

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: All Rules

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On November 4, 2024, RRC was copied on correspondence between Moore & Van Allen, representing Cedar Point Developers, LLC and Tancred Miller, Director of Coastal Management at the Department of Environmental Quality. Per this correspondence, Cedar Point claims the notice of permanent rulemaking for proposed rules 15A NCAC 07J .1401-.1405 and .1501-.1503 “was not included on the CRC virtual homepage”, was not included in “any of the CRC’s meeting schedules, or meeting minutes”, and that notice of the public comment period did not appear on the Division of Coastal Management’s list of public notices.*

*Additionally, Cedar Point claimed that although it is registered on both the DCM and the CRC’s interested party mailing lists, it received no notice of rulemaking for these rules, until a November 1, 2024 email which included an agenda for the CRC’s November meeting. Cedar Point claims it was unable to participate in the September 25, 2024 public hearing because it did not receive any notification of the hearing.*

*As you’re aware, under G.S. 150B-21.2(a), an agency must “comply with the requirements of G.S. 150B-19.1”, which requires the agency to “post on its Web site, no later than the publication date of the notice of text in the North Carolina Register...” the text of the proposed rule, an explanation for the proposed rule and the reason for the rule, any federal certification required, instructions on how and where to submit oral or written comments, including instructions for subjecting the proposed rule to legislative review, and any fiscal note prepared for the proposed rule.*

*G.S. 150B-21.2(d) requires that “an agency must maintain a mailing list of persons that have requested notice of rulemaking” and that the agency send a copy of the notice of text to each person on the mailing list whenever it publishes in the North Carolina Register.*

*Although you’ve checked the box stating that “the requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of*

Brian Liebman  
Commission Counsel

Date submitted to agency: December 5, 2024

*the notice of text in the N.C. Register” in your Submission for Permanent Rule Form, this appears to be contradicted by Cedar Point’s November 4, 2024 letter.*

*Based on the foregoing, please answer the following questions:*

*On what date did the CRC post the information required by G.S. 150B-19.1(c) on its website for 15A NCAC 07J .1401-1405 and .1501-1503?*

*At what web address was the information posted?*

*On what date did the CRC send to its interested persons mailing list the notice of text for 15A NCAC 07J .1401-.1405 and .1501-.1503?*

*For each of the foregoing questions, please provide supporting documentation for your answer.*

*Similarly, although Cedar Point’s letter does not specifically address 15A NCAC 07H .0508, given that this rule was published contemporaneously in the N.C. Register, it seems reasonable that it may have also been affected by the same potential shortcomings as 15A NCAC 07J .1401-.1405 and .1501-.1503.*

*On what date did the CRC post the information required by G.S. 150B-19.1(c) on its website for 15A NCAC 07H .0508?*

*At what web address was the information posted?*

*On what date did the CRC send to its interested persons mailing list the notice of text for 15A NCAC 07H .0508?*

*For each of the foregoing questions, please provide supporting documentation for your answer.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07H .0508

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a), lines 4-7, it does not appear that the description of Jockey's Ridge meets the definition of a rule, in that it does not require the public to take some action or forbid the public from taking an action. I would suggest simply identifying Jockey's Ridge and making the designation as follows:*

*"Jockey's Ridge is located within the Town of Nags Head in Dare County, between U.S. 158 and Roanoke Sound. Given the status of Jockey's Ridge as a State Park, State Nature Preserve, complex natural area, and an area containing a unique geological formation as identified by the State Geologist, the Coastal Resources Commission hereby designates Jockey's Ridge as an Area of Environmental Concern pursuant to G.S. 113A-113."*

*In (b), line 11, the rule indicates that the CRC adopted the map containing the boundaries of Jockey's Ridge on November 14, 2024, which was the same date this Rule was adopted. I noticed in the NC Register that the date was left blank.*

*First of all, please amend your formatting to show the post-publication change.*

*Second, was the map adopted at the November 14, 2024 meeting made available to the public? Were there changes made to the boundaries of the proposed AEC during the publication process?*

*Third, please address whether the adoption of the map post-publication represents a substantial change pursuant to G.S. 150B-21.2(g).*

*In (c), line 19, is that a CAMA major, minor, or general permit?*

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 5, 2024

*In (c)(3), line 27, I think the “unless allowed” language is a little unclear. Is this another exception to the general prohibition on affecting the free movement of sand? Put differently, does (c)(3) not apply if the development is allowed by the Management Plan?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 07H .0508 is adopted as published in 39:05 NCR 212-213 as follows:

