

of notification from the Department, a plan to provide permanent access around or over the groin must be submitted by the entity responsible for the groin construction. This permanent access plan must be implemented within ninety days of the Department approval.

(g) The applicant must have written approval from the local government which has jurisdiction in the area where the project is proposed.

H. Emergency Orders: Emergency situations before or after a storm event may prompt local governments to issue Emergency Orders (R.30-5) allowing property owners to construct temporary barriers against wave uprush. A structure is determined to be in imminent danger when the erosion comes within ten feet of a structure. In an effort to protect Loggerhead turtle nesting sites, Emergency Orders issued between April 15th and November 1st must be reviewed by the Department prior to actual performance of renourishment. Unless otherwise approved by the Department, emergency sandbagging, scraping and renourishment shall be performed using the following criteria:

(1) Sandbags may be used to construct temporary protection for coastal structures if the local official determines a structure to be in imminent danger. The following criteria will be used by the local governments when issuing Emergency Orders.

(a) The bags shall be biodegradable and be commercially manufactured for the purpose of holding sand.

(b) The bags, when filled, shall be a maximum size of 5 (five) gallons or 0.66 cubic feet and must be filled and installed by hand.

(c) The bags may be placed no farther seaward than is necessary to protect the structure or to repair an erosion control structure. In no case may sandbags protect a dune or be used to retard normal shoreline movement.

(d) The bags shall be stacked at an angle not steeper than 45 degrees.

(e) Only clean sand may be placed in the bags. Beach sand may be used to fill the bags provided the sand is returned to the beach when the bags are removed.

(f) The property owner is responsible for the day to day maintenance of the sandbags to insure that they remain in place and in good repair. The property owner is responsible for the complete removal of the bags when so ordered by the Department.

(g) A copy of the issued Emergency Order shall be in the possession of anyone performing sandbagging.

(2) Sandscraping may be used to construct temporary protection for coastal structures if the local official determines a structure to be in imminent danger. The following criteria will be used by the local governments when issuing Emergency Orders;

(a) Sandscraping may only be ordered and performed to protect existing structures. Sandscraping may not be allowed in front of erosion control structures unless it can be proven that the erosion control structure is itself in danger of collapsing and is within 10 feet of the habitable structure.

(b) Sand may only be scraped from the intertidal beach and only between extended property lines of the structure receiving the sand. The depth of scraping may not exceed one foot below the existing beach level.

(c) Sand may be placed against an eroded scarp or to replace an eroded dune that is seaward of a threatened structure. The dune shall not exceed six (6) feet above grade or twenty (20) feet in width as measured from dune toe to dune toe.

(d) No sand may be placed landward of an existing, functional erosion control device.

(e) Sandscraping may be performed one time only per property for each Emergency Order issued by the local official without prior approval by the Department.

(f) A copy of the issued Emergency Order shall be in the possession of anyone performing sandscraping.

(3) Renourishment may be used to construct temporary protection for coastal structures if the local official determines a structure to be in imminent danger. The following criteria will be used by the local governments when issuing Emergency Orders;

(a) Renourishment sand must originate from an upland source and be approved by Department staff as beach compatible.

(b) Sand placed on the beach must be located between the extended property lines of the property receiving the sand.

(c) Sand may be stabilized with sand fencing and beach vegetation pursuant to the permitting requirements in Section 30-17.

(d) A copy of the issued Emergency Order shall be in the possession of anyone performing emergency renourishment.

30-16. Documentation Requirements Before Commencing Activities Between Setback Line and Baseline.

A. Notification Procedure:

(1) Activities requiring written notification to and written response from the Department:

(a) Construction of new habitable structures at least partially seaward of the forty year setback line.

(b) Additions to habitable structures.

(c) Replacement of habitable structures.

(d) Construction of new pools between the baseline and the setback line and landward of an erosion control device which existed June 25, 1990.

(e) Replacement of pools.