of Highways**

Transportation Building
1536 Mail Service Center
Raleigh, NC 27699-1536
TEL: 919/733-2520
FAX: 919/733-9150

U.S. Environmental Protection Agency

Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104
TEL: 404/562-9900 or 1-800-241-1754
FAX: 404/562-8174

North Carolina Sea Grant

105 1911 Building
North Carolina State University
Raleigh, NC 27697-8605
TEL: 919/515-2454
FAX: 919/515-7095

National Marine Fisheries Service

101 Pivers Island Road
Beaufort, NC 28516
TEL: 252/728-8779
FAX: 252/728-8796

U.S. Fish and Wildlife Service

Raleigh Field Office
P.O. Box 33726
Raleigh, NC 27336-3726
TEL: 919/856-4520
FAX: 919/856-4556

Appendix A: Pier Requirements

Building Piers Authorized by Exemption	
Do I qualify for an exemption?	<ul style="list-style-type: none">• Pier must be for residential use only.
How long can my pier be?	<ul style="list-style-type: none">• 100 feet.• Cannot extend more than
Are there any exceptions?	<ul style="list-style-type: none">• Could extend more than 1/4 width of water body. if piers
How wide can the pier be?	<ul style="list-style-type: none">• Six feet maximum
What are the size restrictions on T-heads finger piers platforms	<ul style="list-style-type: none">• T-heads, finger piers, platforms and pier decks
How many boats can I dock at my pier?	<ul style="list-style-type: none">• Two.

How many boats can I dock at my pier?	<ul style="list-style-type: none"> • Two.
Can I enclose part of the pier?	<ul style="list-style-type: none"> • No.
How close can I build my pier to my neighbor's property?	<ul style="list-style-type: none"> • Must be set back at least 15 feet from adjacent property owners' are of riparian access. • Setback cannot be waived.

<p>Building Piers Authorized by General Permit</p> <p>A general permit is an expedited form of major permit. General permits are issued for several types of projects that cause little environmental damage. Coastal Management staff can issue general permits in the field, often on the same day as a site visit. The general permit fee for piers is \$100.</p>	
How do I qualify for a general permit?	<ul style="list-style-type: none"> • Pier is for residential use only. • Pier cannot provide docking space for more than two boats. • Want to dock more boats? Apply for a major permit.
How long can my pier be?	<ul style="list-style-type: none"> • Up to 400 feet, provided pier meets certain conditions. (For pier to be longer than 200 feet, the additional length must give access to deeper water at a rate of at least one foot of water depth per 100 feet of pier.) • Cannot extend more than 1/4 the width of the water body.
	<ul style="list-style-type: none"> • Could extend more than 1/4 width of water body, if piers

	<p>within 200 feet of your property are longer, but can't be longer than established pier-head line and cannot extend more than 1/3 width of water body.</p> <ul style="list-style-type: none"> • Want a longer pier? Apply for a major permit.
<p>How wide can the pier be?</p>	<ul style="list-style-type: none"> • Six feet maximum.
<p>What are the size restrictions on T-heads, finger piers, platforms and decks?</p>	<ul style="list-style-type: none"> • For lots with shorelines at least 100 feet long, combined area cannot be more than 400 square feet. • For shorter shorelines, combined total area cannot be more than 4 square feet per linear foot of shoreline.
<p>What about boathouses and decks?</p>	<ul style="list-style-type: none"> • Boathouses cannot be bigger than 400 square feet. • Boathouses not allowed on lots with less than 74 linear feet of shoreline. • Sides can cover only the top half of the boathouse. Boathouses, decks and platforms must be single-story. • May roof boathouses, decks and platforms, but no second-story use allowed.
<p>What about boat lifts?</p>	<ul style="list-style-type: none"> • Areas enclosed by boat lifts cannot be bigger than 400 square feet.
<p>How close can I build to my</p>	<ul style="list-style-type: none"> • 15 feet from adjacent property lines extended into the water, unless waiver

