

**SUBCHAPTER 07K - ACTIVITIES IN AREAS OF ENVIRONMENTAL CONCERN WHICH DO NOT
REQUIRE A COASTAL AREA MANAGEMENT ACT PERMIT**

SECTION .0100 - ACTIVITIES NOT CONSIDERED DEVELOPMENT

15A NCAC 07K .0101 STATUTORY EXCEPTIONS FROM THE DEFINITION OF DEVELOPMENT

No permit shall be required for those activities set out in G.S. 113A-103(5)(b)(1) - (9) as exclusions from the definition of development.

*History Note: Authority G.S. 113A-103; 113A-118;
Eff. March 29, 1978;
Amended Eff. November 1, 1984; March 1, 1980; March 30, 1979;
Readopted Eff. November 1, 2021.*

15A NCAC 07K .0102 SMALL DITCHES NOT CONSIDERED DEVELOPMENT

*History Note: Authority G.S. 113A-103(5)(a); 113A-118(a);
Eff. March 29, 1978;
Repealed Eff. November 1, 1984.*

15A NCAC 07K .0103 MAINTENANCE AND REPAIR

(a) "Maintenance and "repairs" are specifically excluded from the definition of "development" under the conditions and in the circumstances set out in G.S. 113A-103(5)(b)(5). Individuals required to take such measures within an AEC shall contact the local CAMA representative for consultation before beginning work.

(b) Beach bulldozing, defined as the process of moving natural beach material from any point seaward of the first line of stable vegetation, for the purpose of preventing damage to imminently threatened structures as defined in 15A NCAC 07H .0308(a), by the creation of protective sand dunes shall qualify for an exclusion under G.S. 113A-103(5)(b)(5) subject to the following limitations:

- (1) The area where this activity is being performed must maintain a slope that follows the pre-emergency slope as closely as possible so as not to endanger the public or hinder the public's use of the beach. All mechanically disturbed areas shall be graded smooth of ruts and spoil berms that are perpendicular to the shoreline. The movement of material utilizing a bulldozer, front-end loader, back hoe, scraper, or any type of earth moving or construction equipment shall not exceed one foot in depth measured from the surface elevation;
- (2) The activity shall not exceed the lateral bounds of the applicant's property without written permission of adjoining landowners;
- (3) Movement of material from seaward of the mean low water line shall not be permitted under this exemption;
- (4) The activity shall not increase erosion on neighboring properties and shall not have a significant adverse impact on natural or cultural resources; and
- (5) The activity may be undertaken to protect threatened on-site waste disposal systems as well as the threatened structure's foundations.

(c) Redistribution of sand that results from storm overwash or aeolian transport around buildings, pools, roads, parking areas and associated structures is considered maintenance so long as the sand remains within the Ocean Hazard AEC. Individuals proposing such activities shall consult with the Division of Coastal Management or the local permit officer to determine whether the proposed activity qualifies for the exclusion under G.S. 113A-103(5)(b)(5).

*History Note: Authority G.S. 113A-103(5)(b)(5); 113A-118(a);
Eff. November 1, 1984;
Amended Eff. March 1, 1985;
RRC Objection Eff. January 18, 1996 due to ambiguity;
Amended Eff. February 1, 2019; March 1, 1996;
Readopted Eff. November 1, 2021.*

SECTION .0200 - CLASSES OF MINOR MAINTENANCE AND IMPROVEMENTS WHICH SHALL BE EXEMPTED FROM THE CAMA MAJOR DEVELOPMENT PERMIT REQUIREMENT

15A NCAC 07K .0201 GENERAL GUIDELINES

*History Note: Authority G.S. 113A-103(5)(c); 113A-118(a);
Eff. March 29, 1978;
Amended Eff. November 1, 1984;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.*

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.*

15A NCAC 07K .0203 PRIVATE BULKHEADS: RIPRAP AND PIERS EXEMPTED

History Note: Authority G.S. 113A-103(5)c; 113A-118(a);
Eff. March 29, 1978;
Amended Eff. August 1, 2000; August 1, 1998; May 3, 1993; December 1, 1991; May 1, 1990;
July 1, 1987;
Repealed Eff. August 1, 2002.

