

15A NCAC 07K .0202 EXEMPTION: PROJECTS REQUIRING DREDGE: FILL: STATE EASEMENT

The following classes of minor maintenance and improvement are exempted from the major development permit requirement:

- (1) In-Place Maintenance of Previously-Permitted Projects. These projects are ones for which a dredge and fill permit or State easement has been issued and which, though the existing project may be enlarged, are undertaken for maintenance purposes. Projects falling into this category shall be exempted from the CAMA major development permit if:
 - (a) project dimensions remain the same as or are no greater than 20 percent of those dimensions authorized under the previously permitted project;
 - (b) the project is for similar purposes as those of the previously-permitted project; and
 - (c) a change of conditions in the area, or additional comments from State or federal review agencies do not indicate that the action would cause negative impacts to the environment or adjacent property owners.
- (2) Additions/Modifications to Previously Permitted Projects. These projects are ones already in place and permitted that will be added on to or modified in some fashion. Projects falling into this category shall be exempted from the CAMA major-development permit if:
 - (a) for bulkheads:
 - (i) Bulkhead must be positioned so as not to extend more than an average distance of two feet waterward of the mean high water contour; in no place shall the bulkhead be more than five feet waterward of the mean high water contour;
 - (ii) All backfill comes from an upland source;
 - (iii) No marsh area is excavated or filled;
 - (iv) Work is undertaken to prevent loss of private residential property due to erosion;
 - (v) The bulkhead is constructed prior to any backfilling activities;
 - (vi) The bulkhead is constructed so as to prevent seepage of backfill materials through the bulkhead; and
 - (vii) The bulkhead is not constructed in the Ocean Hazard AEC.
 - (b) for piers, docks, and boathouses:
 - (i) The modification or addition is not within 150 feet of the edge of a federally-maintained channel;
 - (ii) The structure, as modified, is 200 feet or less in total length offshore; or
 - (iii) The structure, as modified, does not extend past the four feet mean low water contour line (four feet depth at mean low water) of the waterbody; and
 - (iv) The project as modified will not exceed six feet width; and
 - (v) The modification or addition does not include an enclosed structure; and
 - (vi) The project will continue to be used for private, residential purposes.
 - (c) for boat ramps:
 - (i) The project, as modified, would not exceed 10 feet in width and 20 feet offshore; and
 - (ii) The project will continue to be used for private, residential purposes.

*History Note: Authority G.S. 113A-103(5)(c); 113A-118(a);
Eff. March 29, 1978;
Amended Eff. July 1, 1981;
Readopted Eff. November 1, 2021.*