	<p>the water, unless waiver obtained from adjacent property owners.</p>
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Building Piers Authorized by Major Permit	
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<p>When do I have to apply for major permit?</p>	<ul style="list-style-type: none"> • If pier will be longer than 400 feet. • If pier would provide docking space for more than two boats.
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<p>How long can my pier be?</p>	<p>No set limit, but:</p> <ul style="list-style-type: none"> • For pier to be longer than 400 feet, the additional length must give access to deeper water at a rate of at least one foot of water depth per 100 feet of pier; • Cannot extend beyond established pier length on same shoreline; • Cannot extend into channel; • Cannot extend more than 1/4 width of the water body.
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<p>Are there exceptions?</p>	<ul style="list-style-type: none"> • Could extend more than 1/4 width of water body, if piers within 200 feet of your property are longer, but can't be longer than established pier-head line and cannot extend more than 1/3 width of water body. • 1/4 limit does not apply in areas where Army Corps of Engineers has established an official pier-head line.
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	<ul style="list-style-type: none"> • Six feet.
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	<ul style="list-style-type: none"> • Sometimes can be wider, only if the greater width is necessary for safer use, improved public access, or to support a water-dependent use that could not occur otherwise.
<p>What are the size restrictions on T-heads, finger piers, platforms and decks?</p>	<ul style="list-style-type: none"> • Combined total area cannot be more than 4 square feet per linear foot of shoreline. • Larger total area could be approved only if area is necessary for safer use or to support a water-dependent use that could not occur otherwise.
<p>What about boathouses?</p>	<ul style="list-style-type: none"> • Boathouses cannot be bigger than 400 square feet, except to accommodate a demonstrated need for a larger boathouse. • Boathouses not allowed on lots with less than 75 linear feet of shoreline. • Boathouse sides can cover only the top half of the boathouse. • Boathouses, decks and platforms must be single story. • Boathouses, decks and platforms may have roofs, but cannot allow second-story use.
<p>What about boat lifts?</p>	<ul style="list-style-type: none"> • Areas enclosed by boat lifts cannot be bigger than 400 square feet.
	<ul style="list-style-type: none"> • 15 feet from adjacent property lines extended into

neighbor's property?

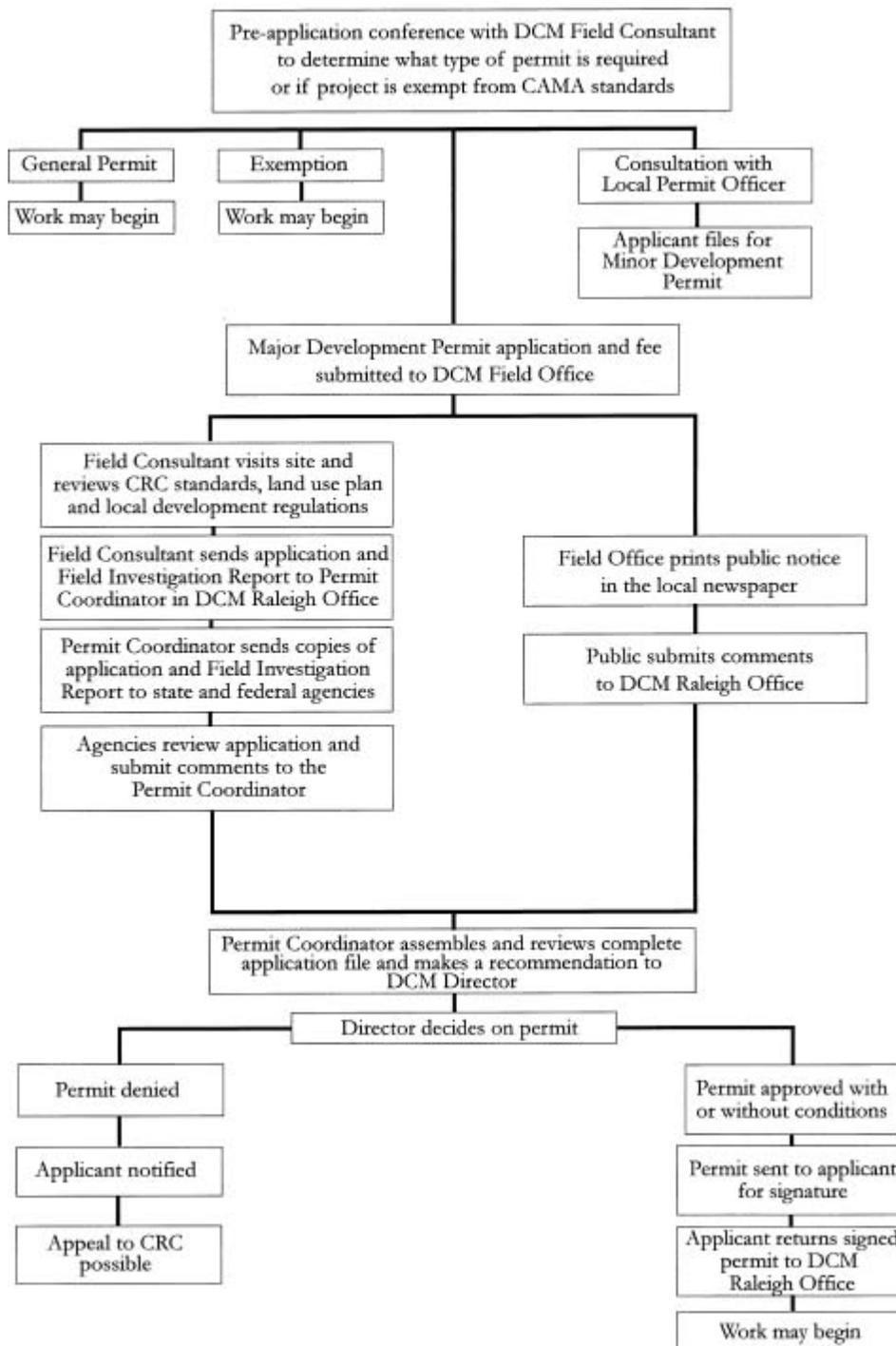
property lines extended into the water, unless written waiver obtained from adjacent property owner.

