

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE BILL 1028**  
**Corrected Copy 4/16/03**  
**Committee Substitute Favorable 5/27/03**

Short Title: New Bulkhead Permit.

(Public)

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Sponsors:

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Referred to:

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April 10, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO  
2 ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A  
3 GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR  
4 WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN  
5 ESTUARINE AND PUBLIC TRUST WATERS.  
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Pursuant to G.S. 113A-118.1, the Coastal Resources  
9 Commission may adopt temporary and permanent rules to establish a general permit to  
10 allow the construction of offshore parallel sills made of stone or other suitable riprap  
11 materials for shoreline protection in conjunction with existing, created, or restored  
12 wetlands. The permit shall be applicable only where a shoreline is experiencing erosion  
13 in public trust areas and estuarine waters. The permit shall not apply to oceanfront  
14 shorelines or to waters and shorelines adjacent to the ocean hazard areas of  
15 environmental concern except that the permit may apply to those shorelines that exhibit  
16 characteristics of estuarine shorelines. Characteristics of estuarine shorelines include  
17 the presence of wetland vegetation, lower wave energy, and lower erosion rates than are  
18 generally characteristic of ocean erodible areas. Notwithstanding G.S. 150B-21.1(a)(2)  
19 and 26 NCAC 2C.0102(11), the authorization to adopt temporary rules pursuant to this  
20 section shall continue in effect until 1 July 2004.

21 **SECTION 2.** In adopting temporary rules pursuant to Section 1 of this act,  
22 the Coastal Resources Commission shall:

- 23 (1) Consult with persons who may be interested in the subject matter of  
24 the temporary rule during the development of the text of the proposed  
25 temporary rule.  
26 (2) Notify persons on the mailing list that the Commission maintains  
27 pursuant to G.S. 150B-21.2(d) of its intent to adopt a temporary rule.

1           (3) Publish a notice of intent to adopt a temporary rule in the North  
2           Carolina Register. The notice shall set out the text of the proposed  
3           temporary rule and include the name of the person to whom questions  
4           and written comments on the proposed rule may be submitted. The  
5           Commission shall accept written comments on the proposed temporary  
6           rule for at least 30 days after the notice of intent to adopt the  
7           temporary rule as published in the North Carolina Register.

8           (4) Hold at least one public hearing on the proposed temporary rule.

9           **SECTION 3.** The fee for a general permit established by temporary rules  
10          pursuant to Section 1 of this act shall be one hundred dollars (\$100.00). In adopting  
11          permanent rules pursuant to Section 1 of this act, the Coastal Resources Commission  
12          shall set a fee for the general permit as provided in G.S. 113A-119.1.

13          **SECTION 4.** This act is effective when it becomes law.