

**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
Fourth Edition Engrossed 6/16/03
Senate Agriculture/Environment/Natural Resources Committee Substitute
Adopted 6/24/03**

Short Title: Erosion Control Structures.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO
3 ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A
4 GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR
5 WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN
6 ESTUARINE AND PUBLIC TRUST WATERS, TO PROHIBIT THE
7 CONSTRUCTION OF PERMANENT EROSION CONTROL STRUCTURES IN
8 OCEAN HAZARD AREAS, AND TO PROVIDE THAT TEMPORARY
9 EROSION CONTROL STRUCTURES IN OCEAN HAZARD AREAS SHALL BE
10 LIMITED TO SANDBAGS.

11 The General Assembly of North Carolina enacts:

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

1 **SECTION 2.** The fee for a general permit established by temporary rules
2 pursuant to Section 1 of this act shall be one hundred dollars (\$100.00). In adopting
3 permanent rules pursuant to Section 1 of this act, the Coastal Resources Commission
4 shall set a fee for the general permit as provided in G.S. 113A-119.1.

5 **SECTION 3.** Part 3 of Article 7 of Chapter 113A of the General Statutes is
6 amended by adding a new section to read:

7 **"§ 113A-115.1. Limitations on erosion control structures.**

8 (a) As used in this section:

9 (1) 'Erosion control structure' means a breakwater, bulkhead, groin, jetty,
10 revetment, seawall, or any similar structure.

11 (2) 'Ocean hazard area' means the Atlantic Ocean, an oceanfront shoreline,
12 or waters and shorelines adjacent to an ocean hazard area of
13 environmental concern as designated by the Commission pursuant to
14 G.S. 113A-113(b)(6), but does not include any portion of a shoreline
15 that exhibits characteristics of estuarine shorelines.

16 (b) No person shall construct a permanent erosion control structure in an ocean
17 hazard area. The Commission shall not permit the construction of a temporary erosion
18 control structure that consists of anything other than sandbags in an ocean hazard area.
19 This section shall not apply to any permanent erosion control structure that is approved
20 pursuant to an exception set on in a rule adopted by the Commission prior to 1 July
21 2003. This section shall not be construed to limit the authority of the Commission to
22 adopt rules to designate or protect areas of environmental concern, to govern the use of
23 sandbags, or to govern the use of erosion control structures in inlets or along estuarine
24 shorelines."

25 **SECTION 4.** Sections 1 and 2 of this act become effective 1 July 2003.
26 Sections 3 and 4 of this act become effective when this act becomes law.