15A NCAC 07K .0204 EXEMPTIONS FOR PROJECTS REQUIRING AIR QUALITY PERMIT

Modification to Existing Sources or Control Devices. Projects in this category are modifications to facilities or control devices that upgrade existing capacities or are intended to meet air quality standards. Projects falling into this category shall be exempted from the CAMA major development permit if:

- (1) The modification is limited to upgrading existing capabilities or to meet air quality standards; or
- (2) The modification involves installation of additional abatement devices necessary to meet air quality standards; and
- (3) The modification does not involve land-disturbing activities or necessitate surface or subsurface disposal of water.

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

15A NCAC 07K .0205 EXEMPTIONS FOR PROJECTS REQUIRING THE NPDES

(a) Projects requiring the National Pollution Discharge Elimination System permit are those that will discharge wastewater from an outlet, point source, or disposal system into the surface waters of the State.

(b) Modification of Existing Facilities. Projects in this category are those facilities that undergo modification to meet effluent limitations set forth in 15A NCAC 02B .0404, which is hereby incorporated by reference, including subsequent amendments. Projects falling into this category will be exempted from the CAMA major development permit if:

- (1) Modifications are for the purpose of upgrading facilities to meet current effluent limitation standards;
- (2) Modifications are for the purpose of improving existing capacities or providing back up units for existing capacities;
- (3) The modification is for treating waste load types similar to those in the previously permitted activity; or
- (4) The final discharge flow that may be associated with the modification remains the same as the discharge flow permitted before modification; and
- (5) No additional acreage is necessary for land disposal of dewatered wastes or does not require subsurface pollutant injection; and
- (6) No significant land-disturbing activity is involved.

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

15A NCAC 07K .0206 AGRICULTURAL AND FORESTRY DITCHES EXEMPTED

(a) Ditches used for agricultural or forestry purposes with maximum dimensions equal to or less than six feet (top width) by four feet deep are exempted from the CAMA permit requirement.

(b) All ditches with maximum dimensions greater than six feet by four feet will require a permit.

(c) Width and depth dimensions of all ditches will be measured at the ground level.

History Note: Authority G.S. 113A-103(5)a; 113A-118(a);
Eff. November 1, 1984;
Readopted Eff. November 1, 2021.

15A NCAC 07K .0207 STRUCTURAL ACCESSWAYS OVER FRONTAL DUNES EXEMPTED

(a) The North Carolina Coastal Resources Commission exempts from the CAMA permit requirement all structural pedestrian accessways, including beach matting installed by a local, State, or federal government to provide public access over primary and frontal dunes when such accessways can be shown to meet the following criteria:

- (1) The accessway shall not exceed six feet in width and shall be for private residential or for public access to an ocean beach. This exemption does not apply to accessways for commercial use or for motor-powered vehicular use.
- (2) The accessway shall be constructed so as to make no alterations to the frontal dunes that are not necessary to construct the accessway. This means that the accessway shall be constructed over the frontal dune without any alteration of the dunes. In no case shall the dune be altered so as to diminish its capacity as a protective barrier against flooding and by not reducing the volume of the dune. Driving of pilings into the dune or a local, State, or federal government's use of beach matting for public access that is installed at grade and involves no excavation or fill shall not be considered alteration of a frontal dune for the purposes of this Rule.
- (3) The accessway shall conform with any applicable local or State building code standards.
- (4) Structural accessways may be constructed no more than six feet seaward of the waterward toe of the frontal or primary dune, provided they do not interfere with public trust rights and emergency access along the beach. Structural accessways are not restricted by the requirement to be landward of the First Line of Stable and Natural Vegetation as described in 15A NCAC 07H .0309(a).
- (5) Damaged, non-functioning, or portions of accessways that become non-compliant with Subparagraph (4) of this Paragraph shall be removed by the property owner.

(b) Before beginning any work under this exemption the CAMA local permit officer or Department of Environmental Quality representative shall be notified of the proposed activity to allow on-site review of the proposed accessway. Notification can be by telephone, in person, or in writing and must include:

- (1) name, address, and telephone number of landowner and location of work including county and nearest community; and
- (2) the dimensions of the proposed structural accessway.

