

1 15A NCAC 07H .0304 IS AMENDED **WITH CHANGES** AS PUBLISHED IN NCR 28:07 619-621 AS
2 FOLLOWS:

3
4 15A NCAC 07H .0304 AECS WITHIN OCEAN HAZARD AREAS

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

6 (1) Ocean Erodible Area. This is the area in which there exists a substantial possibility of excessive
7 erosion and significant shoreline fluctuation. The ~~seaward~~ oceanward boundary of this area is the
8 mean low water line. The landward extent of this area is determined as follows:

9 (a) a distance landward from the first line of stable and natural vegetation as defined in 15A
10 NCAC 07H .0305(a)(5) to the recession line that would be established by multiplying the
11 long-term annual erosion rate times 60, provided that, where there has been no long-term
12 erosion or the rate is less than two feet per year, this distance shall be set at 120 feet
13 landward from the first line of stable natural vegetation. For the purposes of this Rule,
14 the erosion rates are the long-term average based on available historical data. The current
15 long-term average erosion rate data for each segment of the North Carolina coast is
16 depicted on maps entitled "2011 Long-Term Average Annual Shoreline Rate Update"
17 and approved by the Coastal Resources Commission on May 5, 2011 (except as such
18 rates may be varied in individual contested cases, declaratory or interpretive rulings). In
19 all cases, the rate of shoreline change shall be no less than two feet of erosion per year.
20 The maps are available without cost from any ~~local permit officer~~ Local Permit Officer or
21 the Division of Coastal ~~Management;~~ Management on the internet at
22 <http://www.nccoastalmanagement.net>; and

23 (b) a distance landward from the recession line established in Sub-Item (1)(a) of this Rule to
24 the recession line that would be generated by a storm having a one percent chance of
25 being equaled or exceeded in any given year.

26 (2) The High Hazard Flood Area. This is the area subject to high velocity waters (including hurricane
27 wave wash) in a storm having a one percent chance of being equaled or exceeded in any given
28 year, as identified as zone V1-30 on the flood insurance rate maps of the Federal Insurance
29 Administration, U.S. Department of Housing and Urban Development.

30 (3) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to
31 erosion, flooding and other adverse effects of sand, wind, and water because of their proximity to
32 dynamic ocean inlets. This area extends landward from the ~~normal~~ mean low water line a distance
33 sufficient to encompass that area within which the inlet ~~shall~~, shall migrate, based on statistical
34 analysis, ~~migrate~~, and shall consider such factors as previous inlet territory, structurally weak areas
35 near the inlet and external influences such as jetties and channelization. The areas identified as
36 suggested Inlet Hazard Areas included in the report entitled INLET HAZARD AREAS, The Final
37 Report and Recommendations to the Coastal Resources Commission, 1978, as amended in 1981,

1 by Loie J. Priddy and Rick Carraway are incorporated by reference ~~without future changes~~ and are
2 hereby designated as Inlet Hazard Areas except ~~that the Cape Fear Inlet Hazard Area as shown on~~
3 ~~the map does not extend northeast of the Baldhead Island marina entrance channel. These areas~~
4 ~~are extensions for:~~

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

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

8 In all cases, the Inlet Hazard Area shall be an extension of the adjacent ocean erodible areas and in
9 no case shall the width of the inlet hazard area ~~are not be~~ less than the width of the adjacent ocean
10 erodible area. This report is available for inspection at the Department of Environment and
11 Natural Resources, Division of Coastal Management, 400 Commerce Avenue, Morehead City,
12 North ~~Carolina.~~ Carolina or at the website referenced in Sub-item (1)(a) of this Rule. Photo copies
13 are available at no charge.

14 (4) Unvegetated Beach Area. Beach areas within the Ocean Hazard Area where no stable natural
15 vegetation is present may be designated as an ~~unvegetated beach area~~ Unvegetated Beach Area on
16 either a permanent or temporary basis as follows:

17 (a) An area appropriate for permanent designation as an ~~unvegetated beach area~~ Unvegetated
18 Beach Area is a dynamic area that is subject to rapid unpredictable landform change from
19 wind and wave action. The areas in this category shall be designated following studies
20 by the ~~Coastal Resources Commission.~~ Division of Coastal Management. These areas
21 shall be designated on maps approved by the Coastal Resources Commission and
22 available without cost from any ~~local permit officer~~ Local Permit Officer or the Division
23 of Coastal ~~Management.~~ Management on the internet at the website referenced in Sub-
24 item (1)(a) of this Rule.

25 (b) An area that is suddenly unvegetated as a result of a hurricane or other major storm event
26 may be designated as an ~~unvegetated beach area~~ Unvegetated Beach Area for a specific
27 period of time. At the expiration of the time specified by the Coastal Resources
28 Commission, the area shall return to its pre-storm designation.

29 ~~The Commission designates as temporary unvegetated beach areas those oceanfront areas on~~
30 ~~Hatteras Island west of the new inlet breach in Dare County in which the vegetation line as shown~~
31 ~~on Dare County orthophotographs dated 4 February 2002 through 10 February 2002 was~~
32 ~~destroyed as a result of Hurricane Isabel on September 18, 2003 and the remnants of which were~~
33 ~~subsequently buried by the construction of an emergency berm. This designation shall continue~~
34 ~~until such time as stable, natural vegetation has reestablished or until the area is permanently~~
35 ~~designated as an unvegetated beach area pursuant to Sub Item 4(a) of this Rule.~~

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37 *History Note: Authority G.S. 113A-107; 113A-107.1; 113A-113; 113A-124;*

1 *Eff. September 9, 1977;*
2 *Amended Eff. December 1, 1993; November 1, 1988; September 1, 1986; December 1, 1985;*
3 *Temporary Amendment Eff. October 10, 1996;*
4 *Amended Eff. April 1, 1997;*
5 *Temporary Amendment Eff. October 10, 1996 Expired on July 29, 1997;*
6 *Temporary Amendment Eff. October 22, 1997;*
7 *Amended Eff. **May 1, 2014;** February 1, 2013; January 1, 2010, February 1, 2006; October 1,*
8 *2004; April 1, 2004; August 1, 1998.*