

1 15A NCAC 07H .0205 is proposed for amendment as noticed in 23:16 NCR 1573-1575 as follows:

2
3 **15A NCAC 07H .0205 COASTAL WETLANDS**

4 (a) Description. Coastal wetlands are defined as any salt marsh or other marsh subject to regular or occasional
5 flooding by tides, including wind tides (whether or not the tide waters reach the marshland areas through natural or
6 artificial watercourses), provided this shall not include hurricane or tropical storm tides. Coastal wetlands contain
7 ~~some, but not necessarily all,~~ any of the following marsh plant species:

- 8 (1) Cord Grass (*Spartina alterniflora*),
- 9 (2) Black Needlerush (*Juncus roemerianus*),
- 10 (3) Glasswort (*Salicornia* spp.),
- 11 (4) Salt Grass (*Distichlis spicata*),
- 12 (5) Sea Lavender (*Limonium* spp.),
- 13 (6) Bulrush (*Scirpus* spp.),
- 14 (7) Saw Grass (*Cladium jamaicense*),
- 15 (8) Cat-tail (*Typha* spp.),
- 16 (9) Salt Meadow Grass (*Spartina patens*),
- 17 (10) Salt Reed Grass (*Spartina cynosuroides*).

18 The coastal wetlands AEC includes any contiguous lands designated by the Secretary of ~~ENR~~ DENR pursuant to
19 G.S. 113-230 (a).

20 (b) Significance. The unique productivity of the estuarine and ocean system is supported by detritus (decayed plant
21 material) and nutrients that are exported from the coastal marshlands. The amount of exportation and degree of
22 importance appears to be variable from marsh to marsh, depending primarily upon its frequency of inundation and
23 inherent characteristics of the various plant species. Without the marsh, the high productivity levels and complex
24 food chains typically found in the estuaries could not be maintained.

25 Man harvests various aspects of this productivity when he fishes, hunts, and gathers shellfish from the estuary.
26 Estuarine dependent species of fish and shellfish such as menhaden, shrimp, flounder, oysters, and crabs currently
27 make up over 90 percent of the total value of North Carolina's commercial catch. The marshlands, therefore,
28 support an enormous amount of commercial and recreational businesses along the seacoast.

29 The roots, rhizomes, stems, and seeds of coastal wetlands act as good quality waterfowl and wildlife feeding and
30 nesting materials. In addition, coastal wetlands serve as the first line of defense in retarding estuarine shoreline
31 erosion. The plant stems and leaves tend to dissipate wave action, while the vast network of roots and rhizomes
32 resists soil erosion. In this way, the coastal wetlands serve as barriers against flood damage and control erosion
33 between the estuary and the uplands.

34 Marshlands also act as nutrient and sediment traps by slowing the water which flows over them and causing
35 suspended organic and inorganic particles to settle out. In this manner, the nutrient storehouse is maintained, and
36 sediment harmful to marine organisms is removed. Also, pollutants and excessive nutrients are absorbed by the
37 marsh plants, thus providing an inexpensive water treatment service.

1 (c) Management Objective. To conserve and manage coastal wetlands so as to safeguard and perpetuate their
2 biological, social, economic and aesthetic values; to coordinate and establish a management system capable of
3 conserving and utilizing coastal wetlands as a natural resource essential to the functioning of the entire estuarine
4 system.

5 (d) Use Standards. Suitable land uses ~~shall be~~ are those consistent with the management objective in this Rule.
6 Highest priority of use ~~shall be~~ is allocated to the conservation of existing coastal wetlands. Second priority of
7 coastal wetland use ~~shall be~~ is given to those types of development activities that require water access and cannot
8 function elsewhere.

9 ~~Unacceptable~~ Examples of unacceptable land uses ~~may include, but would not be limited to, the following~~
10 ~~examples: restaurants and businesses; residences, apartments, motels, hotels, and trailer parks; parking lots and~~
11 ~~private roads and highways; and factories.~~ include: restaurants, businesses, residences, apartments, motels, hotels,
12 trailer parks, parking lots, private roads, highways and factories. Examples of acceptable land uses ~~may~~ include
13 utility easements, fishing piers, docks, wildlife habitat management activities, and agricultural ~~uses,~~ uses such as
14 farming and forestry ~~drainage,~~ drainage as permitted under North Carolina's Dredge and Fill ~~Act~~ Law or other
15 ~~applicable~~ applicable laws.

16 In every instance, the particular location, use, and design characteristics shall be in accord with the general use
17 standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

18 (e) Alteration of Coastal Wetlands. Alteration of coastal wetlands includes mowing or cutting of coastal wetlands
19 vegetation whether by mechanized equipment or manual means. Alteration of coastal wetlands by federal or state
20 resource management agencies as a part of planned resource management activities is exempt from the
21 requirements of this Subsection. Mowing or cutting of coastal wetlands by academic institutions associated with
22 research efforts shall be allowed subject to approval from the Division of Coastal Management. Alteration of
23 coastal wetlands is governed according to the following provisions:

24 (1) Alteration of coastal wetlands is exempt from the permit requirements of the Coastal Area
25 Management Act (CAMA) when conducted in accordance with the following criteria:

26 (A) Coastal wetlands may be mowed or cut to a height of no less than two feet, as measured
27 from the coastal wetland substrate, at any time and at any frequency throughout the year;

28 (B) Coastal wetlands may be mowed or cut to a height of no less than six inches, as measured
29 from the coastal wetland substrate, once between each December 1 and March 31;

30 (C) Alteration of the substrate is not allowed;

31 (D) All cuttings/clippings shall remain in place as they fall;

32 (E) Coastal wetlands may be mowed or cut to a height of no less than six inches, as measured
33 from the coastal wetland substrate, to create an access path four feet wide or less on
34 waterfront lots without a pier access; and

35 (F) Coastal wetlands may be mowed or cut by utility companies as necessary to maintain
36 utility easements.

1 (2) Coastal wetland alteration not meeting the exemption criteria of this Rule shall require a CAMA
2 permit. CAMA permit applications for coastal wetland alterations shall be subject to review by
3 the North Carolina Wildlife Commission, North Carolina Division of Marine Fisheries, U.S. Fish
4 and Wildlife Service, and National Marine Fisheries Service in order to determine whether or not
5 the proposed activity will have an adverse impact on the habitat or fisheries resources.

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7 *History Note:* *Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(1); 113A-124;*

8 *Eff. September 9, 1977;*

9 *Amended Eff. October 1, 2009; August 1, 1998; October 1, 1993; May 1, 1990; January 24, 1978.*

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