*History Note: Authority G.S. 113A-103(5)c;
Eff. November 1, 1984;
Amended Eff. December 1, 1991; May 1, 1990;
Readopted Eff. August 1, 2021;
Amended Eff. December 1, 2021.*

15A NCAC 07K .0208 SINGLE FAMILY RESIDENCES EXEMPTED

(a) All single family residences constructed within the Coastal Shorelines Area of Environmental Concern that are more than 40 feet landward of normal high water or normal water level, and involve no land disturbing activity within the 40 feet buffer area are exempted from the CAMA permit requirement as long as this exemption is consistent with all other applicable CAMA permit standards and local land use plans and rules in effect at the time the exemption is granted.

(b) This exemption allows for the construction of a generally shore perpendicular access to the water, provided that the access shall be no wider than six feet. The access may be constructed out of materials such as wood, composite material, gravel, paver stones, concrete, brick, or similar materials. Any access constructed over wetlands shall be elevated at least three feet above any wetland substrate as measured from the bottom of the decking.

(c) Within the AEC for estuarine shorelines contiguous to waters classified as Outstanding Resource Waters (ORW), no CAMA permit shall be required if the proposed development is a single-family residence that has a built upon area of 25 percent or less and is at least 40 feet from waters classified as ORW.

(d) Before beginning any work under this exemption, the CAMA local permit officer or the Department of Environmental Quality representative shall be notified of the proposed activity to allow on-site review. Notification may be by telephone at (252) 808-2808, in person, or in writing to the North Carolina Division of Coastal Management, 400 Commerce Ave., Morehead City, NC 28557. Notification shall include:

- (1) the name, address, and telephone number of the landowner and the location of the work, including the county, nearest community, and water body; and
- (2) the dimensions of the proposed project, including proposed landscaping and the location of normal high water or normal water level.

(e) In eroding areas, this exemption shall apply only when the local permit officer has determined that the house has been located the maximum feasible distance back on the lot but not less than forty feet.

(f) Construction of the structure authorized by this exemption shall be completed by December 31 of the third year of the issuance date of this exemption.

History Note: Authority G.S. 113A-103(5)c;
Eff. November 1, 1984;
Amended Eff. February 1, 2019; May 1, 2015; December 1, 2006; December 1, 1991; May 1, 1990; October 1, 1989;
Readopted Eff. August 1, 2021.

15A NCAC 07K .0209 EXEMPTION / ACCESSORY USES / MAINTENANCE REPAIR / REPLACEMENT

(a) Accessory buildings customarily incident to an existing structure are excluded from the definition of development if the work does not involve filling, excavation, or the alteration of any sand dune or beach as set out in G.S. 113A-103(5)(b)(6). Accessory buildings are subordinate in size and purpose to the principal structure and do not require, or consist of the expansion of the existing structure as defined by an increase in footprint or total floor area of the existing structure. A building with a footprint of 100 square feet or less is considered an accessory building as long as it is customarily incident to and subordinate in size and purpose to the principal structure. Buildings of a larger size may be considered accessory buildings if necessary for customary use.

(b) Accessory uses as described in Paragraph (a) of this Rule and that are required to support the existing dominant use, but not within the exclusion set out in G.S. 113A-103(5)(b)(6) and that require no plumbing, electrical, or other service connections and do not exceed 200 square feet are exempt from the CAMA minor development permit requirement if they meet the criteria set out in Paragraph (d) of this Rule.

(c) Any structure, or part thereof, consistent with this Chapter may be maintained, repaired, or replaced, in a similar size and location as the existing structure without requiring a permit, unless the repair or replacement would be in violation of the criteria set out in Paragraph (d) of this Rule. This exemption applies to those projects that are not within the exclusion for maintenance and repairs as set out in G.S. 113A-103(5)(b)(6), Rule .0103 of this Subchapter and Rule 07J .0210.

(d) In order to be eligible for the exemptions described in Paragraphs (b) and (c), of this Rule, the proposed development activity must meet the following criteria:

- (1) the development must not disturb a land area of greater than 200 square feet on a slope of greater than 10 percent;
- (2) the development must not involve removal, damage, or destruction of threatened or endangered animal or plant species;
- (3) the development must not alter naturally or artificially created surface drainage channels;
- (4) the development must not alter the land form or vegetation of a frontal dune;
- (5) the development must not be within 30 feet of normal water level or normal high water level; and
- (6) the development must be consistent with all applicable use standards and local land use plans in effect at the time the exemption is granted.

History Note: Authority G.S. 113A-103(5); 113A-111; 113A-118(a); 113A-120(a)(8);
Eff. November 1, 1984;
Amended Eff. August 1, 2007; March 1, 2006; July 1, 2004; August 1, 2002; August 1, 2000;
Readopted Eff. November 1, 2021.

15A NCAC 07K .0210 NOMINATION CATEGORIES EXCLUDED: MINOR PERMIT EXEMPTION

The minor development permit exemptions in this Section are not applicable to the "Areas That Sustain Remnant Species," as defined in 15A NCAC 07H .0505, "Complex Natural Areas," as defined in 15A NCAC 07H .0506, and "Unique Geologic Formations," as defined in 15A NCAC 07H .0507 categories of areas of environmental concern.

History Note: Authority G.S. 113A-103(5)(c); 113A-118(a);
Eff. November 1, 1984;
Readopted Eff. November 1, 2021.

15A NCAC 07K .0211 JOCKEY'S RIDGE AEC

All development in the Jockey's Ridge area of environmental concern designated pursuant to 15A NCAC 07H .0507 that is not within any other designated area of environmental concern shall be exempt from CAMA major and minor

permit requirements provided it does not involve the removal of more than ten cubic yards of sand per year from the area within the AEC boundary.

History Note: Authority G.S. 113A-103(5)c.;
Eff. March 1, 1988;
Readopted Eff. November 1, 2021.

15A NCAC 07K .0212 INSTALLATION AND MAINTENANCE OF SAND FENCING

Sand fences that are installed and maintained subject to the following criteria are exempt from the permit requirements of the Coastal Area Management Act:

- (1) Sand fencing may only be installed for the purpose of: building sand dunes by trapping wind blown sand or the protection of the dune(s) and vegetation (planted or existing).
- (2) Sand fencing shall not impede existing public access to the beach, recreational use of the beach, or emergency vehicle access. Sand fencing shall not be installed in a manner that impedes or restricts established common law and statutory rights of public access and use of public trust lands and waters.
- (3) Sand fencing shall not be installed in a manner that impedes, traps, or otherwise endangers sea turtles, sea turtle nests or sea turtle hatchlings.
- (4) Non-functioning, damaged, or unsecured sand fencing shall be removed by the property owner upon discovery.
- (5) Sand fencing shall be constructed from evenly spaced thin (approximately 1 to 1 ½ inches wide) wooden vertical slats connected with twisted wire, no more than 5 feet in height. Wooden posts or stakes no larger than 2" X 4" or 3" diameter shall support sand fencing.
- (6) Location. Sand fencing shall be placed as far landward as possible to avoid interference with sea turtle nesting, existing public access, recreational use of the beach, and emergency vehicle access.
 - (a) Sand fencing shall not be placed on the wet sand beach area;
 - (b) Sand fencing installed parallel to the shoreline shall be located no farther waterward than the crest of the frontal or primary dune; or
 - (c) Sand fencing installed waterward of the crest of the frontal or primary dune shall be installed at an angle no less than 45 degrees to the shoreline. Individual sections of sand fence shall not exceed more than 10 feet in length and shall be spaced no less than seven feet apart, and shall not extend more than 10 feet waterward of the following locations, whichever is most waterward, as defined in 15A NCAC 07H .0305: the first line of stable natural vegetation, the toe of the frontal or primary dune, or erosion escarpment of frontal or primary dune; and
 - (d) Sand fencing along public accessways may equal the length of the accessway, and may include a 45 degree funnel on the waterward end. The waterward location of the funnel shall not exceed 10 feet waterward of the locations identified in Sub-Item (6)(c) of this Item.

History Note: Authority G.S. 113A-103(5)(c);
Eff. August 1, 2002;
Readopted Eff. November 1, 2021.

