

15A NCAC 07H .2105 SPECIFIC CONDITIONS

- (a) The sill shall be positioned no more than 20 feet waterward of the normal high water or normal water level or 20 feet waterward of the waterward edge of existing wetlands at any point along its alignment. For narrow waterbodies (canals, creeks, etc.), the sheet pile sill shall not be positioned offshore more than one sixth (1/6) the width of the waterbody at any point along its alignment.
- (b) Sills authorized under this General Permit shall be allowed only in waters that average less than three feet in depth along the proposed alignment as measured from the normal high water or normal water level.
- (c) Construction authorized by this General Permit shall be limited to a maximum length of 500 feet.
- (d) The sill shall be constructed with an equal gap between each sheathing board totaling at least one inch of open area every linear foot of sill. The sill shall have at least one five-foot opening at every 100 feet. The sill sections shall be staggered and overlap as long as the five-foot separation between sections is maintained. Overlapping sections shall not overlap more than 10 feet.
- (e) The height of the sill shall not exceed six inches above normal high water or the normal water level.
- (f) Offshore sill sections shall be set back 15 feet from the riparian access dividing line. The line of division of riparian access shall be established by drawing a line along the channel or deep water in front of the property, 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. The set back may be waived by written agreement of the adjacent riparian owner(s) or when the two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the sill begins, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the Division of Coastal Management prior to initiating any construction of the sill.
- (g) Sills shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above mean high water.
- (h) No backfill of the sill or any other fill of wetlands, estuarine waters, public trust areas, or highground is authorized by this general permit.
- (i) No excavation of the shallow water bottom, any wetlands, or high ground is authorized by this general permit.
- (j) The sill shall be constructed of vinyl or steel sheet pile, formed concrete, timber, or other suitable equivalent materials approved by the Division of Coastal Management.
- (k) Perpendicular sections, return walls, or sections that would enclose estuarine waters or public trust areas shall not be allowed under this permit.
- (l) The permittee will maintain the sill in conformance with the terms and conditions of this permit or the remaining sill structure shall be removed within 90 days of notification from the Division of Coastal Management.

*History Note: Authority G.S. 113A-107; 113A-108; 113A-118.1;
Eff. June 1, 1994;
Amended Eff. February 1, 2009; August 1, 2000;
Readopted Eff. October 1, 2022.*