

NCDENR and the Corps of Engineers Announce Cleanup and Permitting Procedures in the Wake of Hurricane Irene

09.02.2011

Chad W. Essick

H. Glenn T. Dunn

In response to the significant damage caused by Hurricane Irene, the North Carolina Department of Environment and Natural Resources (“NCDENR”) and the Wilmington Division of the Army Corps of Engineers (“ACOE”) have announced emergency cleanup and permitting procedures.

Specifically, coastal property owners who need to replace docks, piers, bulkheads, houses or other structures damaged by Hurricane Irene along sounds, rivers and creeks may be able to do so quickly by using an emergency general permit offered by the state Division of Coastal Management. The emergency general permit may be used in the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Herford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrell and Washington. The general permit does not apply to the replacement of oceanfront structures, which require a CAMA minor permit. For more information on CAMA emergency permits click [here](#) or [here](#).

The Division of Water Quality (“DWQ”) has also released guidelines for hurricane cleanup in the Neuse and Tar-Pamlico buffers. Those guidelines outline the exemptions that allow cleanup to occur without having to obtain verbal or written permission from DWQ, including the removal of debris, pruning forest vegetation, removal of trees that pose a danger to dwellings and the construction of temporary roads that disturb less than 2,500 square feet (provided that

p.s.

Poyner Spruill^{LLP}
ATTORNEYS AT LAW

vegetation is restored within six months of initial disturbance). There are, however, several uses that require written approval from DWQ such as additional disturbances of the riparian buffer or stream channel, streambank stabilization and construction of temporary roads greater than 2,500 square feet. For more information on these guidelines click [here](#).

The Wilmington District of the ACOE also recently disbursed a public notice outlining emergency permitting procedures in response to conditions (e.g. erosion, storm damage, siltation, structure damage, oil spill, etc.) associated with Hurricane Irene. These alternate procedures will be utilized for a period of six months and will expire on February 26, 2012. The ACOE's public notice can be viewed in its entirety by clicking [here](#).

More than one of the foregoing permitting procedures may be required depending on the action that is necessary. For projects within the 20 coastal counties, the CAMA permitting procedure is generally the best starting point and the CAMA official can advise as to any other permits that may be required.

p.s.

POYNER SPRUILL publishes this newsletter to provide general information about significant legal developments. Because the facts in each situation may vary, the legal precedents noted herein may not be applicable to individual circumstances. © Poyner Spruill LLP 2010. All Rights Reserved.

RALEIGH

CHARLOTTE

ROCKY MOUNT

SOUTHERN PINES

WWW.POYNERSPRUILL.COM

301 Fayetteville St., Suite 1900, Raleigh, NC 27601/P.O. Box 1801, Raleigh, NC 27602-1801 **P: 919.783.6400 F: 919.783.1075**