

15A NCAC 07H .1505 SPECIFIC CONDITIONS

Proposed maintenance excavation shall meet each of the following specific conditions to be eligible for authorization by this general permit.

- (1) New basins shall be allowed only when they are located entirely in highground and join existing man-made canals or basins.
- (2) New basins shall be no larger than 50 feet in either length or width and no deeper than the waters they join.
- (3) New basins shall be for the private non-commercial use of the land owner.
- (4) Maintenance excavation shall involve the removal of no more than 1,000 cubic yards of material as part of a single and complete project.
- (5) All excavated material shall be placed entirely on high ground above the mean high tide or ordinary high water line, and above any marsh, or other wetland.
- (6) All spoil material shall be stabilized or retained so as to prevent any excavated material from re-entering the surrounding waters, marsh, or other wetlands.
- (7) The proposed project shall not involve the excavation of any marsh, submerged aquatic vegetation as defined at 15A NCAC 03I .0101 by the Marine Fisheries Commission, or other wetlands.
- (8) Maintenance excavation shall not exceed the original dimensions of the canal, channel, basin, or ditch and in no case be deeper than 6 feet below mean low water or ordinary low water, nor deeper than connecting channels.
- (9) Proposed excavation in existing channels and basins shall not allow for a public or commercial use.
- (10) Maintenance excavation as well as excavation of new basins shall not be allowed within or with connections to primary nursery areas without prior approval from the Division of Marine Fisheries or Wildlife Resources Commission.
- (11) Bulkheads shall be allowed as a structural component on one or more sides of the permitted basin to stabilize the shoreline from erosion.
- (12) The bulkhead shall not exceed a distance of two feet waterward of the normal high water or normal water level at any point along its alignment.
- (13) Bulkheads shall be constructed of vinyl or steel sheet pile, concrete, stone, timber, or other materials approved by the Division of Coastal Management.
- (14) All backfill material shall be obtained from an upland source pursuant to 15A NCAC 07H .0208. The bulkhead shall be constructed prior to any backfilling activities and shall be constructed so as to prevent seepage of backfill materials through the structure.
- (15) Construction of bulkhead authorized by this general permit in conjunction with bulkhead authorized under 15A NCAC 07H .1100 shall be limited to a combined maximum shoreline length of 500 feet.

History Note: Authority G.S. 113A-107(a),(b); 113A-108; 113A-113(b); 113A-118.1; 113-229(c1); Eff. July 1, 1984; Amended Eff. July 1, 2015; September 1, 1988; December 1, 1987; Readopted Eff. October 1, 2022.