2  
3 **15A NCAC 07H .0508 JOCKEY'S RIDGE AREA OF ENVIRONMENTAL CONCERN**

4 (a) Description. Jockey's Ridge is the tallest active sand dune (medano) along the Atlantic Coast of the United  
5 States. Located within the Town of Nags Head in Dare County, between US 158 and Roanoke Sound, Jockey's  
6 Ridge represents the southern extremity of a back barrier dune system which extends north along Currituck Spit into  
7 Virginia. Given the status of Jockey' Ridge as a State Park, State Nature Preserve, complex natural area, and an area  
8 containing a unique geological formation as identified by the State Geologist, the Coastal Resources Commission  
9 hereby designates Jockey's Ridge as an Area of Environmental Concern pursuant to G.S. 113A-113.

10 (b) The boundaries of the Jockey's Ridge AEC shall be as depicted on a map approved by the Coastal Resources  
11 Commission on November 14, 2024, and can be found at the Division of Coastal Management, 400 Commerce  
12 Ave., Morehead City, NC 28557 or at the Division of Coastal Management's website at  
13 <https://www.deq.nc.gov/about/divisions/division-coastal-management>. The AEC includes the entire rights of way of  
14 US 158 Bypass, SR 1221 (Sound Side Road), Virginia Dare Trail, and Conch Street where these roads bound this  
15 area.

16 (c) Use Standards. Development within the Jockey's Ridge AEC shall be consistent with the following use  
17 standards:

18 (1) Development that requires the removal of greater than ten cubic yards of sand per year from the  
19 area within the AEC boundary shall require a Coastal Area Management Act permit from the  
20 Division of Coastal Management or designated local official;

21 (2) All sand that is removed from the area within the AEC boundary in accordance with Subparagraph  
22 (1) of this Paragraph shall be deposited at locations within the Jockey's Ridge State Park  
23 designated by the Division of Coastal Management in consultation with the NC Department of  
24 Natural and Cultural Resources Division of Parks and Recreation;

25 (3) Development activities within Jockey's Ridge AEC shall not alter or retard the free movement of  
26 sand except when necessary for the purpose of maintaining or constructing a road, residential or  
27 commercial structure, accessway, lawn, garden, or parking area unless allowed by Jockey's Ridge  
28 State Park's Management Plan. Jockey's Ridge State Park's Management Plan can be found at the  
29 Division of Parks and Recreation's website at <https://www.ncparks.gov>.

30  
31 History Note: Authority G.S. 113A-107(a),(b); 113A-113(a); 113A-113(b)(4)a., e., and g.; 113A-124.

32 Eff. September 9, 1977;

33 Amended Eff. February 1, 1982; June 1, 1979;

34 RRC objection September 17, 2022 and rule returned to agency on October 5, 2023;

35 Codifier determined that agency's findings of need did not meet criteria for emergency rule  
36 on December 20, 2023;

37 Emergency Adoption Eff. January 3, 2024;

- 1 Emergency Rule Expired Eff. May 13, 2024:
- 2 Adopted Eff. January 1, 2025.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1401

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (b)(1), lines 10-19, I think it might be clearer if you put these items in a numbered list.*

*In (b)(1), line 15, "shall be labeled" is not grammatically correct here, as this is a list.*

*In (b)(1), lines 31-32, you already require wetlands to be indicated on the plat at line 13. Are these different wetlands?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 5, 2024

1 15A NCAC 07J .1401 is adopted as published in 39:05 NCR 213 as follows:

3 **SECTION .1400 – APPLICATION REQUIREMENTS**

5 **15A NCAC 07J .1401 STANDARDS FOR WORK PLATS FOR CAMA MAJOR AND DREDGE AND**  
6 **FILL PERMITS**

7 (a) Project plans or work plats shall include a top or plan view and a cross-sectional view. All plats shall have a  
8 north arrow at the top of the plat. Work plats shall be drawn to a scale of 1" = 200' or less.

9 (b) Details of Work Plats

10 (1) Top View or Plan View Work Plats shall show existing and proposed features including dune  
11 systems, dune elevations or contours, shorelines, creeks, marshlands, docks, piers, bulkheads,  
12 excavated areas, fill areas, type and location of sewage treatment facilities, effluent outlets,  
13 shoreline length, upland vegetation, coastal wetlands, 404 wetlands, houses, septic tanks,  
14 septic fields, existing structures on adjacent property (i.e. shoreline stabilization, docking  
15 facility), Areas of Environmental Concern shall be labeled, the 30' buffer or DWR buffers as  
16 applicable, US Army Corps of Engineers setbacks and lines, First Line of Stable Natural  
17 Vegetation, development setbacks, pre-project vegetation line, north arrow, submerged  
18 aquatic vegetation, shellfish, navigation markers, hydraulic dredge pipe alignment, spoil  
19 disposal location, and adjacent waterbody name. Existing water depths shall be indicated as  
20 Normal Water Level or Normal High Water Level unless work plats are by a licensed  
21 professional surveyor or engineer where water depths can be indicated using mean low water as  
22 base or zero and shall be shown either as contours or spot elevation. In areas where the difference  
23 in daily low and high tides is less than six inches, mean water level as certified by a professional  
24 surveyor or engineer or normal water level shall be used. Work plats shall indicate which features  
25 exist and which are proposed. Property boundaries, as they appear on the deed, and the names of  
26 adjacent property owners shall be shown on the work plat with Riparian Lines and 15' riparian  
27 setback. The work plat shall show areas to be excavated and the exact site for disposal of the  
28 excavated material unless outside of the Area of Environmental Concern, then an address may be  
29 provided. When fill material is to be placed behind a bulkhead or dike, the plan shall show the  
30 exact location of such bulkheads, dikes and fill areas and calculations showing that the bulkhead  
31 or dike has the capacity to confine the material. Work plats shall indicate the presence of wetlands  
32 in the area of proposed work.

33 (2) Cross-Sectional Work Plats shall show the depth and elevation of proposed work relative to Normal  
34 Water Level or Normal High Water Level, or to Mean Low Water and Mean High Water if certified  
35 by a professional surveyor or engineer. First floor elevations shall be shown for any proposed  
36 structures.



1 (3) Title of Work Plats. Each work plat shall be numbered, have a title block to identify the project or work,  
2 and shall include the name of applicant or project, date the plat was prepared, and scale of the plat. The date  
3 of any revisions shall be noted on the work plat. The applicant shall also include the name or initials of the  
4 person who drew the plat.

5  
6 History Note: Authority G.S. 113A-107(b); 113A-119(a); 113-229; 113A-124(a)(1);  
7 Eff. January 1, 2025.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1402

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (1), does “character” mean something other than “residential, commercial, or recreational”? Also, if you want to include an explanatory parenthetical, see 26 NCAC 02C .0110 for how to properly format that.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 5, 2024

1 15A NCAC 07J .1402 is adopted as published in 39:05 NCR 213-214 as follows:

2  
3 **15A NCAC 07J .1402 PROJECT NARRATIVE**

4 Any application for a CAMA Major or Dredge and Fill permit shall include the following information:

5 (1) the character of the development (i.e. residential, commercial, recreational);

6 (2) a description of the development activities proposed;

7 (3) a description of the development site identifying all wetlands and waters; and

8 (4) the amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the Area of  
9 Environmental Concern measured in acres or square feet.

10  
11 History Note: Authority G.S. 113-229; 113A-107(a); 113A-119(a); 113A-124(a)(1);  
12 Eff. January 1, 2025.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1403

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (b), line 10, do you mean “this Paragraph”?*

*In (b)(1)(L), if you’d like to use an explanatory parenthetical, see 26 NCAC 02C .0110 for proper formatting.*

*In (b)(1)(M), p.2, line 3, is this a different project narrative than described in 07J .1402? There’s no requirement to describe previous or active state or federal permits in .1402.*

*In (b)(4), line 25, I don’t see where in (b)(1) the applicant is required to identify adjacent riparian landowners in the application. Please address.*

*In (b)(4), line 28, what does it mean that the comments are “considered” by the Department?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 07J .1403 is adopted as published in 39:05 NCR 214-215 as follows:

2  
3 **15A NCAC 07J .1403 COMPLETE CAMA MAJOR PERMIT AND DREDGE AND FILL**  
4 **APPLICATIONS**

5 (a) Processing for a Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit or  
6 Dredge and Fill Permit application shall begin when an application is accepted as complete. Permit applications  
7 shall be in the form and include the content required under this Subchapter. Applications not in compliance with this  
8 form and content shall not be considered complete and the processing time specified under G.S. 113A-122(c) or  
9 G.S. 113-229(e) shall not commence.

10 (b) Before an application is accepted as complete, the requirements as listed in Subparagraphs (1) through (5) of the  
11 Paragraph shall be met. Any application not in compliance with these requirements shall be returned to the applicant  
12 along with a notification explaining the deficiencies of the application.

13 (1) a current application form shall be submitted and can be found at  
14 <https://ncdeq.dynamics365portals.us/dcm-home/>. The application form shall contain:

15 (A) application type (Major or modification)

16 (B) name of entity, or first, middle, and last name(s), referenced on deed or other instrument  
17 under which ownership is claimed;

18 (C) phone number and email;

19 (D) physical address of the site of the proposed development and mailing address for the  
20 applicant;

21 (E) project type and location;

22 (F) authorized agent authorization form and contact information for agent;

23 (G) description of existing conditions and development on the project location including lot  
24 size, shoreline length, vegetation, and erosion details;

25 (H) total amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the AEC  
26 measured in acres or square feet resulting from the proposed development;

27 (I) applicable dimensions of proposed development activity including quantity, length,  
28 width, elevation, slope, area, volume, distance waterward of Normal Water Level or  
29 Normal High Water Level, average existing depth, proposed final depth, impervious  
30 coverage, and sediment characteristics;

31 (J) applicable erosion and sedimentation control measures, fill source and environmental  
32 mitigation efforts for the proposed development activity;

33 (K) general information concerning the use of the proposed development activity, including  
34 boat type and length, proximity of structures to adjacent properties and other structures,  
35 and waterbody width;

36 (L) type of proposed impacts and dimensions (i.e. shading, filling, excavating) to coastal

wetlands, submerged aquatic vegetation, shell bottom, non-coastal wetlands, and open water from the proposed development activities;

(M) project narrative that includes a brief description of the project and any previous or active State or federal permits issued on the property; and

(N) acknowledgements to be attested to before submitting the application:

(i) I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to the conditions and restrictions contained in the permit;

(ii) I certify that I am authorized to grant, and do in fact grant permission to representatives of State and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project;

(iii) I certify that the information provided in this application is truthful to the best of my knowledge; and

(iv) I certify that by clicking the submit button on this NC Division of Coastal Management application I acknowledge that I am signing and dating the application submitted therein.

(2) work plan as described in 15A NCAC 07J .1401 shall be attached to all CAMA Major development or Dredge and Fill permit applications;

(3) a copy of a deed or other instrument under which the applicant claims title shall accompany a CAMA Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit or Dredge and Fill Permit application;

(4) notice to adjacent riparian landowners of a CAMA Major Permit applicant shall be given as follows: Certified return mail receipts (or copies thereof) indicating that adjacent riparian landowners (as identified in the permit application) received a copy of the application for the proposed development for a CAMA Major development and/or Dredge and Fill Permit application. Said landowners have 30 days from the date of notification in which to comment. Such comments shall be considered by the Department in reaching a final decision on the application.

(5) the fee as detailed in 15A NCAC .07J .1405(b).

(c) A modification to a Major Permit or Dredge and Fill Permit or permit application shall be processed in accordance with the procedures outlined in G.S. 113A-119(b).

History Note: Authority G.S. 113A-107(b); 113A-120(a)(2); 113A-119(a) and (b); 113A-124(a)(1); Eff. January 1, 2025.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1404

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (b)(1)(J)(iv), p.2, line 7 what is a “simple” title block?*

*In (b)(3), line 25, what does it mean that the comments are “considered” by the Department?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 07J .1404 is adopted as published in 39:05 NCR 215-216 as follows:

2  
3 **15A NCAC 07J .1404 COMPLETE MINOR PERMIT APPLICATIONS**

4 (a) Processing for a Minor Permit application shall begin when an application is accepted as complete. Permit  
5 applications shall be in the form and include the content required under this Subchapter. Applications not in  
6 compliance with this form and content shall not be considered complete and the processing time specified under  
7 G.S. 113A-121(c) shall not commence.

8 (b) Before an application is accepted as complete, the requirements as listed in Subparagraphs (1) through (3) of  
9 this Paragraph shall be met. Any application not in compliance with these requirements shall be returned to the  
10 applicant along with a notification explaining the deficiencies of the application and shall not be accepted as  
11 complete until all required information is submitted.

12 (1) a current application form shall be submitted. The application form shall contain:

13 (A) name of entity on deed or first, middle, and last name(s) referenced on deed;

14 (B) phone number and email;

15 (C) physical and mailing address;

16 (D) authorized agent first and last name and contact information;

17 (E) location of project including address, street name, directions to site and adjacent  
18 waterbody;

19 (F) description of the proposed project, including a list of all proposed construction and the  
20 amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the AEC measured  
21 in acres or square feet.;

22 (G) size of lot or parcel in square feet and acres;

23 (H) proposed use, if residential, single-family or multi-family, commercial, industrial;

24 (I) if proposed development is located in the Ocean Hazard Area of Environmental Concern,  
25 Total Floor Area of structure in square feet including conditioned living space, parking  
26 elevated above ground level, non-conditioned space elevated above ground level but  
27 excluding non-load bearing attic space;

28 (J) project drawings that includes:

29 (i) a top or plan view, a cross-sectional view. All plats shall have the standard north  
30 arrow. North should be at the top of the plat. Work plats shall be accurately  
31 drawn to scale. A scale of 1" = 200' or less is required;

32 (ii) such drawings shall show existing and proposed features such as dune systems,  
33 shorelines, creeks, wetlands docks, piers, bulkheads, excavated areas, fill areas,  
34 type and location of sewage treatment facilities and effluent outlets. Property  
35 boundaries, as they are described on the deed appear on the deed, and the names  
36 of adjacent property owners shall be shown on the detailed plat.



1 (iii) Cross-Section Drawing. A cross-sectional diagram showing elevation of  
2 proposed work relative to existing ground level. Mean low and mean high water  
3 line shall be included in the plan. The mean low water shall be the reference  
4 land elevations (i.e., mean low water should be depicted as "Elevation 0.0  
5 MLW"). First floor elevations relative to mean sea level shall be shown for any  
6 proposed buildings.

7 (iv) Title of Drawing. Each drawing shall have a simple title block to identify the  
8 project or work, and shall include name of applicant, date the plat was prepared,  
9 and scale of the plat. The date of any revisions shall be noted. The applicant  
10 shall also include the name of the person who drew the plat.

11 (K) if proposed development is located in the Coastal Shoreline Area of Environmental  
12 Concern, size of building footprint and other impervious or built upon surfaces in  
13 square feet including the area of the foundation of all buildings, driveways, covered  
14 decks, concrete or masonry patios that are within the AEC. Calculations shall be attached  
15 to project drawings;

16 (L) if the development is located in an area subject to a State stormwater management permit  
17 issued by the NC Division of Energy, Mineral and Land Resources, the total built upon  
18 area and impervious surfaces allowed for the lot or parcel in square feet; and

19 (M) the fee as detailed in 15A NCAC 07J .1405(a).

20 (2) a copy of a deed or other instrument under which the applicant claims title shall accompany a  
21 CAMA minor permit application.

22 (3) the applicant shall give actual notice to all adjacent riparian property owners who share a property  
23 line with the site of the proposed development of the applicant's intention to develop their  
24 property and apply for a CAMA minor development permit. If comments are submitted before a  
25 permit decision is made, such comments shall be considered by the Department or designated  
26 local official in reaching a final decision on the application.

27  
28 History Note: Authority G.S. 113A-107(b); 113A-119(a); 113A-124(a)(1); 113A-118(b);  
29 Eff. January 1, 2025.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1405

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

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In reviewing this Rule, the staff recommends the following changes be made:

*In (a), line 5, please omit the “or” between “transfer” and “check”, and add commas, making a list as follows: “...in the form of an electronic funds transfer, check, or money order...”*

*Also in (a), add a comma following “money order”, unless “payable to the Department or the city or county” is only supposed to modify “money order”.*

*In (a), line 6, you’ve repeated the amount of the fee. Delete.*

*In (b), line 9, please omit the “or” between “transfer” and “check”, and add commas, making a list as follows: “...in the form of an electronic funds transfer, check, or money order...”*

*In your History Note, there’s a typo at the end of line 11. Please correct the punctuation.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 5, 2024

1 15A NCAC 07J .1405 is adopted as published in 39:05 NCR 216 as follows:

2  
3 **15A NCAC 07J .1405 PERMIT FEE**

4 (a) An applicant shall pay a Minor development permit fee of one hundred dollars (\$100.00) in the form of an  
5 electronic funds transfer or check or money order payable to the Department, or the city or county, in the amount of  
6 one hundred dollars (\$100.00). Monies so collected shall be used only in the administration of the permit program.