Appendix B: CAMA Permit Fees

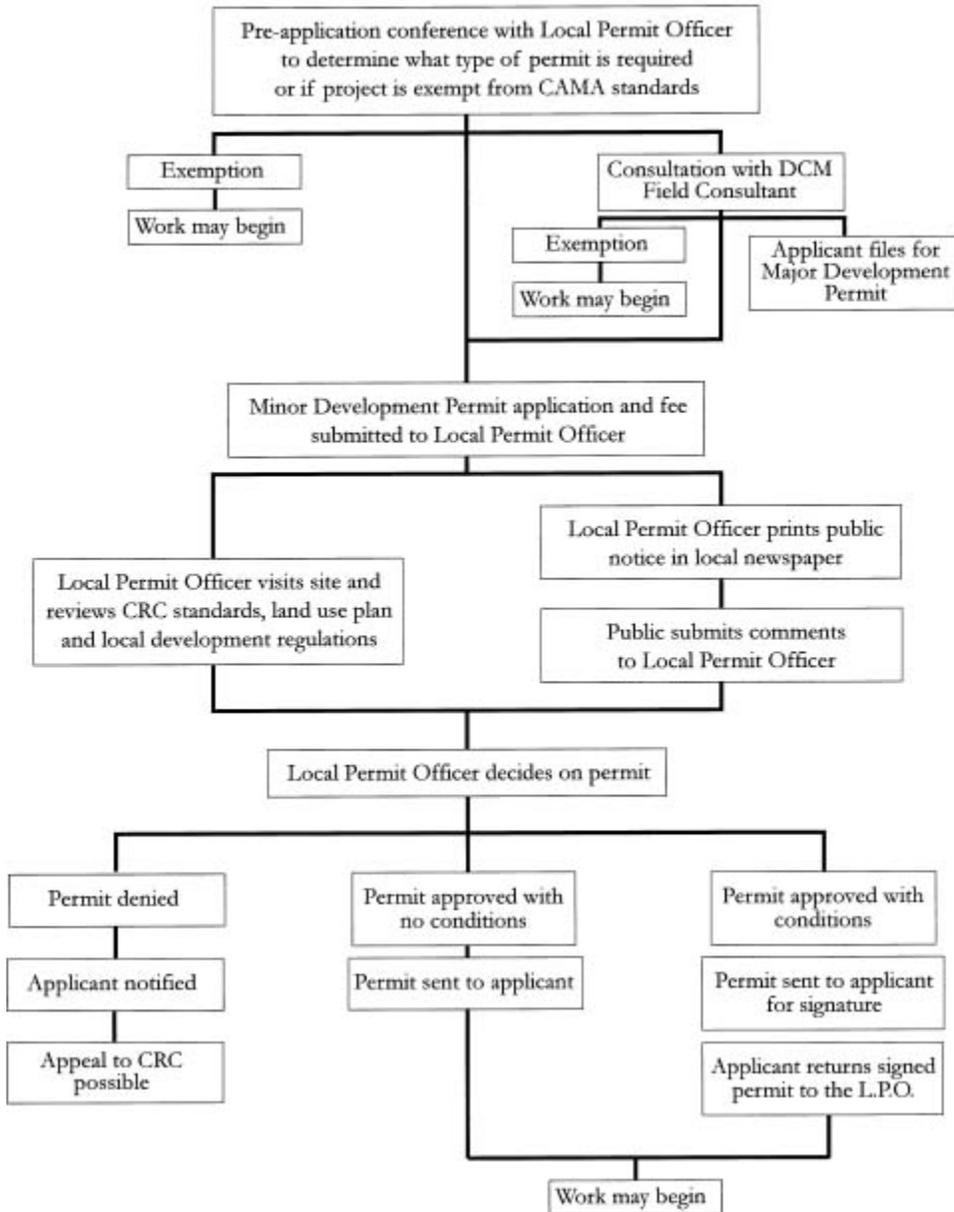
Permit Type	Fee
General Permit for certain post-storm redevelopment and recovery activities	\$0
General Permit for placement of riprap to protect wetlands in estuarine and public trust waters	\$50
All other General Permits	\$100
Major Permit for private, non-commercial development that does not involve the filling or excavation of wetlands or open-water areas	\$250
Major Permit for public or commercial development, or projects that involve the filling or excavation of: A) one acre or less of wetlands or open-water areas, or B) less than 150 linear feet of stream	\$400
Major Permit for development that involves the filling or excavation of more than one acre of wetlands or open-water areas, or 150 linear feet or more of stream	\$475
Minor Permit	\$100
Major development extension request	\$100
Minor modification to a Major Permit	\$100
Major modification to a Major Permit	\$250 \$400 \$475
Permit transfer	\$100

Appendix C: Permit Processes

MAJOR DEVELOPMENT PERMIT PROCESS



MINOR DEVELOPMENT PERMIT PROCESS



Last Modified: