

1 15A NCAC 07H .0304 is proposed for amendment as follows:

2 *Text in italics was previously published in 34:01 NCR 10-11 and 34:06 NCR 491-493 and is pending CRC final*
3 *approval and RRC review.*

4
5 **15A NCAC 07H .0304 AECS WITHIN OCEAN HAZARD AREAS**

6 The ocean hazard AECs contain all of the following areas:

7 (1) Ocean Erodible Area. This is the area where there exists a substantial possibility of excessive
8 erosion and significant shoreline fluctuation. The oceanward boundary of this area is the mean low
9 water line. The landward extent of this area is the distance landward from the first line of stable and
10 natural vegetation as defined in 15A NCAC 07H .0305(a)(5) to the recession line established by
11 multiplying the long-term annual erosion rate times 90; provided that, where there has been no
12 long-term erosion or the rate is less than two feet per year, this distance shall be set at ~~120~~ 180 feet
13 landward from the first line of stable and natural vegetation. For the purposes of this Rule, the
14 erosion rates are the long-term average based on available historical data. The current long-term
15 average erosion rate data for each segment of the North Carolina coast is depicted on maps entitled
16 ~~"2011 Long Term Average Annual Shoreline Rate Update"~~ "North Carolina 2019 Oceanfront
17 Setback Factors & Long-Term Average Annual Erosion Rate Update Study" and approved by the
18 Coastal Resources Commission on ~~May 5, 2011~~ February 28, 2019 (except as such rates may be
19 varied in individual contested cases or in declaratory or interpretive rulings). In all cases, the rate
20 of shoreline change shall be no less than two feet of erosion per year. The maps are available without
21 cost from any Local Permit Officer or the Division of Coastal Management on the internet at
22 <http://www.nccoastalmanagement.net>.

23 (2) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to
24 erosion, flooding, and other adverse effects of sand, wind, and water because of their proximity to
25 dynamic ocean inlets. This area extends landward from the mean low water line a distance sufficient
26 to encompass that area within which the inlet migrates, based on statistical analysis, and shall
27 consider such factors as previous inlet territory, structurally weak areas near the inlet, and external
28 influences such as ~~jetties~~ jetties, terminal groins, and channelization. The areas on the maps
29 identified as ~~suggested~~ Inlet Hazard Areas included in the report entitled ~~INLET HAZARD AREAS,~~
30 ~~The Final Report and Recommendations to the Coastal Resources Commission, 1978, as amended~~
31 ~~in 1981, by Loie J. Priddy and Rick Carraway~~ "Inlet Hazard Area Boundary, 2019 Update: Science
32 Panel Recommendations to the North Carolina Coastal Resources Commission" are incorporated
33 by reference and are hereby designated as Inlet Hazard Areas, except for:

34 ~~(a) the Cape Fear Inlet Hazard Area as shown on the map does not extend northeast of the~~
35 ~~Bald Head Island marina entrance channel; and~~

36 ~~(b) the former location of Mad Inlet, which closed in 1997.~~

37 (a) the location of a former inlet which has been closed for at least 15 years;

1 (b) inlets that due to shoreline migration, no longer include the current location of the inlet;
2 and

3 (c) inlets providing access to a State Port via a channel maintained by the United States Army
4 Corps of Engineers.

5 ~~In all cases, the Inlet Hazard Area shall be an extension of the adjacent ocean erodible areas~~
6 ~~and in no case shall the width of the inlet hazard area be less than the width of the adjacent~~
7 ~~ocean erodible area.~~ This report is available for inspection at the Department of
8 Environmental Quality, Division of Coastal Management, 400 Commerce Avenue,
9 Morehead City, North Carolina or at the website referenced in Item (1) of this Rule.

10 ~~Photocopies are available at no charge.~~

11 For the purposes of this Rule, Inlet Hazard Area setback factors are based on the long-term average
12 annual shoreline change rates calculated using methods detailed in the report entitled “Inlet Hazard
13 Area Boundary, 2019 Update: Science Panel Recommendations to the North Carolina Coastal
14 Resources Commission”. Inlet Hazard Area setback factors are depicted on maps entitled “2019
15 Inlet Setback Factors” and approved by the Coastal Resources Commission on February 28, 2019
16 (except as such rates may be varied in individual contested cases or in a declaratory or interpretive
17 rulings). In all cases, the Inlet Hazard Area construction setback factors shall be no less than two
18 where accretion rates are measured, or erosion rates are less than two feet per year. The maps are
19 available without cost from any Local Permit Officer or the Division of Coastal Management or at
20 the website referenced in Item (1) of this Rule.

21 (3) Unvegetated Beach Area. Beach areas within the Ocean Hazard Area where no stable and natural
22 vegetation is present may be designated as ~~an~~ Unvegetated Beach ~~Area~~ Areas on either a permanent
23 or temporary basis as follows:

24 (a) An area appropriate for permanent designation as an Unvegetated Beach Area is a dynamic
25 area that is subject to rapid unpredictable landform change due to wind and wave action.
26 The areas in this category shall be designated following studies by the Division of Coastal
27 Management. These areas shall be designated on maps approved by the Coastal Resources
28 Commission and available without cost from any Local Permit Officer or the Division of
29 Coastal Management on the internet at the website referenced in Item (1) of this Rule.

30 (b) An area that is suddenly unvegetated as a result of a hurricane or other major storm event
31 may be designated by the Coastal Resources Commission as an Unvegetated Beach Area
32 for a specific period of time, or until the vegetation has re-established in accordance with
33 15A NCAC 07H .0305(a)(5). At the expiration of the time specified or the re-establishment
34 of the vegetation, the area shall return to its pre-storm designation.

35 The Commission designates as temporary unvegetated beach areas those oceanfront areas of Surf
36 City and North Topsail Beach in which the vegetation line as shown on the United States National
37 Oceanic and Atmospheric Administration imagery dated September 17, 2018 was destroyed as a

1 result of Hurricane Florence in September 2018. The designation AEC boundaries can be found on
2 the Division's website referenced in Item (1) of this Rule. The designation shall continue until such
3 time as the stable and natural vegetation has reestablished, or until the area is permanently
4 designated as an unvegetated beach area pursuant to Sub-Item 3(a) of this Rule.

5 (4) State Ports Inlet Management Area. These are areas adjacent to and within Beaufort Inlet and the
6 mouth of the Cape Fear River, providing access to a State Port via a channel maintained by the
7 United States Army Corps of Engineers. These areas are unique due to the influence of federally-
8 maintained channels, and the critical nature of maintaining shipping access to North Carolina's
9 State Ports. These areas may require specific management strategies not warranted at other inlets
10 to address erosion and shoreline stabilization. State Ports Inlet Management Areas shall extend
11 from the mean low water line landward as designated on maps approved by the Coastal resources
12 Commission and available without cost from the Division of Coastal Management, and on the
13 internet at the website referenced in Sub-item (1)(a) of this Rule.

14
15 *History Note: Authority G.S. 113A-107; 113A-107.1; 113A-113; 113A-124;*
16 *Eff. September 9, 1977;*
17 *Amended Eff. December 1, 1993; November 1, 1988; September 1, 1986; December 1, 1985;*
18 *Temporary Amendment Eff. October 10, 1996;*
19 *Amended Eff. April 1, 1997;*
20 *Temporary Amendment Eff. October 10, 1996 Expired on July 29, 1997;*
21 *Temporary Amendment Eff. October 22, 1997;*
22 *Amended Eff. April 1, 2020; July 1, 2016; September 1, 2015; May 1, 2014; February 1, 2013;*
23 *January 1, 2010; February 1, 2006; October 1, 2004; April 1, 2004; August 1, 1998.*