15A NCAC 07K .0213 SINGLE FAMILY RESIDENCES EXEMPTED FROM THE CAMA PERMIT REQUIREMENTS WITHIN THE HIGH HAZARD FLOOD AREA OF ENVIRONMENTAL CONCERN

History Note: Authority G.S. 113A-103(5)(a); 113A-113(b)(6); 113A-118(d)(2); 113A-119.1;
Eff. August 1, 2002;
Repealed Eff. September 1, 2015.

SECTION .0300 - CLASSES OF MINOR MAINTENANCE AND IMPROVEMENTS WHICH SHALL BE EXEMPTED FROM THE CAMA MINOR DEVELOPMENT PERMIT REQUIREMENT

15A NCAC 07K .0301 APPLICATION OF GENERAL STANDARDS

15A NCAC 07K .0302 CRITERIA FOR EXEMPTION: MINOR DEVELOPMENT PERMIT
15A NCAC 07K .0303 ACCESSORY USES EXCLUDED
15A NCAC 07K .0304 REPAIR OR REPLACEMENT
15A NCAC 07K .0305 EMERGENCY MAINTENANCE AND REPAIR
15A NCAC 07K .0306 NOMINATION CATEGORIES EXCLUDED: MINOR DEVELOPMENT EXEMPT

History Note: Legislative Objection Lodged Eff. December 16, 1980;
Filed as an Emergency Amendment [(b)] Eff. November 13, 1980, for a Period of 50 Days to Expire on January 2, 1981;
Filed as an Emergency Amendment [(b)] Eff. September 4, 1980, for a Period of 120 Days to Expire on January 2, 1981;
Statutory Authority G.S. 113A-103(5)(b)(c); 113A-111; 113A-118(a); 113A-120;
Eff. March 29, 1978;
Amended Eff. April 22, 1980; March 1, 1980;
Emergency Amendment [(b)] Expired Eff. January 2, 1981;
Amended Eff. February 1, 1983;
Repealed Eff. November 1, 1984.

15A NCAC 07K .0307 PRIVATE BULKHEADS: RIPRAP: AND PIERS EXEMPTED
15A NCAC 07K .0308 STRUCTURAL ACCESSWAYS OVER FRONTAL DUNES EXEMPTED

History Note: Authority G.S. 113A-103(5)(c);
Eff. July 6, 1978.
Amended Eff. February 1, 1983;
Repealed Eff. November 1, 1984.

15A NCAC 07K .0309 SINGLE FAMILY RESIDENCES EXEMPTED

History Note: Authority G.S. 113A-103(5)(c);
Eff. February 1, 1983;
Repealed Eff. November 1, 1984.

SECTION .0400 - CLASSES OF FEDERAL AGENCY ACTIVITIES EXEMPTED FROM THE PERMIT REQUIREMENT

15A NCAC 07K .0401 MAINTENANCE OF FEDERAL NAVIGATION CHANNELS

(a) Operation and maintenance of all federal navigation channels subject to the authority of the US Army Corps of Engineers are hereby granted an exemption from the CAMA permit requirement. Activities exempted by this requirement must be consistent with the Coastal Area Management Act (CAMA) and the rules of this Chapter to the maximum extent practicable as set forth in 15 CFR 930.32.

(b) For the purposes of this Section, operation and maintenance activities shall mean only those activities that allow for navigation over existing water courses and that take place within authorized project dimensions as defined in project documents. Such activities may include hydraulic pipeline dredging, sidecast dredging, mechanical dredging, disposition of dredged materials, and activities necessary to accomplish dredging, such as laying pipes to move material from the dredging site to the disposal area.

History Note: Authority G.S. 113A-103(5)(c);
Eff. June 18, 1979;
Amended Eff. September 6, 1979;
Readopted Eff. November 1, 2021.

15A NCAC 07K .0402 FEDERAL AGENCY ACTIVITIES EXEMPTED

All federal agency development activities in areas of environmental concern are hereby granted an exemption from the CAMA permit requirement.

History Note: Authority G.S. 113A-103(5)(c)
Eff. June 18, 1979;
Amended Eff. April 22, 1980; September 6, 1979;
Readopted Eff. November 1, 2021.