7 (b) An applicant shall pay a Major Permit application fee of two hundred fifty dollars (\$250.00) for private, non-  
8 commercial development or four hundred dollars (\$400.00) for public or commercial for-profit project in the form of  
9 an electronic funds transfer or check or money order payable to the Department.

10  
11 History Note: Authority G.S. 113A-119(a); 113A-119.1(a);  
12 Eff. January 1, 2025.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1501

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In your History Note, there's a typo at the end of line 21. Please correct the punctuation.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 07J .1501 is adopted as published in 39:05 NCR 216 as follows:  
2

3 **SECTION .1500 - PERMIT PROCESSING**  
4

5 **15A NCAC 07J .1501 APPLICATION PROCESSING**

6 (a) On receipt of a CAMA major development and/or dredge and fill permit application that complies with the form  
7 and includes the content required in 15A NCAC 07J .1403, the Department shall send a notification to the applicant  
8 acknowledging receipt of a complete application and begin processing the application.

9 (b) If the Division of Coastal Management finds that additional information is necessary to complete its  
10 investigation of the proposed development to determine whether a permit application shall be approved or denied,  
11 the Division shall request that additional information from the applicant.

12 (c) If the Division of Coastal Management finds an application is incomplete or contains inaccurate information  
13 after processing has begun, the Division shall notify the applicant of the deficiency or inaccuracy and request the  
14 applicant provide the required information. Until the requested information is provided, the permit application shall  
15 be considered incomplete and the time within which to process the application shall be stayed.

16 (d) In order to determine the environmental impact of the proposed project, the Department shall prepare a field  
17 report on each major development and/or dredge and fill permit application accepted for processing. Such report  
18 shall be prepared after an on-site investigation is completed. The report shall include project location, environmental  
19 setting, project description and probable environmental impact.

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21 History Note: Authority G.S. 113-129; 113A-107(b); 113A-120(a)(2); 113A-119(a) and (b);

22 Eff. January 1, 2025.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1502

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a), line 4, capitalize "Division".*

*In (a), line 4, are these Dredge and Fill applications that will be circulated? Or applications for both Dredge and Fill and CAMA permits?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 5, 2024

1 15A NCAC 07J .1502 is adopted as published in 39:05 NCR 216-217 as follows:

2  
3 **15A NCAC 07J .1502 CIRCULATION OF CAMA MAJOR AND DREDGE AND FILL APPLICATIONS**

4 (a) Pursuant to G.S. 113-229(e), the division shall circulate applications among all State agencies and the  
5 appropriate federal agencies having jurisdiction over the subject matter which might be affected by the project so  
6 that such agencies will have an opportunity to raise objections and coordinate. These agencies are: Division of  
7 Coastal Management, Local Government, U.S. Army Corps of Engineers, NC DEQ Division of Water Resources –  
8 Public Water Supply section, Division of Water Resources - 401 section, Division of Energy, Mineral and Land  
9 Resources – Stormwater Section, Division of Energy, Mineral and Land Resources – Sedimentation and Erosion  
10 Control Section, Department of Administration, Wildlife Resources Commission, Division of Marine Fisheries –  
11 Shellfish Section, Division of Marine Fisheries – Habitat and Enhancement Section, Department of Natural and  
12 Cultural Resources – Archives & History section and Department of Natural and Cultural Resources – Natural  
13 Heritage Program.

14 (b) Pursuant to G.S. 113A-124(a)(1) the division will circulate applications to the agencies having expertise in the  
15 subject matter contained in G.S. 113A-113(b). These agencies are: Division of Coastal Management, Local  
16 Government, U.S. Army Corps of Engineers, NC DEQ Division of Water Resources – Public Water Supply section,  
17 Division of Water Resources - 401 section, Division of Energy, Mineral and Land Resources – Stormwater Section,  
18 Division of Energy, Mineral and Land Resources – Sedimentation and Erosion Control Section, Department of  
19 Administration, Wildlife Resources Commission, Division of Marine Fisheries – Shellfish Section, Division of  
20 Marine Fisheries – Habitat and Enhancement Section, Department of Natural and Cultural Resources – Archives &  
21 History section and Department of Natural and Cultural Resources – Natural Heritage Program.

22  
23 History Note: Authority G.S. 113-229(e); 113A-107(b); 113A-118; 113A-119(a); 113A-120(a)(2); 113A-  
24 124(a)(1);  
25 Eff. January 1, 2025.