



Town of Nags Head Sand Removal and Relocation Guidance & FAQ's

Version 11-23

Many property owners within the Town of Nags Head consider the removal and/or relocation of sand from areas of their property. Depending on the conditions or circumstances, and the intended work, different regulations or permits may apply.

Sand Relocation Authorization under the Town's Beach Nourishment Major Permit

This Authorization is...

- For the removal or relocation of windblown sand associated with the most recent Beach Nourishment project; and
- Is only applicable to properties south of the Bonnet Street Beach Access; and
- Is only applicable to the removal or relocation of sand which is affecting or accumulating around a house or structure, pools, fences, walkways, and driveways.

- Projects involving work landward of the crest of the frontal dune are not time restricted; projects involving work waterward of the crest of the frontal dune are only allowed between November 15, 2023, and April 30, 2023, with a cutoff date of April 17, 2023, for new permits to ensure work will need to be completed by April 30th.

Associated work...

- Must not disturb an unimproved land area and shall minimize impacts to the frontal dune system; and
- Must not be within 30 feet of normal high-water level; and
- Must not involve removal, damage, or destruction of threatened or endangered animal or plant species; and
- Must not alter naturally or artificially created surface drainage channels; and
- Must retain sand within the CAMA Area of Environmental Concern ("AEC"), an area which is based on the Erosion Rate; the AEC varies from property to property, please check with your Local Permit officer for more information;

- The stockpiling or redistribution of sand must be deposited in a manner that does not adversely affect the profile of the dune system, plantings or sand fencing on the east side of the dune; and
- Sand deposited must be clear of debris/organic material.

Depending on the scope of disturbance, the removal/relocation of windblown sand will be classified as one of 4 project types:

Type A	The clearing of areas, such as walkways, with minimal or no disturbance beyond such areas. <u>No dune impacts.</u>
Type B	Less than 200 square feet of land area disturbance, no greater than 8' width of material removal, and no vegetation disturbance.--> Need clarification on whether 8' includes walkway and 1' on each side of walkway OR consider limitation to 3'-4' using a smaller mechanical device (mini-cat?).
Type C	Shall not exceed a total disturbed area of 1,000 square feet or exceed greater than 2,700 cubic feet of material removal/relocation, and no more than 20sf of vegetation disturbance.
Type D	Exceeds a total disturbed area of 1,000 square feet and/or exceeding more than 2,700 cubic feet of material removal/relocation, and/or more than 20sf of vegetative disturbance.

Work Conditions - The following conditions are typically imposed on any authorization:

- Work shall only be conducted Monday through Friday between 8:30am and 5pm.
- The area on which this activity is being performed must maintain a slope of adequate grade so as not to endanger the public or the public's use of the beach and should follow the natural slope as closely as possible.
- Dune disturbances shall be kept to a minimum. Any alteration of existing dunes shall be coordinated with the Town LPO and appropriate property owner(s). All disturbed areas shall be restored to original contours and configuration immediately following project completion in that specific area.
- Sand cannot be placed within 30 feet of the normal high-water line.

- Large/heavy equipment may not be used to conduct this work. Approved equipment is limited to a bobcat or an excavator with no wider than a six-foot blade; equipment with metal tracks may not be used.
- Use of a town owned public beach access to offload equipment and/or gain entry to the oceanfront is allowed only with prior authorization. This should be noted on your permit application and a deposit may be required.
- Excavation depth is limited to one foot below the walkway measured from the lowest horizontal structural member.
- The activity must not exceed the lateral bounds of the applicant's property unless written permission is received from adjoining landowners.
- The activity must not significantly increase erosion onto neighboring properties.
- Stabilization of projects is required, as applicable, with sand fencing and sprigging.
- The permit constitutes authorization to complete only the activities described and shown on the approved permit. Any modification to the proposed work shall require approval from a Town of Nags Head Permit Official (please call 252-449-6047). Please keep a copy of the permit on-site for the project duration.
- Depending of the height and profile of accumulated sand in relation to a structure, such as a dune walkover, sand removal may not be permitted, and it may be necessary to reconstruct such structure on top of the established dune; in these circumstances additional permitting, including a CAMA Minor Permit, or exemption, would be required.
- If you believe your project is eligible for an Authorization, please contact Chris Trembly, Residential Zoning Administrator, at 252-449-6045 or chris.trembly@nagsheadnc.gov; please note, other permits/approvals and regulations, including flood damage prevention requirements, may be applicable.

CAMA Exemption Letter for Maintenance and Repair

- If your intended project does not qualify for a Sand Relocation Authorization, it may qualify for a CAMA Exemption Letter for Maintenance and Repair (M&R). Details for this Exemption can be found in Coastal Resources Commission (CRC) rule 07K.0103(c). However, this rule does not allow for any dune disturbance. The M&R Exemption is limited to the redistribution of wind-blown sand and storm over wash around buildings and associated structures.
- If you believe your project is eligible for an Exemption Letter, please contact Chris Trembly, Residential Zoning Administrator, at 252-449-6045 or chris.trembly@nagsheadnc.gov. Other permits/approvals and regulations, including flood damage prevention requirements, may be applicable.

CAMA Minor Permit

- If your intended project does not qualify for a Sand Relocation Authorization or CAMA Exemption Letter for Maintenance and Repair, it may qualify for a CAMA Minor Permit. A CAMA Minor Permit may be applicable for projects involving the removal of sand that is not windblown and not surrounding a structure, but limits allowable disturbance to frontal and/or primary dunes.
- If you believe your project is eligible for a CAMA Minor Permit please contact Chris Trembly, Residential Zoning Administrator, at 252-449-6045 or chris.trembly@nagsheadnc.gov. Other permits/approvals and regulations, including flood damage prevention requirements, may be applicable.