

1 15A NCAC 07H .1704 is proposed for amendment as follows:

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3 **15A NCAC 07H .1704 GENERAL CONDITIONS**

4 (a) Work permitted by means of an emergency general permit shall be subject to the following limitations:

5 (1) No work shall begin until an onsite meeting is held with the applicant and appropriate Division of  
6 Coastal Management representative so that the proposed emergency work can be appropriately  
7 marked. Written authorization to proceed with the proposed development can be issued during this  
8 visit.

9 (2) No work shall be permitted other than that which is necessary to reasonably protect against or reduce  
10 the imminent danger caused by the emergency to restore the damaged property to its condition  
11 immediately before the emergency, or to re-establish necessary public facilities or transportation  
12 corridors.

13 (3) Any permitted erosion control projects shall be located no more than 20 feet waterward of the  
14 ~~endangered structure, imminently threatened structure or the right-of way in the case of roads. If a~~  
15 building or road is found to be imminently threatened and at increased risk of imminent damage due  
16 to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control  
17 structures may be located more than 20 feet seaward of the structure being protected. In cases of  
18 increased risk of imminent damage, the location of the temporary erosion control structures shall be  
19 determined by the Director of the Division of Coastal Management or their designee.

20 (4) Fill materials used in conjunction with emergency work for storm or erosion control shall be  
21 obtained from an upland source. Excavation below MHW in the Ocean Hazard AEC may be  
22 allowed to obtain material to fill sandbags used for emergency protection.

23 (5) Structural work shall meet sound engineering practices.

24 (6) This permit allows the use of oceanfront erosion control measures for all oceanfront properties  
25 without regard to the size of the existing structure on the property or the date of construction.

26 (b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to  
27 make inspections at any time deemed necessary to be sure that the activity being performed under authority of this  
28 general permit is in accordance with the terms and conditions prescribed herein.

29 (c) ~~There shall be no unreasonable interference with~~ Development shall not jeopardize the use of the waters for  
30 navigation or for other public trust rights in public trust areas or estuarine waters. use of the waters during or after  
31 construction.

32 (d) This permit will not be applicable to proposed construction where the Department has determined, based on an  
33 initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are  
34 unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality; air  
35 quality; coastal wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights.

36 (e) This permit does not eliminate the need to obtain any other state, local, or federal authorization.

1 (f) Development carried out under this permit must be consistent with all local requirements, CAMA rules, and  
2 local land use plans, storm hazard mitigation, and post-disaster recovery plans current at the time of authorization.

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4 *History Note: Authority G.S. 113-229(c1); 113A-107(a),(b); 113A-113(b); 113A-118.1;*  
5 *Eff. November 1, 1985;*  
6 *Amended Eff. December 1, 1991; May 1, 1990;*  
7 *RRC Objection due to ambiguity Eff. May 19, 1994;*  
8 *Amended Eff. January 1, 2010; August 1, 1998; July 1, 1994.*