

## **15A NCAC 07H .2205    SPECIFIC CONDITIONS**

- (a) Freestanding moorings and bird nesting poles may be located up to a maximum of 400 feet from the mean high water line or the normal water line.
- (b) Freestanding moorings in no case shall extend more than 1/4 the width of a natural water body or man-made canal or basin.
- (c) Freestanding mooring buoys and piles shall be evaluated based upon the arc of the swing including the vessel to be moored. Moorings and the attached vessel shall not interfere with the access to any riparian property, and shall have a minimum setback of 15 feet from the adjacent property lines extended into the water at the points that they intersect the shoreline. The minimum setbacks provided in this Rule may be waived by the written agreement of the adjacent riparian owner(s), or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction commences, 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 development of freestanding moorings. The line of division of areas 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.
- (d) The total number of docking or mooring facilities to be authorized by this General Permit shall not exceed two per property.
- (e) Bird nesting poles shall be limited to one per property. Any proposal to change the location of a permitted bird nesting pole shall require additional authorization from the Division of Coastal Management.
- (f) Freestanding moorings and bird nesting poles shall not interfere with shellfish franchises or leases. Applicants for authorization to construct freestanding moorings and bird nesting poles shall provide notice of the permit application to the owner of any part of a shellfish franchise or lease over which the proposed installation would extend.
- (g) Freestanding moorings shall not be constructed in a designated Primary Nursery Area as defined in 15A NCAC 07H .0208(a)(4) with less than two feet of water at normal low water level or normal water level under the General Permit set forth in this Section without prior approval from the Division of Marine Fisheries or the Wildlife Resources Commission.
- (h) Freestanding moorings located over shellfish beds or submerged aquatic vegetation as defined by the Marine Fisheries Commission may be constructed without prior consultation from the Division of Marine Fisheries or the Wildlife Resources Commission if the following two conditions are met:
  - (1) water depth at the freestanding mooring location is equal to or greater than two feet of water at normal low water level or normal water level; and
  - (2) the freestanding mooring is located to minimize the area of submerged aquatic vegetation or shellfish beds impacted under the structure as determined by the Division of Coastal Management.
- (i) Freestanding moorings and bird nesting poles shall not be established in submerged utility crossing areas or in a manner that interferes with the operation of an access through any bridge.
- (j) Freestanding moorings and bird nesting poles shall be marked or colored for the life of the moorings and poles in compliance with G.S. 75A-15 and the applicant shall contact the U.S. Coast Guard and N.C. Wildlife Resources Commission to ensure compliance. Permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- (k) Freestanding moorings shall bear owner's name, vessel State registration numbers, or U.S. Customs Documentation numbers. Required identification shall be legible for the life of the moorings.
- (l) The type of material used to anchor a proposed mooring buoy shall be non-polluting and of sufficient weight and design to anchor the buoy and vessel.
- (m) Mooring buoys authorized by this General Permit shall be a minimum 12" in diameter or otherwise be designed to be recognized and not present a hazard to navigation.
- (n) The platform located at the apex of the bird nesting pole shall not exceed three feet by three feet and shall not have sides.
- (o) This permit does not relieve the permit holder of the responsibility to ensure that all other State and Federal permit requirements are met prior to implementation of the project, including G.S. 113A-107(a), G.S. 113A-118(d)(1) or G.S. 113A-120(b1)(4).

*History Note:    Authority G.S. 113A-107; 113A-118.1;  
Eff. February 1, 1996;  
Amended Eff. January 1, 2018;  
Readopted Eff. October 1, 2022.*

